

# MAINE STATE LEGISLATURE

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**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  
70th Legislative Day  
Wednesday, June 20, 2001

Secretary of the Senate  
**READ and ORDERED PLACED ON FILE.**

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

Prayer by Jon Dillinger, Minister, Kittery Church of Christ.  
Pledge of Allegiance.  
The Journal of yesterday was read and approved.

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**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Provide Adequate Facilities for Business Expansion or Relocation in the State"

(S.P. 438) (L.D. 1440)

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ and ACCEPTED** in the House on June 19, 2001.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Bill "An Act Concerning the Penalties for Late Filing of Accelerated Campaign Reporting Under the Maine Clean Election Act"

(H.P. 1352) (L.D. 1809)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718)** in the House on June 13, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718) AS AMENDED BY SENATE AMENDMENTS "B" (S-363) AND "C" (S-370)** thereto in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

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**COMMUNICATIONS**

The Following Communication: (S.C. 385)

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

June 19, 2001

The Honorable Michael V. Saxl  
Speaker of the House  
2 State House Station  
Augusta, ME 04333

Dear Speaker Saxl:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed upon the recommendation of the Joint Standing Committee on Business and Economic Development the nomination of Bruce N. Schatz of Augusta, for reappointment to the Maine Educational Loan Authority.

Sincerely,  
S/Joy J. O'Brien

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Tom Molloy, of Rockland, on the occasion of his retirement as a fifth grade teacher at Owls Head Central School after twenty-eight years as an educator. Mr. Malloy is well-known and loved in his community and is an active participant in community events. Additionally, he has been politically active in his community, including serving as a city councilor and as Rockland's mayor for a record seven terms. We send our appreciation to Mr. Molloy for his dedication and commitment to the youth of his State and to his community;

(HLS 605)

Presented by Representative McNEIL of Rockland.  
Cosponsored by Senator SAVAGE of Knox, Representative SKOGLUND of St. George.

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

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Rockland, Representative McNeil.

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. It gives me a great deal of honor today to pay tribute to somebody that is very near and dear to my family and to my community. Tom Molloy had dedicated himself for the past 28 years to the teaching profession, but all of his life to his community in serving us in political office and showing us in a manner of how to conduct family life and how to conduct being a good citizen to our community. Tom Molloy is much loved. He served for many years as the mayor of our community, giving tirelessly of his time for us. I think that very often we meet very few people in our life that follows us from the time we are young children all the way through. I have known Tom since I was a young child in church. His name has always been one of outstanding recognition in the City of Rockland. I hope you will all join with me today in wishing him happy in his retirement and thanking him for the contribution he has given to the teaching profession and making it an honorable name for our state. Thank you very much.

**PASSED** and sent for concurrence.

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-350)** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$65,200,000 for the State's 7 Public Universities and the Maine Maritime Academy"

(S.P. 422) (L.D. 1378)

Signed:

Senators:

GOLDTHWAIT of Hancock  
CATHCART of Penobscot

Representatives:

BERRY of Livermore  
MAILHOT of Lewiston  
TESSIER of Fairfield  
BRANNIGAN of Portland

ETNIER of Harpswell  
JONES of Greenville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-351)** on same Bill.

Signed:

Senator:

MILLS of Somerset

Representatives:

NASS of Acton

WINSOR of Norway

BELANGER of Caribou

ROSEN of Bucksport

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-350) AS AMENDED BY SENATE AMENDMENT "A" (S-373)** thereto.

**READ.**

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

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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

**ENACTORS**

**Emergency Measure**

An Act Providing Funding for the Office of the State Fire Marshal and to Increase Certain Fire Inspection Fees

(H.P. 1368) (L.D. 1825)

(C. "A" H-743)

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. 103 voted in favor of the same and 20 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excluded from Collective Bargaining

(H.P. 1381) (L.D. 1829)

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. 103 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.

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**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$17,000,000 to Construct and Upgrade Water Pollution Control Facilities, to Limit Water Pollution Discharges from Maine Farms and Construct Agricultural Storage Facilities, to Remediate Municipal Solid Waste Landfill, to Clean up Tire Stockpiles and to Make Water System Improvements

(H.P. 1222) (L.D. 1663)

(H. "A" H-745 to C. "A" H-727)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 107 voted in favor of the same and 15 against, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**SENATE PAPERS**

**Non-Concurrent Matter**

JOINT STUDY ORDER - Relative to Establishing the Joint Study Committee to Study Growth Management

(H.P. 1330)

**PASSED** in the House May 10, 2001.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-371)** in **NON-CONCURRENCE**.

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

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

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**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 Access to Health Care

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

(C. "A" H-639)

**TABLED** - June 4, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

**PENDING - PASSAGE TO BE ENACTED.**

On motion of Representative GREEN of Monmouth, 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" (H-639)** was **ADOPTED**.

The same Representative presented **House Amendment "C" (H-748)** to **Committee Amendment "A" (H-639)** which was **READ** by the Clerk.

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

Representative **GREEN**: Mr. Speaker, Ladies and Gentlemen of the House. Somewhere in that pile of papers on your desk you have a sheet that says fact sheet NOL, net operating loss. Some people think that tax is very complex and very difficult to understand. It is not, you just have to go slow. The net operating loss carry back is exactly what the words

indicate that it is. If you are operating and you have a net operating loss, because of the wonderful little things that we have in Taxation, you can carry back, or in some places you can carry back, that net operating loss and get a check from the state. Yes, ladies and gentlemen, we pay out. We pay out quite a bit. Interestingly enough, nobody else in New England, except Vermont, and they are talking about it, pays out like the State of Maine. You may not be aware of this, but the State of Maine is quite generous. In fact, if you will look at the fact sheet on net operating loss carry back, you will see little check marks.

Check mark number one says that the net operating loss carry back, as wonderfully generous as it is, contributes significantly to the volatility of the revenue stream that comes into this state. I would like to quote the current Chief of the Bureau of Taxation who says that with all the taxing that we have done and non-taxing that we have done, the Legislature has done nothing to reduce volatility. Volatility has the same root as other things that explode and that is exactly what happens to the revenue stream when other things happen in the economy. It explodes. It goes up. It goes down. You don't know from one year to the next where it is going to go and that makes planning very difficult. The kind of planning that is necessary to make long-term plans, to do the kinds of things that we all talk about that we would like to do. When you don't know from one year to the next whether or not you are going to have revenue, it is pretty difficult to plan anything.

Check mark number two, a net operating loss carry back, unlike what some would like you to believe, does not mean that a business is struggling. It simply means that a company has more allowable expenses than income in a particular year. It is extremely possible to be profitable and still show after taking deductions that you have a net operating loss, however, you have been quite profitable. I would like to point to the chart at the bottom of this same page to show you, does Connecticut with all its money, have a net operating loss carry back? No. Does Massachusetts have a net operating loss carry back? No. Does New Hampshire, we all know about New Hampshire, there are no taxes in New Hampshire, but you know what, New Hampshire does not have net operating loss carry back. In fact, they only let you carry it forward for five years. Does Rhode Island have a net operating loss carry back? No.

Elimination of the carry back, again to quote the Director of the Bureau, "provision is not the elimination of a deduction". It defers the deduction to the 20 years, we are still paying for the 1980s, to the very generous 20 year carry forward period. Are we bucking a trend? Are we trying to lead when we shouldn't be leading? I don't think so. In fact, I think we are at the back of the pack in this one. Twenty-five states have no carry back at all. That is 50 percent, folks. Six have a limited carry back and only 13 have the generous Maine carry back and carry forward. That is what net operating loss carry back is all about. If you want to know about the other states, I have that too.

Let's talk about what we get for the net operating loss carry back. Let's talk about this amendment. This amendment does two things. It ends the carry back. It does not end the carry forward, the generous 20 year carry forward. It adds 6 cents to a package of cigarettes. I have to tell you, ladies and gentlemen, I am about as frugal as they get. This is true, there is a story, my mother tells this story, that when I came out I squeaked. I am frugal. I don't spend money. I don't like to spend my money. I don't like to spend anybody else's money either. Anyone who brought tax exemptions or other tax bills to the committee knows that I wasn't happy to spend anybody's money. When I think about taxing or spending money, you had better show me that there is value or you are not going to get anything out of me.

What do I get for my 6 cents on a pack of cigarettes and the net operating loss carry back revenue? Number one, I hope that I get fewer children smoking. As many of you know, before I come here in the mornings, except for this week, I go to school every day. I drive down the main street of my town and then I turn up to where the schools are. I pass quite a few kids, I don't pass them in the cars because we only have one lane, even though I am a bit speedy at times, but we won't talk about that, I see them in their cars and I see them walking along the road. When I see them with cigarettes, I become disheartened. Many of you also know that not that long ago I also was a smoker. Ladies and gentlemen, it probably was one of the hardest things I ever did to stop doing that. I didn't want to stop. I liked it. It is a killer. When I see kids smoking, I know what kind of horror they face. If raising the price just a little bit beyond some of their pocketbooks will stop them from starting or convince them that they don't want to continue, then it is worth it. Not only that, but the number two reason for me is we continue programs that because we are dealing with bulk, we get a far better value for. We know the value of rural health centers. I have one in my town or one will be built in my town. We know the value of certain drugs to treat cancer. We know the value of dental health. We know that good dental health is indicative and helps to good physical overall health. We know the value of providing a lower cost health insurance to the self-employed and we have a lot of them, ladies and gentlemen, who are struggling. We buy rural health centers. We buy increased access to drugs for the elderly. We buy lower cost health insurance for a lot of Maine citizens. This is the frugal Yankee talking. That is a good buy.

I urge you to support this amendment. Thank you.

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

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. This is the third time I have stepped off the rostrum this year to speak. This is the second time on this legislation. We will hope that the third time is the charm. I want to start out by thanking the Representative from Monmouth, Representative Green, for working on this legislation to find a way or a balance in an appropriate way to move forward to make sure it was funded. I appreciate her strong words and her explanation of the net operating loss carry back, which I have heard described other places as the stand up, fall backwards. I have heard lots of people trying to understand it. I thought your explanation was excellent. It was not depriving any business of the State of Maine of using a loss against their taxes, but rather restricting that to a 20-year period where they would carry that loss forward. I appreciated her mentioning and talking a little bit about the revenue source and the alternative benefits of increasing taxes on smoking to immediately help increase cessation among Maine's youth. I want to thank her for those great words. I also want to thank the members of this body who have given me a great courtesy in allowing this matter to come before them today. You have shown great patience as we have come through what I think might be seven, eight, nine or maybe 10 different iterations of this legislation.

There is a commercial that was on TV, I haven't seen TV in quite some time as I am sure some of you have missed a few editions of your favorite program, and it was, is it soup yet? Every time this one character came on they said, is it soup yet? They put this in and that in and the other thing in and they would

leave it on the stove to boil. It is soup yet? This is what I feel that this bill has become. It has become the masterpiece of making soup. We have taken this from over here and this over here and this from over here and we have come up with a batch of what is the most healthful soup, what is the best sustenance for the people of the State Maine.

I want to talk to you a little bit about what it is. I talked to you a little earlier this year about health care in Maine and about what your heard as you went door-to-door this year. From the strong vote we had in this body, I have a good indication that each of you heard what I heard as they walked door-to-door in their districts. What is the number one issue in your districts? Health care. What is the number one issue to Maine physicians and their concerns? Access to health care. What is the number one issue to Maine hospitals, small business owners? What is the number one issue to families? What is the number one issue to all Maine people this year? I bet my bottom dollar that more than 70 percent of Maine people would say that it is health care.

LD 1303 is a compilation of a lot of different people's excellent efforts at bringing common sense to the health care debate. It does several things very simply and this soup, this final iteration of this bill. Let me tell you what it does very simply. Number one, it provides access the health insurance to people under 125 percent of poverty who don't have children. What does that mean? That means if you are 55 or 60 years old and you are under 125 percent of the poverty level, which is \$10,738, if you are widowed or divorced or if you are married it is \$14,513 annual income that you would have access to health insurance. That means somebody working at Wal-Mart 35 hours a week has access to health insurance. That means somebody in the non-traditional arena and in seasonal employment might have access to health insurance. That is very important. That impacts over 20,000 Maine working people. Why do I say working people? Ninety percent of the uninsured people in our state are employed, working people.

What else does this bill do? This bill continues our effort to expand access to health care to Maine's most vulnerable, our children. It expands from 200 to 250 percent of poverty access to health insurance to Maine children. It recognizes that these children come from families with higher incomes, those families will have to pay premiums and co-pays on that health insurance. It is not free. It is not without responsibility, but it allows them to get a lower cost health care product so at the very least if they remain uninsured, at least their children will have access to health insurance.

The third thing it does is it provides access to cancer drugs for people who qualify for the Drugs for the Elderly Program. Cancer drugs, tomoxifin, that means somebody who makes \$15,892 or less and qualifies for the Drugs for the Elderly Program may not die of breast cancer this year. They may not die of prostate cancer this year. It means that those people who are most vulnerable in our society, Maine seniors and Maine disabled people who have no access to cancer drugs will have access to them for the first time.

The next thing it does is perhaps the most attractive to many of us in this chamber, it begins to look at the plight of small businesses, those sole proprietors, those self-employed individuals who cannot afford health insurance in the commercial market. It doesn't say it is available for all of them. It says up to 300 percent of poverty that they can buy into our Medicaid Program. How many state dollars does this cost? Zero. Still because we use our Medicaid Program instead of private insurance, those insurance policies will cost between a third and a half of what the commercial market would cost. It costs about \$2,500 a year for a family of three. That is a cheap health insurance product for a comprehensive health insurance product

in our state. Three hundred percent of poverty, I think is very generous. It goes up to \$43,890. I bet that includes a lot of people that work in the woods. I bet that includes a lot of people who do seasonable work down east. I bet that includes a lot of people who work at home designing web pages. I bet that would help somebody who does independent consulting with municipalities. I bet that would apply to a lot of people in this chamber, a lot of your constituents as well. It would give them a chance to get not a \$5,000 deductible policy, but an affordable comprehensive health insurance policy.

Why do we do this through Medicaid and not private insurance? The most obvious reason is because Medicaid is the most efficiently, best run health insurance program in our state. The administrative costs for the Medicaid Program varies between 3 and 6 percent of each premium dollar. The administrative costs in the private insurance market go between 9 and 18 percent. I bet for those of you who are self-employed if you took 18 cents home on every dollar you took in in profit. You would think you would be doing very well. This is the most efficient way to deliver health insurance to small business people, the sole proprietors, to self-employed individuals. It is the right thing to do.

The last thing this legislation does is it opens up the doors of Maine's rural health care centers and federally qualified health care centers. Whether you live in Patten, Maine or Harrington or whether you live in Rumford or whether you live somewhere else in northern Maine, maybe Ashland or many other places in our state, rural health centers are the lowest barrier place for people to get health care. Are they free to people who go in? Nope, people have to pay. What kind of care do they provide? They provide the type of care you need for good preventive health care policies. Maine is, I believe, the only state in the entire nation that does not subsidize these health care centers through general fund dollars. This would allow the waiting list in Patten or the waiting list in Harrington or the waiting list in Portland or Bangor to be minimized so that people have direct access to preventive health care. That is what this bill does.

Let me tell you why it is important. The easy thing is to say it is important because your constituents want it to happen. Republicans in the State of Maine, 70 percent, say that they would support a 50 cent increase on tobacco to help kids keep from smoking and to increase access to health care. Even when compared to the question of higher taxes, Maine is too highly taxed already, nearly 60 percent of Republicans in the State of Maine support increasing this tax in order to provide access to health care. That is the easiest thing to say. It is because your constituents want you to do it. What is the real reason beyond just good politics? There is great policy here. The State of Maine today we spend \$163 million on something called uncompensated care. What is that? That is when you go to the emergency room with a broken leg or with an ear infection or with a cough from a cold and you say that you need help. What happens? Do you get turned back? Nope, you get health care. That is because all of our hospitals in this great state are what you will call eleemosynary institutions. They are required by law to provide access to care. You know what happens when somebody doesn't pay that bill or can't afford to pay that bill. That cost gets spread to every premium payer in the State of Maine at the cost of \$200 a year in premiums. That is \$200 a year for a private insured person to pay for uncompensated care.

This legislation takes a huge bite out of that. It helps hospitals run more efficiently. It helps doctors provide care at direct cost and it will decrease costs in the private insurance market. You know what is going to happen as a result of that? More people in our state will be able to afford private health insurance and that is our goal. Somewhere between 160,000

and 180,000 Maine people go without health insurance every year in our state. That number is far, far too high. I think it is soup now. I think it time to take the sustenance. I know when I was a kid, and I was kid, I came from a strong heritage of chicken soup cooking Moms, most of you would probably believe that knowing my mother, and I think she would probably say this is soup. It is time to take this healthy sustenance for the State of Maine. It will make us stronger as a state. It will provide access to health insurance for private and public channels and it will make a world of difference to your constituents.

I know it is not 100 percent. I know that some people would like to go a lot further, but I believe this is a reasonable first step. I believe this is what we can afford to do this year. I want to go home telling my constituents, those people I met going door-to-door, that it is time that we did something about health care in our state. I hope that you will work with me to see this not only pass today, but finally enacted and signed by the Chief Executive. I feel that if we can do just this small thing, that this session will have been a success. Thank you so much.

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

Representative **BUMPS**: Mr. Speaker, Men and Women of the House. It is unfortunate this afternoon that we have needed to change the discussion from a discussion about health care and about providing the services necessary to the people of Maine to a discussion about tax policy. Unfortunately, that is the posture we are in so, let us get on with it.

The net operating loss carry back is a provision that the Taxation Committee has wrestled with since the very earliest days of this session. The topic that has been our desks, downstairs on the first floor, since the very day that the Chief Executive submitted his budget to this Legislature. Some of you may wonder as you are sitting here this afternoon, I imagine, why it is that at 3:00 just nine hours before adjournment, it is the first time you have heard a word about it. In fact, since this debate has been going on, I have gotten no less than three notes asking me what is net operating loss carry back. The reason why you haven't heard about it before now is that the Tax Committee has wrestled and wrestled and wrestled with it. We understand it going forward. We understand it going backward. We understand it two years back. We understand it 20 years forward. We know how much money it costs, but the reason you have not heard about it before now is that there has not been agreement that this was an appropriate policy decision in reforming Maine's tax code. It wasn't included in Part I budget proposals because there wasn't agreement. It wasn't included in Part II budget proposals because there wasn't agreement. It wasn't considered as a source of revenue for running the Appropriations Table and the mysterious way we did that this session because there wasn't agreement that it was an appropriate funding mechanism.

A few days ago there was another piece of legislation that was in jeopardy for about 90 minutes, net operating loss carry back was considered as a means of funding that piece of legislation. Support for that quickly eroded because the very strong lobby of 40 or 50 more in the hallway figured out quickly that this thing doesn't have any legs underneath it. Net operating loss carry back isn't something that is sustainable over the long haul and so that critical piece of legislation found funding, hopefully, in a Part II budget from something other than that operating loss carry back.

The Chair of the Committee on Taxation spoke quite eloquently about our tax system's volatility. It is absolutely no secret to the people on this side of the aisle or the people on that side of the aisle that Maine has an extraordinarily volatile tax structure. We need desperately to do something about it and

since the very first day of this session, the Tax Committee, both Democrats and Republicans, have been talking about doing that. What have you seen as a result? What you have seen as a result is incremental changes to Maine's tax code by raising a little bit more revenue through a cigarette tax, tossing a little bit more money towards revenue sharing. We have talked about homestead, but those bills don't seem to be going very far very quickly. We are talking about incremental changes to a tax system that is extraordinarily volatile and one that is so complex that it is not providing the tax relief that Maine citizens need.

What are we poised to do? We are poised to tinker once again. We are poised to make just one more incremental change so that we can hopefully leave here in nine hours or less with a bill, LD 1303, that proposes to do something about providing health care to Mainers. It probably won't do it for very long because everybody knows who has looked at net operating loss carry backs that it is not a sustainable source of revenue to fund important programs to the people of Maine.

If LD 1303 is important, I believe it is as do a strong number of people on this side of the aisle, then let us work to include it in a Part II budget proposal. This is a program that belongs in a budget, people. It is something that should be funded in a budget. We don't need to go monkeying with these little pieces of the tax code to try and create an unsustainable revenue source to fund a bill as important as LD 1303.

Let me conclude with this. On average in Maine every single year, there are almost 1,600 Maine businesses. It is those same very small businesses that are struggling to provide health care to their employees today who claim net operating loss carry backs who receive the benefit of this piece of the tax code that you are posed to repeal, that is 1,500 plus businesses. Representative Carr in another debate the other day distributed a whole volume of businesses that have had to cut jobs. What do you think is going to happen if 1,500 businesses in Maine can't benefit from just one more small piece of the minimal benefits they get from being in Maine in the first place. They are going to cut jobs. You have heard that the carry forward provision is just as good as the carry back, it is not. Carry back provides money to a business that is struggling to survive. It gives you a return. Carry forward doesn't give you a return. It doesn't infuse any capital into your bottom line or into your balance sheet. All carry forward does is it allows you to carry that loss from year to year to year, maybe 20 years if you need to. It doesn't infuse any cash into your struggling business to help you pay for health insurance benefits for your employees.

We believe LD 1303 is important. We need to find a way to fund it. We need to find a way to fund the other critically important programs that still remain in an unpassed Part II Budget. Tinkering with the peculiarities of Maine's already complex and broken tax code isn't the way to do it. I would just ask you to think critically about the impact that this decision is going to have on the nearly 1,500 Maine businesses and their employees before you go on to pass something that is just misguided. Please vote against the pending motion.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. Don't I wish I could vote for this bill. It would make me feel awfully good. It would make me feel like I am providing health care to more Mainers and it probably does. I appreciate the Speaker's passion in bringing this forward. I really do. I understand his concern. One of the things we need to look at is affordability. If you look at the second year in this bill, it is a \$25 million price tag to me. We argued last night over \$80 million and this is \$25 million more. Right now in this country and in the State of Maine people have the highest debt ratio ever in the

history of this country. Fourteen percent of their income is going to pay off credit cards, home equity loans. That cannot be sustained. We have the highest rate of bankruptcy in the nation, right now. We are going to try to fund this program from net operating loss carry backs, which only go back to two years back. Even if that money is real, which it is not, it is not revenue, it is an avoidance. It is a push. In two years that money goes away because you only allow it to go back for two years. It goes away. Now you have a structural gap.

We heard a lot about structural gaps last night. All of a sudden it doesn't matter, I guess. If it makes you feel good, it doesn't matter. We came into this session with a \$300 million structural gap and what was the driving force? Prescription drugs, health care, Medicaid, that was the major factor in the structural gap, yet, we want to bring some more people onto Medicaid. We want to bring on what is known as non-categorical, which have seen a 73 percent increase, by the way, in the last six months, 73 percent higher. Those non-categorical are the ones that are driving the Medicaid shortfall. That is what we are doing in this bill.

We hear the number 160,000, 140,000, 180,000, pick the number of the day because it changes all the time depending on what you want or how severe you want to make the problem. The fact of the matter is Maine is 15th in the nation as far as percentage of insured people. Number one in the nation for children who are insured. Over 95 percent of the children in Maine are insured. We did that through the program known as Cub Care. We are going to expand this, but I don't see anywhere in here where we are giving increases to the providers, no, we just expect them to continue going at 40 percent usual and customary. We expect them to stay on to do that. While we expand health care, we are not looking at the provider and saying there are many more providers out there who are not excepting Medicaid because it doesn't pay enough. What is the structural gap when you say you are absolutely right, you need to pay those providers more. What is the structural gap at that point?

This is just unaffordable. We talk about access to cancer drugs under Section A1. It doesn't say what a cancer drug is. Tomoxifen is not a chemo-therapeutic agent no matter what some of you in this room may think. It is an anti-estrogen, so is that a cancer drug? The same thing with Lupron that treats prostate cancer. That is not a cancer drug. It says cancer drug, but it is never defined. We want more taxes. Last night we had a big budget debate in this House about taxes and how much we need to raise them, yet we want to raise them some more. Structural gap, under the Drugs for the Elderly Program right now you have a \$1,000 catastrophic cap that really gives people a lot of relief for their cancer drugs. I am not exactly sure what Section A1 in this bill really does. All I know is when I go to the revenue side of this bill and see \$25 million in the second year and in two years you lose the net operating loss benefits, if you want to repeal it, with no source of what the continuing revenue is. I can't vote for this bill even though it would make me feel really good.

We had a debate on this a while ago. I heard 7 to 1 savings. I heard it again. Why do we keep having the structural gap through the Medicaid if we have a 7 to 1 savings because we have more people on. One hundred and ninety thousand Mainers use Medicaid right now. How many more of them will come on with this program? A lot of this money is going to the qualified health centers, almost in the form of a grant. I am trying to provide more access to health care, but it provides a lot more money to the health centers. We want to help people afford health care. We really do. I kind of feel like I have been doing it my whole life in my profession. This bill just costs way too much. I am sorry to say that I can't vote for it.

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

Representative **KANE**: Mr. Speaker, Ladies and Gentlemen of the House. LD 1303 is a product of a great deal of time and energy on the part of the Health and Human Services Committee. It has been the centerpiece of the our health care legislation this session. It passed out of committee with a very strong majority Ought to Pass vote. As the Speaker indicated, the realities that all of us know, it is not anything new, is that our constituents are for it. The need for affordable health care is crucial and the cost of health care insurance is killing our businesses. My good friend from Raymond indicates that the Medicare budget is out of control. If you look at the facts, Medicaid is growing at a far slower rate than the private health care market, approximately 10 percent a year, compared to 20 or 30 percent a year in the private sector. He says we can't afford to pass the bill. We can't afford not to pass this bill.

Men and women of the House, we are already paying the bill. We are paying the bill in a far more expensive way. An editorial in the *Bangor Daily News* in April put it very well. Without insurance, preventive care is skipped, small problems become large emergencies and costs are unfairly carried by people who have insurance. We all pay the bill. It doesn't show up quite as explicitly as it does here. We should be aware that the primary cost for our expanded Medicaid expenses is not our increased access to health care, nor increased access to prescription drugs, it is the fact that our mental health and human services system are so built on Medicaid and the funding for the private non-medical institutions, the Mental Health Residential Programs, consume a significant part of Medicaid. Yet, Medicaid expansion is at an annual rate of 10 percent compared to the private sector.

For the first time we have in LD 1303 a comprehensive bill that provides multiple access to health care for our low-income working adults. How often have we talked about doing something for our low-income working people? They have always been at the end of the line as we have looked at making health care accessible. We have done a very good job on kids. We have done a great job for the handicapped and the disabled. For the first time, we are able to provide some positive reinforcement and reward to help the working people keep working rather than get sick and have to fall off their jobs. We are helping the small employers, the self-employed. How often have we talked about doing something for the little guy?

Men and women of the House, this is for the little guy? It is a great opportunity to do something for the little guy at no cost to the state. It doesn't cost us anything to do it. It is a great opportunity, men and women of the House, for us to do what the voters sent us here to do. Speaker Saxl commented and you have read the handouts on the polling data. The people are clear in their judgment as to what they want us to do. They want us to build on what we have put in place thus far. They want us to maximize federal funds. They want us to reduce the level of cost shifting in insurance premiums and to respond to their needs, especially those in rural areas.

The question gets raised about the federally qualified and other rural health centers. Men and women, this is the backbone of our health care system for the low income and for rural areas and some urban areas as well. They have been in existence for 25 or 30 years. They are private non-profit groups run by local community citizens who provide services regardless of ability to pay and have been doing this without any state support for many, many years. In the testimony we heard in our committee, we had these centers come before us and tell us very honestly that without help they were going to go bankrupt. The health center in northern York County was very open in how critical their



financial situation was. I suspect the same is true in your rural health center. There is no clearer way that we can respond to our people back home, the local needs of those in greatest need and who are making the greatest effort on their own than to pass LD 1303. We may not all be happy about having to find the funding mechanisms that we are having to do, but in another comment in the *Bangor Daily News* editorial they pointed out that the Speaker's bill may, in fact, be too expensive and it was shaved back. What you have before you is not the first iteration that was brought out. It has been shaved back considerably. In the editorial they pointed out that Speaker Saxl was going to have to make some significant changes, not only in levels of service, the categories of service, but also in the funding mechanisms. Rather than being discouraged, it says supporters of LD 1303 might use this time to sharpen their arguments and look for other funding sources.

Men and women of the House, that is exactly what Speaker Saxl and the supporters of LD 1303 have done. I strongly urge your support for a bipartisan vote for LD 1303. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. It is not often that I rise against my good Chair of Taxation. We are friends. We were friends before this debate and we are friends after this debate. However, I do disagree with the good Representative from Monmouth on this. The net operating loss carry back in Maine is an income tax deduction that is used when a person has no actual income in the year of loss. Apparently an income deduction that it cannot use because it has no taxable income in the year of loss can be used to on taxable income in the two previous years and get a refund for those years or it can carry it forward for 20 years and that is good. Actually the big difference between net operating loss carry back and the carry forward 20 years was designed perfectly for small businesses. The 20 years forward is designed for the large businesses who can carry forward, but the small businesses in this state cannot carry forward. They would have to go backwards. The ones I am talking about is the restaurants, the farmers, saw mills, merchants, skiing, tourism, boat builders, textiles, fishing, agriculture and the small businesses. These are the little people that we have heard so much about. These are the small people. I know because I was one of those little people in business. I know how when the economy has a downturn, your business turns down. Some of those years you hang on, but I happen to be in a state where there was no income tax so I didn't have to worry about paying it. In this state, we do tax our businesses much heavier than many other states. These little people cannot hang on to carry that forward. That makes a difference whether they stay in business or whether they go bankrupt. That was the reason that the carry back was designed. It was for the small people, the little people, the little business people, the little merchants, the mom-and-pop stores, the restaurants and what have you. Even a bad season in the summer can hurt a restaurant that is only open 12 weeks or even 5 months, but is not open year round. One rainy summer at the beach really hurts those businesses. Right now we are in a downturn in the economy. We do not know how far down we are going to go. This would be the year or next year that they really need this carry back. These people have not had the need to use the loss carry back in the last few years because the economy has been great. They only use it when the economy has a downturn.

Ladies and gentlemen of the House, taking the net operating loss carry back away from these people is like taking their livelihood away from them. You may even force them into

bankruptcy. You will have people laid off. You will have the mothers who will work part time in the little businesses, such as convenience stores. To me, we are not debating LD 1303 here now. We are debating the net operating loss carry back. Is LD 1303 a good bill? It certainly is. We all want to do what we can. We should not finance it on the backs of our small businessmen in this state. We all know that a large percent of our businesses are small people. They are not the great big Pratt Whitney and the paper mills of the state. They are the little people who really and truthfully support this state for taxes. Remember, tourism is the largest industry in this state. I know some will debate that, but that is for another time. I would love to debate them on that one. These are the people that we should be protecting today. We cannot, in my opinion, take that carry back away from them. If you do, you will be putting them out of business and you will see how many less taxes that the state has. I would hope that you would vote to defeat this amendment. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. First, I want to thank Speaker Saxl for his continued heroic efforts to put this piece of legislation forward. It has been a long process. He has worked well with our committee. We have had a lot of input. I truly believe this is not a political move. I really believe there is a lot of passion behind it and I really appreciate that. I realize it is probably not a politically smart move for me to stand here and say that I am wishy washy. If I thought the lobbyists were on me before, they will really be at me now. I want to tell you that I really want to vote for this piece of legislation. There are some really good things in here. We talked about it at length in our committee. You have heard it. I am not going to go through the litany just to say some of the things. It captures most of all of our uninsured children in the State of Maine. That is very important to me. It takes care of the uninsured adults, not free, but it gives them some relief. We have talked about the self-employed. It gives them a vehicle for self-employed and sole proprietorships to buy into a program, whereas before they hadn't had the opportunity to do so at a cost that made it possible. It puts cancer drugs in the list that is available, which was appalling to me to find that cancer drugs are not included. Lastly, it helps to fund our rural health centers. It provides so much preventative care, dental health, I know that is a priority for many of us in this room. This is a bill of prevention. To me, prevention, I have said this from the day I started here, prevention is the morally right thing to do and it is the economically sound smart thing to do. I really want to vote for this bill.

In the dialogue in the Health and Human Services Committee, those lobbyists and members of the public and members of the Legislature know at ad nauseam, I kept saying that we have to go back to the funding source. I can't deal with the concept and approve the concept without knowing how we are going to fund it. I didn't want the money coming from the general fund. I finally came to the conclusion that a cigarette tax would work. It seemed like a logical leap. I will have to say, and I said it before, that I do not believe that increasing the cigarette tax, although I have been inundated with people saying they have the studies, I don't believe that an increase in the tax is going to prevent any teenager from smoking or stops them from smoking. I don't believe that. I did make that leap to say that I will support this with the increase in the cigarette tax.

All of a sudden things have changed and they changed very quickly. There is no doubt, we have heard it said before, that the citizens of Maine want this. The citizens of Maine do want this piece of legislation. We have had many, many flyers on our desks that ask us to support it. If you look closely at those

pieces of legislation, it is with funding from the cigarette tax. It does not mention the net operating loss carry back. I even have to look at a piece of paper because I never can get the words right. I have had a crash course within the last few hours about the net operating loss carry back. To me, that is a problem. I understand, or at least I think I understand, it is not a sustainable source of revenue. It puts a burden on the 1,500 small businesses in the State of Maine. I am really torn today.

This bill, LD 1303, in my mind is almost there. It is almost there. I believe a strong majority of this body wants this piece of legislation to pass. I would ask that we sit back, take a breath in these waning hours and sit and put our collective heads together to find a way to fund this that does not put the burden on the small businesses of our state. They, indeed, as we all know, are the backbone of our Maine economy. I want to thank those involved in putting this piece together and I really want to vote for it, but I really don't think I can. Thank you.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. I would like to begin my remarks by addressing a couple of points made earlier in the debate. First, a point made by the Representative from Raymond, Representative Bruno. He suggested that non-categorical are responsible, partially, for the giant increases in the Medicaid budget. Let me try to clear up a little policy speak here. Non-categorical is another way of saying the people who don't qualify for Medicaid. There is no Medicaid category for these people. These are people who are aren't elderly, aren't disabled, aren't children, people who aren't the parents of children who are Medicaid qualified. These are just plain individual poor people. They are not on Medicaid. They don't receive Medicaid, therefore they cannot be responsible for increases in the Medicaid budget.

Addressing a point made by the Representative from China, Representative Bumps, saying that this doesn't help the real issue of business and the cost of doing business in the state. In fact, it does. Let me explain what may appear rather circumspect way. This is our opportunity right now to do something about the cost of health care in the State of Maine. We have had other proposals that purported to this, notably you have heard the Representative from South Portland, Representative Glynn, speak about some of these ideas, which entail rolling back health insurance mandates. We seek to save costs by moving an opportunity for people to gain access to health insurance or health care for certain conditions or for certain providers. This is another way of going at it, but not by denying care, but by expanding care and expanding payment for the care to people who are accessing the care right now, but who aren't paying for it. Right now there is \$163 million spent every year on uncompensated care. That is an individual without insurance, without Medicare or Medicaid who goes to the hospital, gets treatment and doesn't have any money. The hospital, what do they do with those costs? They don't eat it. They pass it off to all of us, those of us who have health insurance. We pay for it or, rather, our employer pays for it in many cases. By relieving the burden on hospitals of this uncompensated care, we are, in fact, passing on a savings to those people who are purchasing health insurance, Maine's small businesses, large businesses. It is interesting to note that if we were to do away with all of the mandates that we have, in some cases we would save 7.5 percent in large group policies and in individual policies, we would save a little bit more than 3 percent, but none of that would be as much of a savings if we were to completely address the problem of uncompensated care, that \$163 million. If we address that completely, we save more money than we getting rid of all the mandates. This bill is an

approach, a beginning step toward addressing uncompensated care. Not only that, but it is providing health care, access to health care, to people who are sick, people who need it, or even better, to prevent people from getting sick. Thereby it saves us a ton more money.

This is a great idea. It does require a significant investment on the part of the state. Another great point to this bill is it brings home some federal dollars too. We are matched one for one. I think it is actually a little bit better than one for one with federal money. This is a great opportunity to really get at the number one issue for the people of the State of Maine and to the businesses of the State of Maine, the burden of the lack of access to health care and the backbreaking costs of health insurance. Thank you very much.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I, too, like the Representative from Augusta have respect for the Representative from Portland, I think he knows that, if he doesn't, I am saying so now. However, I don't think the good Representative would promote policy by polls, as he mentioned the polls a little bit earlier. I remember seeing a lot of polls in the past. One particularly sticks in my mind because I was fond of it, where 85 or 90 percent of the Maine people want to see a drastic reduction in the income tax. I am sure my colleagues on the other side of the aisle would be more than happy to join me in supporting that poll.

The Representative from Monmouth talked about how generous we were and it is interesting because we are so generous that we tax everything that moves or doesn't move, for that matter. She also mentioned the State of New Hampshire, which I might remind here, does not have the dubious distinction, like Maine, of being one of the highest taxed per capita in the country. We heard several people mention about the funding mechanism with this proposed legislation. As far as I can tell, both of the funding mechanisms are going to dry up. It is interesting and I have said before on the floor in previous debates on other issues that the funding expands the program on the backs of minorities. It is a small wonder that a large group of people support taxing cigarettes, because it is only a minority that smokes. We are going to tax them some more. Heaven knows how much more because we know what is good for them. Here we go again. We are funding a program with funds and revenues that we hope, we pray, someday will dry up. That would be a tobacco free Maine. I said before and I think it was a couple of days ago, there goes that person again climbing out on that limb and proceeding to saw it off. It is bizarre, very bizarre.

One final comment, the good Representative from Saco mentioned that we were already paying. It reminds me of a quote, one of my favorite ones. Peter O'Rourke said that if you think of health care as expensive now, wait until government gives it to you for nothing.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. I just rise to bring the debate back full circle. I am not here to debate net operating loss carry back or God forbid non-categorical. I just want to debate the issue at hand, those without health insurance. I applaud the Speaker in the corner. He has done a great job on this bill and the Chair of the committee, Representative Kane, and others, for their fight on this issue.

Over the weekend I happened to bump into a constituent of mine from Winslow who falls into this category. He happens to have a very serious heart condition. His medications are

extremely expensive. He is not going to have Medicare available for another six to seven months. His wife happens to work part time. They have teens, one of them is in my son's class with him. They have a young family. There aren't many older folks with young families today. He came up to me and said that I do not have health insurance. I have tried to purchase health insurance and I was told that the premium was going to be \$1,000 and the deductible was going to cost me, because of my medical condition, \$50,000 out of pocket. What can you do to help me? My wife works and she is looking for work right now because of our young family and because of my medical condition and I said to my constituent, I am going to support Speaker Saxl's bill and we are going to find a way to pay for the bill.

Rather than talking about non-categorical and net operating loss carry back, let's talk about faith and good works. Faith is providing health insurance and basic health care for everyone in this country. The good works is to find a way to do it. Those are the two axioms that I will take away today and I will fight for. Speaker Saxl's bill that provides health insurance for those that need it.

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **VOLENIK**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who may choose to answer, could a self-employed business person with a net operating loss, no longer eligible for carry back, be eligible for health care under the provisions of LD 1303 as amended and thus again directly benefit from his own loss?

The SPEAKER PRO TEM: The Representative from Brooklin, Representative Volenik has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. The answer is yes.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to talk about five different points on this amendment and then a question. First of all, I see that a special mention is made in this amendment of cancer drugs. I recall a bill we had earlier this year for cancer drugs for the elderly, low-income elderly. The cost for the biennium is \$5 million. That was based on the fact that of the 45,000 eligible only 8 percent were going to take advantage of it. Those 8 percent were going to pay 50 percent of the costs. I think this could be a real problem in financing.

Number two, we have had before us earlier a bill that provided a 70 percent UCR reimbursement for all the providers. We have had numerous testimonies in front of the Health and Human Committee that providers are not being paid enough by Medicaid and they are leaving the state. They are limiting their practices to the number they can take and they can't hire people to come and help them because they can't pay enough as opposed to competing agencies elsewhere. That was almost \$40 million if we reimbursed all the providers at 70 percent of their usual and customary fee. We deemed not to do that this session. That is another real cost that ought to be figured in.

Number three, I see that this amendment continues the increased exemptions of assets for eligibility, including the second car, the life insurance policy and the college fund.

Number four, it appears that the financial figure on this bill is about \$32 million for the biennium. That was compared to in the previous version of this bill about \$45 million of the general fund, not counting the matching federal funds.

Number five, there are those who endorse LD 1303 enthusiastically in its original form and are now having serious doubts with the method of funding that is not in this amendment.

Mr. Speaker, I would like to pose a question. In this bill there is something that was supposed to be cost neutral, which was an affordable health care fund for self-employed people and they would be charged a premium and so forth based on what they could afford and what the cost of that program was. As I recall, that required a federal waiver. My question is, that is not going to be automatic, does that still require a waiver from the federal government before that program could be instituted?

The SPEAKER PRO TEM: The Representative from Auburn, Representative Shields has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. The Representative from Auburn is correct. It does require a federal waiver in order to provide the buy in program. We are hopeful that we will get it. Congressman Allen has just brought forward legislation federally to mandate that will be an automatic waiver for every state who applies for it. I appreciate the Representative's support for it in the committee. As I recall, he did include that in his Minority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Mr. Speaker, Ladies and Gentlemen of the House. A little while ago we heard some debate on the tax issue. I have to say that I would kind of agree with the tax issue and the net operating carry over loss and also on the cigarette tax because my personal feeling is, I really don't think we ought to be playing with these taxes. One of them is not really that great. The other thing that I am really concerned about is that these taxes are a source of revenue and to me the source of revenue is needed for the issue that is at our hand right now. The reason why I say that and the reason why I am standing up saying what I am saying is because of the 470 people unemployed in Calais, for the 920 people unemployed in the Dexter/Pittsfield area, for the 1,070 people unemployed in the Farmington area, for the 320 people unemployed in the Fort Kent area, for the 110 people unemployed in the Greenville area, for the 400 people unemployed in the Jonesport/Milbridge area, for the 480 people unemployed in the Lincoln/Howland area, for the 420 in the Machias/Eastport area, for the 320 people unemployed in the Millinocket/East Millinocket area, for the 140 unemployed in the Patten/Island Falls area, for the 660 unemployed in the Rumford area, for the 1,130 people unemployed in the Skowhegan area and for the 100 people unemployed in the Van Buren area. I didn't total them all up, but these are 11 of the 35 districts that we do the labor market statistics on and the people that have been with me before on my committee have heard me say this more than once. I look at this every month. I study this. I have been a legislator for five years. I have been getting these same things every year from the Department of Labor. These are the same areas that need the help and have to have the help.

Last night we stood here and we voted on a bond issue to provide access facility for business expansion that was going to help these areas. We did not pass that. We have it tabled. It is coming back. I think it is a real good thing. The reason why I am supporting of this health set up is because look what is going on? People out there, the people that I represent, the rural areas of the State of Maine, are getting inadequate care. It is really

needed. We talk about the funding. I hate to say it, but I said it a little while ago, that all my people are moving from the north to the south. I hate to say it, but the people from the south are going to have to pay for the people of the north. I really hate to say that. I am a firm believer that we have to do something to help these people because the situation is not getting better. You look at the economy of the state and the country and the recession is in place and all these people are going just add to the numbers that we have to have help on. Where the unemployment keeps going up and up and people keep losing jobs, losing benefits, somebody is going to have to pay for it. Like I said, I am really not in agreement of the way we are going to tax this, but we have to do something. The numbers are increasing and we have to help the people of the State of Maine, whether they are from the north or the south or wherever. I will tell you, Maine is one state. We have to look at us as one state. What is good for one part of state is good for the other part of the state. I will tell you that anything we can do to help the people that need the help and there are numerous different things. We talk about the cigarette tax and probably the guy that is going to work that does have a job in parts of my area that I represent probably might smoke and will have to pay more, but he probably has a son or a daughter or a grandson that is out there that needs this type of help. I believe that by increasing the taxes that we have to increase, we are going to help the people that need the help. Like I say, I am not really in favor of any of these taxes, but I do know one thing. We have got to do something. I will tell you where I come from it is a different world. People don't realize it, but I will tell you that I live in an area and I come down here and live six months out of the year. I live here six months of the year. I can see the difference. I will tell you what. We have got to do something. We have to start looking at it as one state, not as a state of what we have here and what we have there, but one state overall. I will tell you that in order to have one good state, you have to provide the jobs that are needed for the people of this state.

I will be honest with you, I am not in favor of any more taxes, but we have to do something. I will be honest with you again, the health care is an area that is very expensive. If you don't take care of the problem to prevent it, then it is costing you more money down the road. These issues here are all addressed in this legislation. That is why I will be supporting this piece of legislation. Thank you very much.

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

Representative **COTE**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, agree with my fellow colleague from Medway. We have to draw the line somewhere. I, too, will support Representative Saxl's increase in health care. We have to draw the line where it has to be done. My people in my district have a problem with medical insurance as well. I was just at the hospital in the emergency room just the other day when my family came in from Illinois to visit. I had to take my son's mother to the emergency room. Unfortunately, she has no insurance to cover her medical bills. Through this program she will be able to take care of her medical bills and get the help she needs. She is not just the only one, even though she is not in my district, but I do have some in my district that do rely on affordable medical care. I have senior citizens and I do also have members who work at BIW. Some of them just got laid off. They were one of the 150 employees from Bath Iron Works that just got laid off. Where are they going to find affordable health care? They can't. A lot of them have families and children that need medical attention. Through this health care program, they will get it. I don't like to raise any more taxes myself. I am against raising any more taxes in this state. I have been asked that every day

since we have been dealing with this budget. I kept telling my constituents I don't like what is inside of it, but we have to draw the line somewhere in order to get you the affordable health care you need, we have to raise more taxes. This is the only alternative to be able to give them that affordable health care. I urge my fellow colleagues to join me in supporting Representative Saxl's amendment and let's get this underway and let's get this done. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norway, Representative Winsor.

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. There seems to be in listening to this conversation here that one of the major reasons we should support this bill is because of its allowance to allow self-employed people to purchase Medicaid. The question I have evolves around the eligibility requirements. As I understand reading the amendment, there is an income threshold and there is also an asset threshold. I am wondering if the proponents of this bill or the sponsor would address a little bit of that. I am a little confused as to we talk about second vehicles, certain retirement plans, savings and so one. I am really talking about, for example, is a skidder exempted or is that considered an asset or a farm tractor or exactly how is operating capital in your store or such? The second question I have has to do with the cost of this program in the next biennium. I was wondering if the sponsor of this bill has an idea what the projected cost of this program is expected to be in the next biennium? Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Representative from Norway, Representative Winsor has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I am very pleased that the Representative from Norway, Representative Winsor, brought forward the issue of the asset test, because it is a matter around which there has been some matter of confusion. The concept around changing an asset test, an asset test is basically how do you qualify and how do you determine what your income is and what your assets are so that you can qualify at 125 percent of poverty as a childless adult for the program. Currently the asset test is in law, by rule. This bill proposes to revisit the issue of asset tests. What it requires is for the Department of Human Services to consider issues such as the ownership of a vehicle and the type of a vehicle an individual can own in order to qualify for Medicaid. What will happen is that the Department of Human Services, through a public rulemaking process, will come up with a suggestion. That suggestion will be a major substantive rule. Before it goes into effect, it will come back in January 1, 2002 to the Health and Human Services Committee so that they can look at it.

The bottom line concept about changing the asset test is this, under the current asset test you can't own but one car. Most uninsured people in the State of Maine, 90 percent of uninsured people in the State of Maine are working people who need to get to work. Most people in the State of Maine live in rural Maine and need to drive to work because our public transportation infrastructure doesn't meet those concerns. This change in asset test, if the Legislature approves it in the next Legislature, would hopefully allow for a family to go from a one junker family to a two junker family so that working people can get health care and remain employed.

The second question around the asset test was around savings for other assets. The Department of Human Services

will look at other assets. It has long been the goal of this Legislature though our actions around education accounts to help people save for their children's education. It is the goal of this legislation to continue to support people saving so that their children can go to college. We will have a chance to debate the importance of higher education later on, but those are the only issues in the asset test that have been addressed. They will come back to the Legislature before there is further action on them.

As far as ongoing revenue or the cost of this program, I think that the Representative brings forward an interesting area, one where I didn't negotiate very hard with the Department of Human Services. This fiscal note, in my opinion, and ongoing revenue costs is actually extraordinarily high. You will see that the highest area in it of all the costs is in an area called the non-categorical area, which insures uninsured people below 125 percent of poverty. I know this is going to get a little technical for you, but the Department of Human Services has slated the participation rate for non-categorical at 55 percent of the eligible population. There are 12 or 13 other states that have gotten about 10 years plus experience in this and not one of those states is within 20 percent of that in actual practice. Several of them budget, but none of them budget at a higher rate than that amount, but none of them budget at 55 percent participation rate. None of them experience that. In fact, the fiscal note on this, while it is considerable, it is paid for by the net operating loss carry back and through the cigarette tax, should actually in our actual experience, be much lower. However, we didn't want to allow for any misconception around that. We wanted to make sure it was the full fiscal note so that the revenue would fully cover this amount.

I appreciate the questions from the Representative from Norway, Representative Winsor.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative WINSOR: Mr. Speaker, Men and Women of the House. I appreciate the comments of the good Representative from Portland, but I think I wasn't perfectly clear about my question. I have been looking through this amendment and it is not clear to me what the cost of this program will be in the next biennium. I see approximately \$7.5 million in the first year and about \$24 or \$25 million in the second year of the program. I don't see a cost in the next biennium. The second part that I talked about was self-employed individuals. I am a little confused as to how we deal with the business assets of a self-employed individual. I speak from somebody who has been self-employed since I was 26, that was more than 30 years ago. I can tell you that my income went up and went down, at least my taxable income, but I never could have met any of the asset requirements simply because you have to keep a certain amount of operating cash around or you have accounts receivable or so on. It is very difficult. I am wondering how you would get to that under the rather rigid rules that seem to evolve from these programs? Thank you.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. Small businesses and sole proprietors up to 300 percent of poverty would be eligible under the rules for buying in. The income for an individual at 300 percent of poverty is \$25,770. For a couple it is \$34,830. For a family of three it is \$43,890. For a family of four it is \$52,950. That would sweep in a lot of the self-employed in the State of Maine. I understand that the Representative from Norway, Representative Winsor's question, is a broader question about the amount of assets they would be able to retain. Under Section 1 of this bill, the asset test is going

to be going back to the Department of Human Services for rulemaking so that we can try to appropriately address those non-tangible assets that are ordinary and customary in the usage of doing business so that we could include sole proprietors and self-employed people, which I believe might include the Representative from Norway. If it doesn't, it certainly includes a lot of other Maine people. Thank you.

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

Representative ANNIS: Mr. Speaker, Ladies and Gentlemen of the House. What a wonderful bill. I would be delighted to take this back to my constituents, but I have a problem. We talked a lot about uncompensated care. Medicaid is uncompensated care. Doctors and dentists provide the care and Medicaid uncompensates them. Would you provide a dollar's worth of work with the expectation of a return of 20 cents. Our care providers receive this kind of uncompensation. Take Medicaid out of the equation and you have a program greatly accepted by those in need and the caregivers as long as Medicaid is the administrator of this really fine bill, I am afraid I can't support it. I want my doctor and my dentist to stay in town. Medicaid will drive them away. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House. It has been a long afternoon for sure, but this is an important subject and an important bill. The good Representative from Medway, Representative Stanley, I think hit the nail on the head as far as this bill will impact the rural folks. As many of you know, I do sell catastrophic health insurance for the self-employed folks so I do have a little bit of first hand experience talking and sitting down with many of these businesses across the state, hundreds of them. I spend a little bit of time talking to them about their needs and what have you. One of the big questions, I say look I don't want to get personal, but do you pay a big chunk of change at the end of the year to the IRS? There is a thing within our association that can show you how to write that off against your business. I want you to know that when I am out there dealing with these folks, the majority of the people that I deal with are probably the ones that are going to fall into this situation that the good Speaker's bill is addressing. This is probably going to negatively impact me dramatically as far as that group of people we deal with, but it is the most important group of people that we have dealt with politically when we are out there doing door to door. It is the most important group of folks that Representative Stanley had indicated, the rural folks. He listed off a bunch of numbers there about the unemployed, but if anybody knows what is going on in the employment markets, you will realize you might want to double those numbers because unreported and unemployed are two different things. There is a great number of folks that this can be of great help to.

We heard some comments about Medicare and Medicaid and what have you and how small that pays. I understand there is a national problem there and I don't think we want to fight that battle here. I do know that many of those folks that are receiving treatment that they wouldn't have unless they had that benefit. I think that is what we are here doing today. We are trying to provide a benefit to the people that are most in need, the business folks that are most in need, the people that I deal with on a daily basis. As far as the tax deductibility, going back two years and what have you, I asked a lot of business questions of the group of people that were five employees or less. They are very small groups. They are the people that are very marginal and getting ready to close. I can be quite honest, if I asked all of the couple hundred people I spoke to personally if they even



knew about that clause. Two or three people might have had some first-hand knowledge of that. I think about my district, there is 8,000 people, approximately, in my rural district. I am sitting here thinking while we were having the discussion and I bet you out of the whole district that I have, there is probably only three businesses that are probably aware of this and may have had the assets or the ability to utilize it and still be in business. The people that we loose up home are not people that made any money last year or the year before or the year before that. These are the people that are carrying forward losses well into the future. I can't even see that any of my business folks will be impacted by this bill.

I appreciate your support and I think this is something that we can be proud of and take home to our folks.

Representative KANE of Saco **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-748)** to **Committee Amendment "A" (H-639)**.

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

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. Yesterday afternoon, as some of you know, I was not here in the chamber, nor was I here last night. In the afternoon I was fortunate or unfortunate, depending on how you look at it, to attend a funeral of a distant relative whose time had long since passed. Later yesterday I put on a lobster bake for the family and friends. I cooked 55 lobsters, corn and clams. Believe me, I would like to be doing that again at this point and avoiding having to make a decision on this particular piece of legislation for a number of reasons. I was a cosponsor of the original legislation as it came forward. We have heard many times in this body, this year, from the good Representative from South Portland who sits behind me about the fact that we are doing very little to move forward with increasing the availability of health insurance for those in need. The fact is we have heard a lot this year about the fact that we may have gone in the other direction and made health insurance more costly for those in need.

I listened to the words of the good Representative from Augusta and I share her concerns, believe me. I would have been much happier this afternoon had all of the expense for this particular piece of legislation be taken in a tax against cigarettes, but I understand the reason why that is not possible, given the fact that a cigarette tax appears in another piece of legislation that we shall be debating or at least will come before us before this day is over.

The net operating loss carry over I do understand. I did take advantage of it one year as a small businessman. I am aware of it. I was not aware of it personally. The person who did my income tax was and I think that that may be a problem with that particular tax that a lot of people that could take advantage of it do their own taxes and are not aware of it. CPAs are in a different category.

Where am I headed on this? I will be supporting the amendment (H-748), but with the hope that when we return here in January of next year, that we take a long hard look at the funding. I think it is inadequately funded. I think there are some real holes in this particular piece of legislation, but the concept outweighs by a few percentage points the problems, but I think it would be the responsible thing for the people in this body and the Taxation Committee, under the good Chair to my right, to take a look at this along with the Health and Human Services Committee to take a look at this particular issue of funding this program, which is vital to the people of the State of Maine.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. Quite some time ago I started taking notes on various things that were said and points that were made and frankly so much has been said and so many points were made that I ran out of paper so maybe that is a good thing for all of you because I won't have to address all the things I heard.

I do want to make a correction to a statement that the Representative from Winslow, Representative Matthews made. He talked about the fact that he wanted to get back to the issue of health care. The amendment is not about the issue of health care. We already had the debate on LD 1303 and, in fact, there was very little debate because the majority of the people here supported it. The amendment is about funding for LD 1303. That is the debate today, funding. I am not going to speak against the bill. Not many people did before did speak against the bill. I will make one comment and that is the good Representative from Portland, Representative Saxl, talked about the process of creating the bill. He said it was like soup, pulling together a lot of different ingredients. I am going to suggest to you that the funding for this bill is a lot like soup. There is no meat to it. It is thin and watery. It doesn't provide sustenance.

If we truly believe in LD 1303, then step up to the plate. Fund it from the cigarette tax. This isn't gong to fund it. This is a house of cards, this funding mechanism. I look at the impact of the revenue in the amendment and one of the things I see is the repeal of the provisions allowing the carry back of net operating losses. We are going to start calling it NOL from now on to shorten the debate. Allowing the carry back of NOL will increase corporate income tax collections by \$1.6 million in fiscal year 2001 and 2002 and \$6.3 million in fiscal year 2002 and 2003. We talked about this considerably in the Taxation Committee under the leadership of our good chair. We never heard a figure like \$6.3 million. Where did this figure come from? How do you get from \$1.6 million to \$6.3 million? I am sitting here asking myself, how can that be? I started thinking that maybe that could be. We are in recession. We are in a down economy. We have been punishing business all year. Maybe that can be because we have reeked so much havoc . . .

The **SPEAKER PRO TEM**: The Chair would interrupt debate. I have given great latitude and leeway in the debate. The Chair would remind the members to contain their remarks to the issue at hand, which is the adoption of House Amendment "C" to Committee Amendment "A." The Representative may proceed.

Representative **BOWLES**: I thank the chair for that correction, but may I inquire as to whether or not the amendment is dealing with the funding? I am discussing the funding Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair felt that the Representative was engaged in a very lengthy monologue about the nature of the economy and not necessarily the matter at hand. I will give much leeway, but not that much.

Representative **BOWLES**: Mr. Speaker, Men and Women of the House. I will try to be more succinct in my remarks. Six point three million is the figure we have in front of us. The only way we are going to get to \$6.3 million is if we have a whole bunch of business casualties in the next couple of years. Any other way you don't approach a figure like that.

The Speaker said he thought the fiscal note was high. I would suggest to you that the revenue note is certainly high.

The Representative from Kossuth Township, Representative Bunker, told us a few minutes ago that he deals mostly with small businesses and most of the small businesses he deals with don't make any money. This is a surprise. They don't make any money. He said they haven't made any money and they are not

going to make any money, therefore, they are not concerned about the loss of NOL carry back. That is a great statement on the economy and the state of small business in Maine. Representative Stanley, the Representative from Medway, and I have had any number of discussions in the course of my time on Taxation together and I can tell you that I have more respect for him than many, many other people that I have encountered over the years for his caring for his people, his constituents. Representative Stanley is sincere when he talks about wanting to do something about employment and he and I have discussed ways to do that. One of the ways that we don't accomplish that is by punishing small business, again, and by causing more businesses to go out of business, particularly small businesses that make up the bulk of the Maine economy. This is not going to help those unemployment figures. It is going to drive them higher.

I would like to address some of the points made by the good Chair of Taxation, Representative Green, who always brings a smile to my face. She is a fine legislator, but she would have been a much better actress, she would have been much better on stage. That is her natural calling. Because she speaks so eloquently and passionately, she was able even to make something interesting and passionate out of NOL carry back, which is something I will admit that I probably can't do.

On the white sheet that she talks about earlier, frankly, I think carries a significant misnomer because it is labeled fact sheet. There was a great deal of misstatement and misfact. She addressed three points and I am going to confine my remarks to those points. Is our current NOL carry back good tax policy? No and here is why. She went on to talk about point number one, volatility. Let me just read to you one sentence here. After the headline, NOL contributes significantly to the volatility of business taxes and the unpredictability of tax revenue it says, "For example, in a recession, just when we need revenue the most." What does recession imply? It is bad for business, but we need revenues. The we here is government, specifically in this case, state government. Wish that we were so concerned about business as we are revenues to state government. I suggest to you that in a recession or in a down time, small business needs predictable revenues.

Number two, NOLs do not necessarily mean that a business has lost money. It goes on to say that it simply means that a company has more allowable expenses than income in a particular year. Some of you may understand the term cash flow. Cash flow is the money that a business uses to continue its operations. When your expenses exceed your revenues, you have a cash flow problem. You may have a loss and it is true that you may operate in business for some time with a loss. An accumulation of losses is a loss of cash flow and you cannot sustain a business with a loss of cash flow. One of the things that NOL carry back does is it injects some cash, much needed cash, into a small business that has sustained a series of losses. A carry forward is real nice, but if you don't have any cash to keep your business going, all the carry forward in the world doesn't do you any good. I am one of those small businesses that benefited from NOL carry back a number of years ago. After several years of paying my taxes and after several years of expanding business, we hit the recession of 1989. I had to close the door. We had a loss of revenue. I suffered from a cash flow problem because I am a small business person. I don't have access to equity. The money that is in my business comes out of my pocket, for the most part. I needed those few dollars that the NOL carry back gave back to my business. They helped me survive. For the last 10 or 12 years I have been able to provide some amount of employment. I have been able to provide taxes to keep the insatiable machine that we call state government

running. I am not Microsoft. I am not Bill Gates. I am a small business owner. I have five employees. Where does that put me in the spectrum of top 500 corporations?

Finally, the third point, elimination of the carry back provision does not mean elimination of the deduction. It goes on to say that a generous 20 year carry forward provision for these losses. I pretty much addressed that already and I am not going to repeat it.

I am simply going to tell you that this is a poor funding mechanism. It is harmful to small business, your constituents, your convenience store owners, your small shops, your small machine shops, your small wood turning operations, the guy who is running the machine shop out of his garage, that is who gets hurt with this. It was suggested at one point that this bill is a good thing because it is going to help those people who have just gone out of business. Isn't that dandy. We are going to put them out of business and then we are going to help them. Why don't we just leave them in business, encourage them in business and they won't need our help. That is what we really should be trying to do. Repealing NOL carry back is not going to do it. Let's fund this properly. It is a good bill. We agree it is a good bill. Let's fund it properly. Let's not fund it on gimmicks.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "C" (H-748) to Committee Amendment "A" (H-639). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 430

YEA - Ash, Bagley, 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, 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, Morrison, Muse C, Norbert, Norton, O'Brien LL, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

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

ABSENT - Buck, Labrecque, Lovett, O'Neil, Peavey, Smith, Watson.

Yes, 87; No, 57; Absent, 7; Excused, 0.

87 having voted in the affirmative and 57 voted in the negative, with 7 being absent, and accordingly **House Amendment "C" (H-748) to Committee Amendment "A" (H-639) was ADOPTED.**

**Committee Amendment "A" (H-639) as Amended by House Amendment "C" (H-748) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-639) as Amended by House Amendment "C" (H-748) thereto in NON-CONCURRENCE** and sent for concurrence.

The Speaker resumed the Chair.  
The House was called to order by the Speaker.

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2001, June 30, 2002 and June 30, 2003 (EMERGENCY)

(H.P. 655) (L.D. 855)

(H. "I" H-740, H. "J" H-741, S. "D" S-367, and S. "E" S-368 to C. "A" H-724)

TABLED – June 19, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – Motion of same Representative to **RECONSIDER FAILING OF PASSAGE TO BE ENACTED.**

Subsequently, the House **RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED.**

Representative BERRY of Livermore moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED.**

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 Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. Earlier this morning out of frustration I decided to go home. For the first time in the three years that I have been here I have decided to listen to my son. I wish to go on record with a statement as to why I will not support this budget.

The SPEAKER: Would the Representative defer? The pending question is reconsideration. If the member wishes to debate reconsideration, it would be appropriate at this time. If the member wishes to re-debate the entire budget, that will be appropriate at a later moment.

The SPEAKER: A roll call has been ordered. The pending question before the House is Reconsider whereby the bill was Passed to be Engrossed. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 431

YEA - Ash, Bagley, 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, Goodwin, Green, Hall, Hatch, Hawes, 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, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Twomey, Usher, Volenik, 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, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, Mayo, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin J,

Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Buck, Labrecque, Lovett, O'Neil, Peavey, Smith, Watson.

Yes, 89; No, 55; Absent, 7; Excused, 0.

89 having voted in the affirmative and 55 voted in the negative, with 7 being absent, and accordingly the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On motion of Representative BERRY of Livermore, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-724) was ADOPTED.**

The same Representative presented **House Amendment "L" (H-747) to Committee Amendment "A" (H-724) which was READ** by the Clerk.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. House Amendment "L" to Committee Amendment "A" is a document required to proceed with the budget without a two-thirds majority vote. It removes the emergency preamble and it is necessary to push back the implementation of the cigarette tax and the meals tax so there is a loss of revenue related to that in balancing the budget. It pushes those dates out. It transfers money from the Fund for a Healthy Maine reserve to cover some of that loss. It authorizes the state controller to keep open the official system of general accounts of state government for fiscal year 2000 and 2001 to make post closing entries and adjustments to carry out the provisions of this act.

I think it is unfortunate that we are at the point where we feel that majority budgets are standard operating procedures and this is language, I guess, that has been used before. I suppose if we can't find a better way, will continue to be used. Part of this amendment also changes the date of the transfer of funds to the Governor Baxter School for the Deaf Student Trust Fund from July 1 to October 1. The amendment also strikes the language authorizing the tax anticipation note to cover the debt service costs associated with that note. The amendment also changes the reporting date on which the Maine State Housing Authority must report on the energy issues from September 1, 2001 to November 1, 2001. The amendment also strikes the language that authorizes expenditure of funding among pharmaceutical benefit programs administered by the Department of Human Services.

There are three items, I believe, that were placed when House Amendment "J" is removed. It will restore the Maine Heirs Program. It was a program established in the last Legislature and we do not see that as a new and expanded program. We would like to see that continue. It restores a section of House Amendment "J" dealing with the Maine Dental Education Loan Program. It restores the thermal imaging camera and it restores the death benefits for law enforcement, fire fighters and emergency management personnel.

I want to say that I am disappointed that this is the road that we will take. Maybe I am responsible that we are at this point. I can't decide that. It seems as though I have done everything possible to get us to a place where we could move ahead and meet the needs of the people of the State of Maine. Nearly everything in this Part II Budget is not new programs. It is some changes or adjustments. There are some expansions, necessary expansions. I am not excited about moving ahead in this manner, but I feel it is necessary to move on and get out of this place and I look forward to seeing you next year, I guess.



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

Representative **NASS**: Mr. Speaker, Men and Women of the House. First, I would just like to reject the notion that the House Chair just offered that somehow he is personally responsible for our impasse at this point. That is not what I feel. He worked as hard as all of us did to reach agreement. In fact, on the large majority of this spending plan for the next two years we did reach agreement. He worked very hard and very effectively to make the change here. What we are dealing with today, I think, is just basic philosophical differences between the two major parties.

I would just like to bring to your attention one item in the amendment and not offer any value judgment on it, but just try to point it out. You ought to read this on page 3 under, well, there are five a's about two-thirds of the way down the page. It is entitled State Controller Post Closing. Basically this is a message to our state controller after the end of this current fiscal year on June 30, to not close the books officially. The reason we are doing that, we have done it in the past, I don't want to suggest this is something new. We haven't done it often in the past, but what we are doing here because we don't have a two-thirds majority to pass this and because we don't have any time left, we are keeping the books open so that we can recognize the lapsed balances and excess revenue, especially the excess revenue when it becomes available, to use it for the new programs that are in the Part II Budget, new spending issues, which won't become effective until 90 days after passage.

Again, without making any judgments about this, just look at that. This is what we have to go through. It might be a gimmick. It might not be. It is what we are going to do. We are going to spend more money in the next biennium.

Representative **KASPRZAK** of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "L" (H-747) to Committee Amendment "A" (H-724)**.

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 Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. There has been a lot in the media about how this Part II Budget is new and expanded programs and what these taxes that are being raised by the Part II Budget are for new and expanded programs. We hear it a lot on the floor here about new and expanded programs and new initiatives. While that is not 100 percent inaccurate, it is, I think, inaccurate. That is why back at the beginning of the year when our committee worked well together, as it still does, and we reported out a unanimous report. That is why back in the Part I Budget when we agreed on funding, that is why back then, we supported these taxes at a higher level, not because we were funding any new or expanded programs in the Part I Budget. As we know, that is supposed to just be for current services. We did it back then in a bipartisan, tri-partisan fashion because that was needed to keep government going at the current level to take care of the ongoing needs of the people of the State of Maine and to account for a serious dip in the revenues that the state was experiencing at the time, and it was still experiencing at the time. It was felt that when we were in agreement on it a few months ago that that was the minimum amount of revenue needed to compensate for the dip in sales tax revenue and the dip in other revenue that was causing the decline.

I get kind of tired, I am not tired of what anyone says on the floor here, of what I read in the paper about this is a \$75 million budget or whatever that is for new and expanded programs and my good friend from Acton just mentioned the use of one-time

money from the transfer of year end balances will be funding a number of one-time items that I think have been quite appropriately identified here for use of this one-time money that is going to be available from this one-time surplus revenue at the end of this fiscal year that expires in a few days.

I just want to list some of those items that are on there because I think it is important to realize these are not new initiatives by enlarge. There is one new initiative. It is right at the top of the list, tourism promotion, \$2.2 million. That was part of the agreement we had with the folks in the tourism and restaurant and innkeeper industry to get some of that revenue that we are getting from increasing that tax. That is keeping the faith there. That, I suppose, you could say is a new initiative although we already have a tourism promotion program in the state. This adds substantially to that and has widespread support. There is a particularly egregious one that I see as the second one here, which is the one-time funding of some lobster studies to help protect the lobster industry from federal interference. I guess that might be a new program. I apologize for that. That was the Marine Resources Committee number one priority and it is in here. There is a low-flow study of Aroostook water, maybe that is a new program. There are three things related to the consent decree, nurse coverage and contracted nurses, perhaps that is a new and expanded program, meeting the consent decree. I don't think so. There are repairs to the HETL Building across the river. That is in terrible shape and has health and safety issues to the employees there. Perhaps that is a new program fixing that building up. I don't think so. There is the Phase II of the Down East Correctional Facility, the implementation of Phase II, which is part of an ongoing commitment that was agreed on by previous Legislatures to get that up and going. I don't view that as new and expanded, but it is part of an existing commitment we have to the Machias area. There are the repairs to the Greenville Hanger. You have heard about that. That is an existing building. The Harlow Building, keeping that from falling down. Maybe that is a new program, but I don't think it is. I could go on here. Technology plan for corrections, I suppose that is new. It is part of our commitment to the corrections that we have made here. Calais Cultural Center, maybe that is new and expanded. I will give you that one. There are a couple others on here.

Anyway, by enlarge it is a myth. I wanted to put that myth to bed and I urge you to support the adoption of House Amendment "L".

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "L" (H-747) to Committee Amendment "A" (H-724). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 432

YEA - Ash, Bagley, 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, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Morrison, Muse C, Norbert, Norton, O'Brien LL, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bruno, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, Mayo,

McKenney, McNeil, Mendros, Michael, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Perkins, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bowles, Buck, Duncan, Labrecque, Lovett, O'Neil, Peavey, Pinkham, Smith, Watson.

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 **House Amendment "L" (H-747) to Committee Amendment "A" (H-724) was ADOPTED.**

On motion of Representative BERRY of Livermore, the House **RECONSIDERED** its action whereby **House Amendment "J" (H-741) to Committee Amendment "A" (H-724) was ADOPTED.**

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. Like the Representative from Acton said, I don't want the Chair of the Appropriations Committee to take this personally. This is nothing to take personally. It is a philosophical difference. These things should never be personal. Sometimes we take them to heart too much when we leave here.

On thing I want to do is thank the other party for consideration of four pieces of that House Amendment "J," which are very important pieces that you put into your majority budget and I want to thank you personally. Thank you.

On further motion of the same Representative, **House Amendment "J" (H-741) to Committee Amendment "A" (H-724) was INDEFINITELY POSTPONED**

**Committee Amendment "A" (H-724) as Amended by House Amendment "I" (H-740), House Amendment "L" (H-747), Senate Amendment "D" (S-367) and Senate Amendment "E" (S-368) thereto was ADOPTED.**

Representative KASPRZAK of Newport **REQUESTED** a roll call on **PASSAGE 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: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. First, Mr. Speaker, I got carried away because I know how quickly things go in this House and I didn't want to miss my chance to go on the record.

First, let me say that I do appreciate the hard work of the Representative from Livermore, Representative Berry, and his colleagues on the Appropriations Committee. I recognize that the balancing different philosophies we all bring to the table is not a easy one. However, those varied interests are all valid. No idea is stupid, irrational or wrong. However, at the end of the day I, and I alone, am responsible for my vote. No one has the right to chastise me publicly or privately for that vote. I am responsible to the people who elected me here, period.

In the classroom I have always taught respect for different ideas. It is my hope that as this session comes to an end, hopefully, that each of us will continue to receive the respect that we have earned by being elected here by the people.

My decision not to support this budget is plain and simple. I simply cannot in good conscience support a budget that from my perspective is funded solely by a tax that predominately affects the people that can least afford it, the Maine working families. I am not opposed to tax increases. I have never subscribed to the conservative view that all taxes are bad, but I do believe that taxes should be fair. Will a 2-cent tax increase keep working

families from going to McDonalds or buying a 16-inch pizza at the corner store? Of course not, but what message does it send? I would rather support a proposal to add a penny or a half a penny to the meals and lodging tax, a tax paid in part by out of state tourists, a tax supported by the tourism industry, a tax supported by the Chief Executive, a tax which would largely go unnoticed by people who choose to visit such restaurants and already pay 15 percent of more for gratuities for service and a 7 percent meals tax.

At the very time our federal government is returning billions of dollars in taxes, we can disagree as to whether they should be doing that. What message does it send if I, who, yes, am proud to be a Democrat, vote to tax the very people who can least afford the tax. I have never subscribed to the philosophy, and I never will, if that makes me out of sorts within my own party or within this chamber, so be it.

I wish to make one final statement as it relates to one important issue in this budget. That is to the advocates who fought so hard for domestic violence funding and to the Representative from Gardiner, Representative Colwell, for sponsoring it. I am sorry that you may feel that my vote here today in some way diminishes my support for this very important issue. It does not. In the future I will continue to support legislation until this problem is irradiated in Maine. Yes, I will support a tax to do so provided it is fair. This problem is not only for the working family. Domestic abuse is at the very heart of Maine it has suffered in all economies and in all people and should be taxed and donated by all people. As this budget passes, and I am sure that it will today, let us remember the value of diversity and that in the end we sometimes must agree to disagree. I will not vote a 40 percent increase in taxes to working people who visit that corner store for a double ham Italian or the mom and dad who takes their three kids to a night out at Wendy's. It is unfair. I will vote no because I know it is the right thing to do for the Maine people. Thank you.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. I rise today to thank everybody, leadership, Appropriations members and anybody else who was involved in negotiation for their hard work, but I cannot support the budget. I know there will be a lot of people that will be upset over this and there will be a lot of people that will happy on how I vote. As adults I know we can walk out of here and shake hands and go forward. Living on the border, and I am sure you have heard this before from the good Representative from Berwick, is hard. New Hampshire has one of the lowest in the country. cigarette taxes, I cannot stand cigarettes personally. I wish that we could ban cigarettes completely from the United States, but I tell you that when we raise the cigarette tax each year, it just makes New Hampshire grow and grow.

In my other life, if I ever get out of here and get back to it, I am a salesman for Pepsi Cola in New Hampshire. I see first hand the business that we are losing from Maine residents. In one of my stores in Rochester, New Hampshire, this gentleman is the largest Marlboro cigarette dealer in the country. He took me aside one day and said, "Gary, if you people in Augusta would just stop raising the cigarette tax prices, the Governor of New Hampshire would raise it because of their school funding needs and other needs and you would have a lot less of a tax on cigarettes than we have in New Hampshire and actually would probably increase your sales on cigarettes." We are not going to stop people from smoking cigarettes by raising their tax. It is a proven fact. It is an addiction. We have to do it by education.

Again, I rise to explain my position, which I felt I should and being from a district, District 3, which I am the first Democrat in

100 years elected there and it wasn't because I was a big spender. It is because I am fiscally responsible. I cannot be fiscally responsible at home and come up here and raise taxes against my constituents. Those of you who will be mad at me getting up and speaking and mad at how I vote, I am sorry you feel that way, but I stand proud that I voted the way my constituents wanted me to. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. I would just like to say that I have voted for budgets in the past, but not this time. When I first came into this body, the Part I Budget was \$3.2 billion. Now it is \$5.2 billion. That is an increase of \$2 billion.

The good Representative from Livermore, Representative Berry, said that with this Part II Budget we would meet the needs of the people of the State of Maine. That may be what he thinks, but I do think a little differently on the subject. It was just noted today in one leading newspaper that Americans are spending 14.3 percent of their take home pay on debt. It is the highest percentage since 1986. The bills are coming due for the shopping sprees of the 1990s and Americans are having trouble paying for it. Personal debt is at an all time high and the amount of income Americans are dedicating to making payments on it is at levels unseen in 15 years. Mortgage delinquencies and write off by credit card companies are rising. Personal bankruptcy filings could hit a record this year. That translates to serious financial pain for families who are overextended at a time when unemployment is rising. We have seen the plant closings here in the State of Maine in recent years, including this year.

It also means that just when the cooling US economy needs spending by consumers to sustain growth, they are hard pressed to do so. I can't in good conscience support tax increases in the State of Maine at the present time. I am sorry that I have to vote against this Part II Budget, but I am going to have to. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I guess my first comments would deal with the process. A new day arrived this morning and I think I was fairly optimistic that we would take the time and that we would work together and put together a budget that very easily we could find consensus on and pass it with two-thirds support and then be able to finish out work. I really think we could have gone to that GPA at 4 percent. We could have gone through that list of the must dos, the consent decree, the collective bargaining, that bipartisan agreement worked on so well by the Appropriations Committee on those areas that they came together. We could have given the taxpayers of the State of Maine a breather just when they needed it the most. I think if we had followed that route, it would have been a win win for everyone. I think by the road you have decided to go today, if you have misjudged the Maine economy, we are not coming back until January and you will need a two-thirds again, but that two-thirds will be needed for emergency legislation to cut current service spending. The longer you wait and if you have misjudged this economy, everyday compounds and increases the size of the cuts that you are going to have to make. Our focus has been totally on new and expanded services. If you have made a misjudgment, then you are putting at risk current services.

I am hearing from both caucuses that there is a note of caution that has come into this legislative body and if we are in the troth and from this first day forward we come out of the troth of this economy and things begin to improve and we get to next January and there is a surplus, then that is the other win. The caution allows you, no one here today can judge the direction of

that economy, but it allows the people of Maine to win both ways. If you have guessed wrong, I wasn't here during the cutback in services and there are a few members in this body that either because of staggered service or service in the other chamber that were here. The start on the cuts were so delayed that it became, instead of a surgical knife, it became a meat cleaver. We still feel the costs today.

I totally disagree with these two regressive taxes. Those of you who haven't raised taxes on the state level yet, this tax bill isn't going to be delivered next April by an accountant or a financial advisor. September 30th or October 1st, the 30, 40 or 50 percent of your constituents who smoke and will always smoke are going to go into the store that day and buy a pack of cigarettes. By the best that I can calculate it, given our actions with this budget and in the proceeding health care bill, by the time you factor in the sales tax, we are up to \$1.15 or \$1.16 cent increase taxes and sales tax. New Hampshire is 52 cents. I have kind of joked at times about sitting by the road side and someone said they were going to make sure I get a chair that has a cup holder so that I can be comfortable and not miss the traffic. When you start looking at a carton of cigarettes that is \$5 or \$6 a pack, you know where they are going and you know that the impact it is going to have on the revenue source that you are counting on spending. When they drive south through York County and they get to New Hampshire or they cross over in Oxford County, you are losing that money. The money isn't going to be there. There will be a tax protest by their feet and by their car. The two taxes you want to support today, the news is going to be delivered face to face. When they are there for the breakfast sandwich, the sub or they are sitting down with their family for that one family meal out that they have to fight for and scrape for, they are going to deliver the tax increase to them face to face.

The timing of this bill is such that we are hearing projections of a surplus late October or early November. They are going to be in your corner store in the morning getting their cigarettes and getting a dramatic tax increase. They are going to get the breakfast sandwich and they are going to be there with the family and the bill has gone up and they are going to get the *Bangor Daily News* or the *Portland Press Herald* and the headline is going to be State of Maine has a Surplus. It is going to be within a week or two of each other. On one hand you are going to raise their taxes and you are going to be told by the mom-and-pop storeowner or the small restaurant owner that they have to look over to the newspaper counter that the State of Maine has a surplus. I think the timing is going to be there.

The question was asked last night, what has changed since March where some people supported a tax increase in March and they are not supporting it in June? Envisionet, BIW, we have buildings where people used to work and make great manufacturing wages and had a future. Every town you drive through in Maine, those buildings are becoming ghosts. What has happened is those statistics of people getting laid off are our neighbors, our friends. They might be stitching a shoe or they may be someone wearing a tie to a managerial job, but now in June every corner of this state we know people have lost their jobs and they will never go back to work at that same rate of pay and they will never have the security. It turned out to be a false sense of security. We are in June and what direction is the unemployment rate pointing? This is the season where the unemployment rate drops. The arrow is pointing up. About the only sector of the economy that is up, ironically, is the value of your house and that is because the housing shortage we have in some areas of the state. The only way that you can keep up is to re-mortgage your house or sell your house. That is called moving ahead in Maine.

If you come down into Kittery, the malls, the discount places, they are an economic engine that provides money for GPA, for people in need in this state. It is like a pipeline coming into this Maine state government. It allows us to do the things we want to do. If you start talking to the store owners, the managers and the people that work there, things were great, January, February, March and April. The first week of May it collapsed. It went flat. There was an article in the *Portland Press Herald* yesterday, Contractor working, but I am not going to buy any machines, because I have been through the shutdown of the economy. I have been there. I don't want to go there again. I think for some of you that the stock market was so bloody and the analyst during that downturn said that it went so bloody because so many new investors had never gone through a downturn. They didn't understand what it was. They always thought the cash cow or the market would continue. As I look at bonds and I look at this budget, we are almost in that same kind of mentality. The cash cow will go on forever. You know in terms of economics that you go through cycles. It looks like the cycle has changed. That affects our revenues. I think I am opposed to the taxes. I am opposed to the philosophy that drives this. I am afraid in your rush to spend that you create the possibility, no one can assure me on this floor the opposite, of coming back here in January into a nightmare. When we begin to cut current services, rather than new and expanded services, that will be a trauma that none of us, because every one that is here cares about the people in your district, you do not want to put them through that trauma. If you do this today, you start us down the road and then you collectively have to hold your breath until January and hope and pray every night that history won't repeat itself in terms of what Maine state government had to do in the early '90s.

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

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I will be supporting this budget. I urge the Majority of this House to do so. I will tell you why. It is because of the property tax relief that is included in the budget. I know we have heard a lot about the burden of taxes as part of this budget, but if we look around this state at what is going on, the pain that people are feeling, it is by the unavoidable burden of property taxes and they are going up in every corner of our state. The only mechanism that we allow our local municipalities or the vast majority of what they can do for revenues is what we allow them to raise through the property tax. As has been argued, they have the discretion over two numbers and that is the mill rate. For some of the communities in the state, that is actually one number, but that is the extent of what they have available. In this budget we have the ability to give them real substantial and enduring property tax relief. For me when I weigh out all of the things that are at issue here, that is the decisive factor. I hope that the members of this body will see it that way as well and vote for property tax relief in this budget. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I spent a lot of time going around to diners in Lewiston talking to people. You can probably tell that just by looking at me. I meet with a lot of senior citizens there. They like to go there, have a breakfast, talk, hang out. When those diners increase their coffee by a nickel from 50 cents to 55 cents, it is the end of the world. It is a big upheaval with this increase, because they are used to going there. That is what we are doing. These are the people that can't afford it, these senior citizens that are going to these little diners that are now going to

be paying 7 percent taxes. It will easily be about the same as that nickel every day for just a breakfast. When they go for other meals or they go to hang out, those are the people that we are hitting. The people who have a little more money go to the Class A restaurants. They don't find that cheap diner to go to where you can get a good meal at a good price, which is what Maine is known for. They go where they can spend a little more money. They don't care, but yet those are the people we are hitting with this tax.

The good Representative from Biddeford, Representative Twomey, said that this budget gives something to this side of the aisle. It protects the BETR Program. I like the BETR Program, but I would rather not tax those poor people, which there are an awful lot more of in the diners, than protect that program that only goes to a few people. I don't want to go home and tell the people of Lewiston you have to pay more for a Happy Meal so that Wal-Mart can get a kick back. If I had to choose, that would be my choice. You have heard about property tax relief. My answer again was we should have more money in this budget for the GPA. We have raised taxes and we still haven't put more money for GPA. That is real property tax relief. We all know that. It is not only education. It is property tax relief that these same senior citizens are now going to have to pay more now when they have to go out to eat. They are going to have to pay more to keep their homes.

As far as tax on smoking, I hate smoking, I volunteer to go speak to organizations against smoking. I hate it. It is the worst thing. I hate being around smokers. They are people too and we just keep bludgeoning them and bludgeoning them and bludgeoning them and no one will stand up. If you stand up and say it is wrong, you are bought off by the tobacco industry. I am not for sale. I am not even for rent to them. I am not a smoker. When are we going to stop beating these people up? Who are we beating up when we put a tax on cigarettes? Poor smokers. Again, if they are wealthy, they don't care, but if they are picking up empties, like the gentlemen in Representative Young's district, they are the ones that are suffering. That is what this is doing. We are suffering. We are making our most poor and needy suffer for this tax. It is a very regressive tax.

I guess, like the good Representative from Eliot, coming from a district that is opposite. It has been a while since a Republican has won up there. The people of Lewiston don't have the kind of money to spend on this. A lot of them are retired. We are hitting them that are out of work in general. We are hitting Maine citizens with the worst, the most regressive tax. We are making the poorest Maine citizens suffer. If you want to go after some other revenue sources, that is fine. This could easily be made up for with the laptop money. We heard that was one-time money. The net operating loss carry back that we just voted on that was one-time money too. Just like I don't want to say the things that we charge you more to take your kids to McDonalds for a Happy Meal so we can give Wal-Mart a kickback. I don't want to go home and say we raised your taxes on your same meals so that our Executive could have his legacy. Thank you.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. Funny things seem to happen on the way to the budget vote. We went from a love fest last night and birthing babies to wondering if we are even going to have a budget now. I thought at one time we would hold hands and sing Kumbaya last night. All of a sudden now the gloves seemed to have come off and we don't know where we are going. I think that is just wonderful. I am ready to stay here a couple of months if we need to. I can start singing the South Portland budget song again. I am in no rush. I am here to represent the people of South Portland.

When it comes to those people who are going to buy the Happy Meal, who are lining up in the corner store to buy their morning pack of cigarettes and a breakfast sandwich, Representative Wheeler is right, we need to educate those people. The stuff they are ingesting is not good food.

For a number of years we increased the cigarette tax because we knew these are the people that are driving the cost of Medicaid and Medicare because they continue to ingest poisons and we pay for it. Every member who is in this room, that is not a freshman, had a hand in that. Times were good and that was all right to do. Times aren't so good now and now we all want to point fingers and it is not a good thing to do. These people are still ingesting poisons. Where do we go? What do we do? I say what we need to do is take the good that is in this budget, let's run with it. Let's vote on it. Let's go home and let's come back in January and work with the next budget. Let's move on.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. I once said that I was a resident of Bushey Circle, which is in the Town of Lewiston, which is in the County of Androscoggin, which is in the State of Maine. When I was elected here, yes, I was elected to represent the people in a part of Lewiston. Goodness gracious, I think I am supposed to represent all of the people of Lewiston, all the people of Androscoggin County and all of the people of the State of Maine. When we have representatives that come up and say, I am representing the people of South Portland or I am representing the people in Biddeford or I am representing the people in Kittery, I say to you that you are being selfish. You are here to represent the people of Maine, nothing more, nothing less. It is all the people of Maine who will benefit from this budget. Some of us will probably benefit a little bit more than others. Some of us will benefit a little bit less. This is a budget that needs to be done and it needs to be done quickly now because we just messed up the first part. It should have been done back in April. It would have been done in April if across the way here, they would have been a little bit more cooperative. They weren't, so now we are stuck with this mess. It is fine. Maybe there will be other times that we can tinker with this in January of next year or what have you, but I want to remind people that these two little taxes that they keep talking about. When I was working in the mill in Lisbon Falls, I couldn't afford to buy the sandwich in the sandwich shop. I brought my own croissant sandwich from home. I used to smoke. I didn't smoke that much, just a pack of cigarettes a day. I quit 30 years ago and 30 years ago the nonsmokers were in the minority. Right now the nonsmokers are in the majority. We are not in the minority anymore. We are in the majority. Those people that want to continue smoking and kill themselves as they are going along, it ain't going to bother me any. It will probably bother them. They have a choice. They can save all that money just by quitting, which is exactly what I did 30 years ago. Those of you who think that children are going to continue smoking at a young age and that this isn't going to stop them, look at the statistics all around the country, it does stop them from starting to smoke. If it doesn't stop the kids, it is us that we have to blame because we are the ones that are giving them the allowance that allows them to buy those cigarettes at \$3 and \$4 a pack. If I had a child or a grandchild coming to me and asking for \$3 to buy a pack of cigarettes, I would tell them to go out and weed some in the garden then maybe I might consider it, but not until then. When are we going to start thinking that we are adults and that we have responsibilities, not just for two or three people or just a certain segment of the state, but the whole State of Maine. We are at

the cross roads now where we have to do something and the time is up. Thank you.

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

#### ROLL CALL NO. 433

YEA - Ash, Bagley, 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, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Morrison, Muse C, Norbert, Norton, O'Brien LL, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

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

ABSENT - Bowles, Buck, Duncan, Labrecque, Lovett, O'Neil, Peavey, Pinkham, Smith, Watson.

Yes, 83; No, 58; Absent, 10; Excused, 0.

83 having voted in the affirmative and 58 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-724) as Amended by House Amendment "I" (H-740), House Amendment "L" (H-747), Senate Amendment "D" (S-367) and Senate Amendment "E" (S-368) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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

#### ENACTORS

##### Acts

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for Fiscal Years Ending June 30, 2002 and June 30, 2003

(H.P. 655) (L.D. 855)

(H. "I" H-740, H. "L" H-747, S. "D" S-367 and S. "E" S-368 to C. "A" H-724)

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

On motion of Representative WATERHOUSE of Bridgton, 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 Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I know this is pointless, but I ask you to please think of the people of Maine and let's not punish them with new taxes just because they choose to live here.

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. 434**

YEA - Ash, Bagley, 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, Goodwin, Green, Hall, Hatch, Hawes, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Morrison, Muse C, Norbert, Norton, O'Brien LL, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

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

ABSENT - Bowles, Buck, Crabtree, Duncan, Hutton, Labrecque, Lovett, Michael, O'Neil, Peavey, Pinkham, Smith, Watson.

Yes, 83; No, 55; Absent, 13; Excused, 0.

83 having voted in the affirmative and 55 voted in the negative, with 13 being absent, and accordingly and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. I offer a humble apology to the Representative from South Portland, the Representative from Biddeford and the Representative from Eliot for the remark that I used.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 651)

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO SUPPORT STATES' EFFORTS FOR ELECTION REFORM**

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

WHEREAS, Maine citizens believe election outcomes are rightfully determined by voters, not state and federal courts of law; and

WHEREAS, in recent local, state and federal elections, outdated voting technology and numerous other problems concerning the election process in the nation as a whole have led to action in state and federal courts; and

WHEREAS, concerns about the integrity of the voting process, whether well-founded or not, point to the inadequacies of voting procedures that exist nationwide; and

WHEREAS, we wish to acknowledge the citizens' desire to channel these concerns into action to result in substantial election reform that will ensure nondiscriminatory equal access to the election system for all voters, including seniors and the disabled and minority, military and overseas citizens, and to ensure the complete and accurate counting of all valid votes cast; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the Congress of the United States to support significant reforms to our nation's voting system; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of the Maine Congressional Delegation in support of major electoral reform in order to ensure that the true intent of the country's voters determines the outcome of all future elections.

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

**READ.**

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. This Joint Resolution is similar in title to one that we saw earlier this session, but in content quite a bit different. It memorializes Congress, requesting Congress to devote resources toward election reform in the country, following some problems that were highlighted by the recent Florida election, but certainly weren't limited to Florida or to that particular election.

This was never intended either in the beginning or now to be a partisan effort. In keeping with that, I worked very closely with the Representative from Sanford, Representative Bowles, to hammer out some language that would gain the respect of both parties in trying to address the issue of confusing elections, of a confusing situation that might end up in the courts, a situation where judges are making decisions about outcomes of elections instead of the voters. I don't think it serves either party to have elections removed from the context of the voting booth. In keeping with that and working with my Republican colleague, I think we have hammered out some language that I am hoping that most of us can find agreeable. I want to let everybody know that the intention behind this is not partisan. It is bipartisan and I have worked very hard with members across the aisle to try and find language that we could all agree on. That is it.

I am having distributed right now an article that I read recently in the *New York Times* in that the Secretary of State from Florida, Catherine Harris, mentions that despite the great strides that the State of Florida has made in reforming its system. There is a need for resources to really finalize, really ultimately improve the inadequacies that they identify. Further, the Secretary of State from the State of Arkansas, who I believe is the Chair of the National Conference of Secretary of States, in the final paragraph of that article it mentions that it is very important for people to contact members of Congress to try and urge the Congress to devote resources to this very important issue, which is a bipartisan issue. I think this is a great way for the Maine State Legislature to do just that, to get the attention of our members of Congress and encourage them to enact some reform and to devote some federal resources to this issue. I

thank you all for your time. I hope both parties will join with me in supporting this Joint Resolution.

Representative KASPRZAK of Newport **REQUESTED** a roll call on **ADOPTION**.

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, Members of the House. I remember this piece of legislation very well. I stood here and I asked that author of the legislation and leadership to take a step back and take a deep breath. I thank you for having done that. I have read this and I believe there was a genuine effort to fix the problems that were with it. I really appreciate that. I know it is late in the session and we are all tired and want to go home, but sometimes even if we disagree on issues or we come from different sides of an issue, we have to recognize sometimes when people do good things. I would like to thank the author of this for doing a good thing. I ask that you support this.

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

**ROLL CALL NO. 435**

YEA - Andrews, Ash, Bagley, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Annis, Chase, Clough, Cressey, Duprey, Foster, Kasprzak, MacDougall, McKenney, Stedman, Tobin J, Treadwell, Waterhouse.

ABSENT - Bowles, Bryant, Buck, Crabtree, Duncan, Hutton, Labrecque, Lovett, O'Neil, Peavey, Pinkham, Smith, Watson.

Yes, 125; No, 13; Absent, 13; Excused, 0.

125 having voted in the affirmative and 13 voted in the negative, with 13 being absent, and accordingly the Joint Resolution was **ADOPTED** in concurrence.

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

**ENACTORS**

**Emergency Measure**

An Act Concerning the Penalties for Late Filing of Accelerated Campaign Reporting Under the Maine Clean Election Act

(H.P. 1352) (L.D. 1809)  
(S. "B" S-363 and S. "C" S-370 to C. "A" H-718)

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

Representative MAYO of Bath asked leave of the House to be excused from voting on L.D. 1809 pursuant to House Rule 401.12.

The Chair granted the request.

Representative BERRY of Belmont asked leave of the House to be excused from voting on L.D. 1809 pursuant to House Rule 401.12.

The Chair granted the request.

Representative COLLINS of Wells asked leave of the House to be excused from voting on L.D. 1809 pursuant to House Rule 401.12.

The Chair granted the request.

Representative BUMPS of China asked leave of the House to be excused from voting on L.D. 1809 pursuant to House Rule 401.12.

The Chair granted the request.

Representative LaVERDIERE of Wilton asked leave of the House to be excused from voting on L.D. 1809 pursuant to House Rule 401.12.

The Chair granted the request.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 6 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials

(H.P. 1085) (L.D. 1454)

(C. "A" H-445)

- In House, **FINALLY PASSED** on May 17, 2001.

- In Senate, **FINALLY PASSED** on May 18, 2001.

- **RECALLED** from the Governor's Desk pursuant to Joint Order (S.P. 631)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-445) AS AMENDED BY SENATE AMENDMENT "A" (S-376)** thereto in **NON-CONCURRENCE**.

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

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

**REPORTS OF COMMITTEE**

**Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel" (EMERGENCY)

(H.P. 1295) (L.D. 1765)

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

That the House **RECEDE** from Passage to be Engrossed as Amended by House Amendment "A" (H-553) as Amended by House Amendment "A" (H-572) thereto and **COMMIT** the Bill and

accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

That the Senate **RECEDE** and **CONCUR** with the House.

Signed:

Representatives:

RICHARDSON of Brunswick

LaVERDIERE of Wilton

MADORE of Augusta

Senators:

ROTUNDO of Androscoggin

NUTTING of Androscoggin

DAVIS of Piscataquis

The Committee of Conference Report was **READ** and **ACCEPTED**.

The House voted to **RECEDE**.

Representative **MENDROS** of Lewiston **REQUESTED** a roll call on the motion to **COMMIT** the Bill and accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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 Commit the Bill and Accompanying Papers to the Committee on Education and Cultural Affairs. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 436**

**YEA** - Andrews, Annis, Ash, Bagley, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Haskell, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Treadwell, Tuttle, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

**NAY** - Davis, Hall, MacDougall, Mendros, Michael, Thomas, Trahan, Twomey.

**ABSENT** - Bowles, Buck, Duncan, Green, Hutton, Labrecque, Lovett, Nass, O'Neil, Peavey, Pinkham, Smith, Watson.

Yes, 130; No, 8; Absent, 13; Excused, 0.

130 having voted in the affirmative and 8 voted in the negative, with 13 being absent, and accordingly the Bill and all accompanying papers were **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and sent for concurrence.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Capitalize the School Revolving Renovation Fund for Repairs and Improvements in Public School Facilities to Address Health, Safety and Compliance

Deficiencies, General Renovation Needs and Learning Space Upgrades"

(S.P. 549) (L.D. 1707)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-357)** in the House on June 19, 2001.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-358)** in **NON-CONCURRENCE**.

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

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

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Provide Adequate Facilities for Business Expansion or Relocation in the State"

(S.P. 438) (L.D. 1440)

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

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

**ENACTORS**

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Fund Improvements to Equipment and Technology at Vocational High Schools Statewide

(S.P. 437) (L.D. 1439)

(C. "A" S-352)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 112 voted in favor of the same and 24 against, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 30) (L.D. 30) Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-749)**

On motion of Representative **LaVERDIERE** of Wilton, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-749)** was **READ** by the Clerk and **ADOPTED**.



On motion of Representative LaVERDIERE of Wilton, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-749)** was **ADOPTED**.

On further motion of the same Representative, Joint Rule 311 was **SUSPENDED** for the purpose of entertaining an amendment.

The same Representative presented **House Amendment "A" (H-750)** to **Committee Amendment "A" (H-749)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Wilton, Representative LaVerdiere.

**Representative LAVERDIERE**: Mr. Speaker, Men and Women of the House. The purpose of this amendment is just to add a number of items to the errors bill that came in too late for the committee to review carefully. The committee has reviewed all of the other items in the errors bill, but these came in so late that we were not able to do so. They are being added on by virtue of this amendment. Thank you.

**House Amendment "A" (H-750) to Committee Amendment "A" (H-749)** was **ADOPTED**.

**Committee Amendment "A" (H-749) as Amended by House Amendment "A" (H-750)** 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" (H-749) as Amended by House Amendment "A" (H-750)** thereto and sent for concurrence.

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

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

**Representative MICHAEL**: Mr. Speaker, Ladies and Gentlemen of the House. Earlier after the break when we voted on the budget, I mistook the roll call bell for the calling in bell and missed that roll call. Had I been here, I would have voted against enactment of the budget, LD 855.

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**ENACTORS**  
**Bond Issue**

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$61,000,000 to Match Available Federal Funds for Improvements to Highways and Bridges, Airports, Public Transit and Ferry Facilities; Development of Rail, Trail and Marine Infrastructure; and Improvements to Intermodal Facilities Statewide

(S.P. 450) (L.D. 1504)  
(C. "A" S-361)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 100 voted in favor of the same and 9 against, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Address the Affordable Housing Crisis in the State"

(S.P. 506) (L.D. 1593)

Report "A" (8) **OUGHT TO PASS AS AMENDED** of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-354)** in the House on June 19, 2001.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "C" (1) **OUGHT TO PASS AS AMENDED** of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-356)** in **NON-CONCURRENCE**.

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

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

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**ENACTORS**

**Emergency Measure**

Resolve, to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials

(H.P. 1085) (L.D. 1454)  
(S. "A" S-376 to C. "A" H-445)

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. 109 voted in favor of the same and 13 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Capitalize the School Revolving Renovation Fund for Repairs and Improvements in Public School Facilities to Address Health, Safety and Compliance Deficiencies, General Renovation Needs and Learning Space Upgrades

(S.P. 549) (L.D. 1707)  
(C. "B" S-358)

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

Representative COLWELL of Gardiner **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.

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

**ROLL CALL NO. 437**

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bull, Bumps, Bunker, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Crabtree, Cressey, Duprey, Foster, Kasprzak, MacDougall, Pinkham, Sherman, Waterhouse.

ABSENT - Bagley, Bryant, Buck, Canavan, Hutton, Labrecque, Laverriere-Boucher, Lovett, Madore, Marrache, Michaud, Norton, O'Neil, Peavey, Smith, Stedman, Watson, Wheeler GJ.

Yes, 124; No, 9; Absent, 18; Excused, 0.

124 having voted in the affirmative and 9 voted in the negative, with 18 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**UNFINISHED BUSINESS**

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

An Act to Make Supplemental Highway Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2001, June 30, 2002 and June 30, 2003 (EMERGENCY)

(S.P. 388) (L.D. 1285)

(C. "A" S-344)

TABLED - June 18, 2001 (Till Later Today) by Representative FISHER of Brewer.

PENDING - **PASSAGE TO BE ENACTED.**

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

Representative COLWELL of Gardiner **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. 438**

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr,

Chick, Chizmar, Clark, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Waterhouse, Weston, Winsor, Young, Mr. Speaker.

NAY - Chase, Clough, Collins, Cressey, Duprey, Kasprzak, MacDougall, Michael, Nass, Pinkham, Stedman, Treadwell, Wheeler EM.

ABSENT - Bagley, Buck, Goodwin, Hutton, Labrecque, Lovett, O'Neil, Peavey, Smith, Watson, Wheeler GJ.

Yes, 127; No, 13; Absent, 11; Excused, 0.

127 having voted in the affirmative and 13 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, to Extend the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft (EMERGENCY)

(H.P. 28) (L.D. 28)

**FINALLY PASSED** in the House on March 27, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-21)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-21)** and **SENATE AMENDMENT "A" (S-379)** in **NON-CONCURRENCE.**

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

**Non-Concurrent Matter**

An Act to Promote Dam Safety

(H.P. 379) (L.D. 481)

**PASSED TO BE ENACTED** in the House on May 29, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-559)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-559)** AS **AMENDED BY SENATE AMENDMENT "A" (S-380)** thereto in **NON-CONCURRENCE.**

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

**Non-Concurrent Matter**

An Act to Ensure Access to Assisted Living Services Programs

(H.P. 653) (L.D. 853)

**PASSED TO BE ENACTED** in the House on May 24, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489) AS AMENDED BY HOUSE AMENDMENT "A" (H-508)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-392)** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Resolve, Extending the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security

(H.P. 777) (L.D. 1021)

**FINALLY PASSED** in the House on May 1, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-381)** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

An Act to Extend the Youth in Need of Services Oversight Committee (EMERGENCY)

(H.P. 780) (L.D. 1024)

**PASSED TO BE ENACTED** in the House on May 3, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-207)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-207) AS AMENDED BY SENATE AMENDMENT "A" (S-390)** thereto in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

An Act Regarding the Care and Treatment of Persons with Mental Illness Who Are Incarcerated (EMERGENCY)

(S.P. 331) (L.D. 1099)

**PASSED TO BE ENACTED** in the House on May 24, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-239)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-239) AS AMENDED BY SENATE AMENDMENT "A" (S-382)** thereto in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

An Act to Encourage the Use of Locally Grown Foods in School Food Service Programs

(S.P. 376) (L.D. 1214)

**PASSED TO BE ENACTED** in the House on May 22, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-174)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-174) AS AMENDED BY SENATE AMENDMENT "A" (S-391)** thereto in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

An Act to Implement the Recommendations of the Task Force on Educational Programming at Juvenile Correctional Facilities

(H.P. 982) (L.D. 1306)

**PASSED TO BE ENACTED** in the House on June 5, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-667)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-667) and SENATE AMENDMENT "A" (S-384)** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Resolve, Directing the Maine Science and Technology Foundation to Determine the Technological, Economic and Public Policy Challenges and Opportunities for the Deployment of Broadband Information Technology Infrastructure to all Parts of the State (EMERGENCY)

(S.P. 513) (L.D. 1632)

**FINALLY PASSED** in the House on May 3, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-107)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-107) AS AMENDED BY SENATE AMENDMENT "A" (S-385)** thereto in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

An Act to Establish for an Additional Two Years the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine (EMERGENCY)

(S.P. 568) (L.D. 1732)

**PASSED TO BE ENACTED** in the House on May 30, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180) AS AMENDED BY HOUSE AMENDMENT "A" (H-573)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180) AS AMENDED BY SENATE AMENDMENT "A" (S-386)** thereto in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Resolve, to Establish the Blue Ribbon Commission on Postsecondary Educational Attainment (EMERGENCY)

(S.P. 616) (L.D. 1797)

**FINALLY PASSED** in the House on June 6, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-314)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-314) AS**

**AMENDED BY SENATE AMENDMENT "A" (S-389) thereto in NON-CONCURRENCE.**

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

**Non-Concurrent Matter**

An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine

(H.P. 1353) (L.D. 1810)

**PASSED TO BE ENACTED** in the House on June 6, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-658)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-658)** and **SENATE AMENDMENT "B" (S-387)** in **NON-CONCURRENCE.**

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

**Non-Concurrent Matter**

An Act to Increase the Limit on Earnings for Beneficiaries of Disability Retirement Benefits (EMERGENCY)

(H.P. 94) (L.D. 98)

**PASSED TO BE ENACTED** in the House on May 1, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133)** AS **AMENDED BY SENATE AMENDMENT "A" (S-394)** thereto in **NON-CONCURRENCE.**

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

**Non-Concurrent Matter**

An Act to Establish a Lottery Game to Improve Purses for Maine Harness Racing and to Enhance Penalties for Use of Illegal Gambling Machines

(S.P. 480) (L.D. 1544)

**PASSED TO BE ENACTED** in the House on May 23, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-228)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-228)** AS **AMENDED BY SENATE AMENDMENT "A" (S-395)** thereto in **NON-CONCURRENCE.**

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

**Non-Concurrent Matter**

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)

**FINALLY PASSED** in the House on June 8, 2001. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-684)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-684)** and **SENATE AMENDMENT "A" (S-393)** in **NON-CONCURRENCE.**

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

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

**ENACTORS**

**Acts**

An Act to Increase Access to Health Care

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

(H. "C" H-748 to C. "A" H-639)

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. 439**

**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, Jacobs, Jones, Kane, Koffman, LaVerdiere, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

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

**ABSENT** - Bagley, Buck, Duprey, Labrecque, Landry, Laverriere-Boucher, Ledwin, Lovett, Peavey, Smith, Tessier, Watson, Weston, Wheeler GJ, Winsor.

Yes, 85; No, 51; Absent, 15; Excused, 0.

85 having voted in the affirmative and 51 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**ENACTORS**

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 to Address the Affordable Housing Crisis in the State

(S.P. 506) (L.D. 1593)

(C. "C" S-356)

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

Representative COLWELL of Gardiner **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.

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

**ROLL CALL NO. 440**

YEA - Ash, Baker, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bryant, Bull, Bumps, Canavan, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Green, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michaud, Mitchell, Morrison, Murphy T, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

NAY - Annis, Belanger, Bruno, Carr, Cressey, Daigle, Foster, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Ledwin, MacDougall, McKenney, McNeil, Nass, Nutting, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin J, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Andrews, Bagley, Buck, Bunker, Chase, Cote, Crabtree, Dugay, Duprey, Estes, Goodwin, Hall, Labrecque, Landry, Lovett, Mayo, Michael, Murphy E, Muse C, Muse K, Peavey, Perkins, Quint, Smith, Watson, Wheeler GJ.

Yes, 93; No, 32; Absent, 26; Excused, 0.

93 having voted in the affirmative and 32 voted in the negative, with 26 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, to Extend the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft

(H.P. 28) (L.D. 28)  
(C. "A" H-21; S. "A" S-379)

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. 110 voted in favor of the same and 13 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act to Promote Dam Safety

(H.P. 379) (L.D. 481)  
(S. "A" S-380 to C. "A" H-559)

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

**Emergency Measure**

An Act to Ensure Access to Assisted Living Services Programs

(H.P. 653) (L.D. 853)  
(S. "A" S-392)

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

Representative MENDROS of Lewiston **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. 441**

YEA - Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Canavan, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cowger, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy T, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Kasprzak, Pinkham, Stedman.

ABSENT - Andrews, Bagley, Buck, Bunker, Chase, Cote, Crabtree, Duprey, Estes, Goodwin, Hall, Labrecque, Landry, Lovett, Murphy E, Muse C, Muse K, Peavey, Perkins, Smith, Watson, Wheeler GJ.

Yes, 126; No, 3; Absent, 22; Excused, 0.

126 having voted in the affirmative and 3 voted in the negative, with 22 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Resolves**

Resolve, Extending the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security

(H.P. 777) (L.D. 1021)  
(S. "A" S-381)

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

**ENACTORS**

**ENACTORS**

**Emergency Measure**

An Act to Extend the Youth in Need of Services Oversight Committee

(H.P. 780) (L.D. 1024)  
(S. "A" S-390 to C. "A" H-207)

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. 114 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 Regarding the Care and Treatment of Persons with Mental Illness Who are Incarcerated

(S.P. 331) (L.D. 1099)  
(S. "A" S-382 to C. "A" S-239)

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. 114 voted in favor of the same and 11 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Establish for an Additional Two Years the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

(S.P. 568) (L.D. 1732)  
(S. "A" S-386 to C. "A" S-180)

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. 111 voted in favor of the same and 14 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, to Establish the Blue Ribbon Commission on Postsecondary Educational Attainment

(S.P. 616) (L.D. 1797)  
(S. "A" S-389 to C. "A" S-314)

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. 107 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.

**Emergency Measure**

An Act to Increase the Limit on Earnings for Beneficiaries of Disability Retirement Benefits

(H.P. 94) (L.D. 98)  
(S. "A" S-394 to C. "A" H-133)

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.

**Acts**

An Act to Enhance Penalties for Use of Illegal Gambling Machines

(S.P. 480) (L.D. 1544)  
(S. "A" S-395 to C. "A" S-228)

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

On motion of Representative MICHAEL of Auburn, was **SET ASIDE**.

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

**ENACTORS**

**Emergency Measure**

Resolve, Directing the Maine Science and Technology Foundation to Determine the Technological, Economic and Public Policy Challenges and Opportunities for the Deployment of Broadband Information Technology Infrastructure to all Parts of the State

(S.P. 513) (L.D. 1632)  
(S. "A" S-385 to C. "A" S-107)

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. 107 voted in favor of the same and 11 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Mandate**

An Act to Implement the Recommendations of the Task Force on Educational Programming at Juvenile Correctional Facilities

(H.P. 982) (L.D. 1306)  
(S. "A" S-384; C. "A" H-667)

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

Representative COLWELL of Gardiner **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)

**ENACTORS**

**Emergency Measure**

Resolve, to Require Further Study of the Effect and Cost Impact of Mental Illness on the State and Private Health Insurance

(H.P. 1364) (L.D. 1821)  
(S. "A" S-393; H. "A" H-684)

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

Representative MENDROS of Lewiston **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. 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. 442**

YEA - Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Canavan, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy T, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Cressey, Haskell, Jodrey, Kasprzak, Ledwin, MacDougall, Mendros, Michael, Pinkham, Sherman, Snowe-Mello, Stedman, Treadwell, Waterhouse.

ABSENT - Andrews, Bagley, Buck, Bunker, Chase, Cote, Crabtree, Duprey, Estes, Goodwin, Hall, Labrecque, Landry, Lovett, Murphy E, Muse C, Muse K, Peavey, Smith, Watson, Weston, Wheeler GJ.

Yes, 115; No, 14; Absent, 22; Excused, 0.

115 having voted in the affirmative and 14 voted in the negative, with 22 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act to Encourage the Use of Locally Grown Foods in School Food Service Programs

(S.P. 376) (L.D. 1214)  
(S. "A" S-391 to S. "A" S-174)

An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine

(H.P. 1353) (L.D. 1810)  
(S. "B" S-387; C. "A" H-658)

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**.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-372)** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$26,500,000 for Capital Infrastructure at the University of Maine

System and the Maine Maritime Academy, and Research and Development Equipment and Infrastructure"

(S.P. 551) (L.D. 1709)

Signed:

Senators:

GOLDTHWAIT of Hancock  
CATHCART of Penobscot

Representatives:

BERRY of Livermore  
MAILHOT of Lewiston  
TESSIER of Fairfield  
BRANNIGAN of Portland  
ETNIER of Harpswell  
JONES of Greenville  
ROSEN of Bucksport

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

Signed:

Senator:

MILLS of Somerset

Representatives:

NASS of Acton  
WINSOR of Norway  
BELANGER of Caribou

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-372) AS AMENDED BY SENATE AMENDMENTS "A" (S-375) AND "B" (S-377)** thereto.

**READ.**

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

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I am going to ask for your patience for a moment. I believe where we are going to end up is with the position of the other body and it needs to be an action taken to the existing motion. I would ask you to support this motion.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-372)** was **READ** by the Clerk.

**Senate Amendment "A" (S-375)** to **Committee Amendment "A" (S-372)** was **READ** by the Clerk.

On motion of Representative BERRY of Livermore, **Senate Amendment "A" (S-375)** to **Committee Amendment "A" (S-372)** was **INDEFINITELY POSTPONED**.

**Senate Amendment "B" (S-377)** to **Committee Amendment "A" (S-372)** was **READ** by the Clerk.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. Thank you for your cooperation. I will try to get with motions here. The Majority Report of the committee had recommended for research and development bond issue an original amount of \$8 million for Biomedical Research Fund and \$2 million for the Maine Marine Research Fund. The motion that is before us is what is left of Senate Amendment "B." Senate Amendment "B" is in the amount of \$5 million. That is the total amount of the bond. It reduces the Biomedical Research Fund from \$8 million to \$4 million. It reduces the allocation to the Marine Research Fund from \$2 million to \$1 million. The Senate Amendment "A" that was stripped off was another \$10 million. It was both amendments. One of them should have been stripped off. This bond process has been a bit awkward. I admit that I didn't spend as much time as I probably could have trying to put



together a package as we have in the past in the Appropriations Committee. The process has been in the hands of the other body. I am not happy about that, but it is near the final hours and I think this is where we are going to be. I hope you will support this because research and development is important to the State of Maine that we make some investments that will create some jobs that will be with good benefits and have some ongoing benefits to the state. Thank you very much.

**Senate Amendment "B" (S-377) to Committee Amendment "A" (S-372) was ADOPTED.**

**Committee Amendment "A" (S-372) as Amended by Senate Amendment "B" (S-377) 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-372) as Amended by Senate Amendment "B" (S-377)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act Concerning Tax Anticipation Notes and Authorizing Expenditures for Funding among Pharmaceutical Benefits Programs" (EMERGENCY)

(H.P. 1382) (L.D. 1830)

Presented by Representative BERRY of Livermore. (GOVERNOR'S BILL)

Cosponsored by Senator GOLDTHWAIT of Hancock and Representative: NASS of Acton, Senator: MILLS of Somerset.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

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

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

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

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

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

Representative **GLYNN**: Mr. Speaker, Men and Women of the House. It is my understanding that right now we have three prescription drug programs, the Drugs for the Elderly, the Maine RX Program and the Healthy Maine Medicaid Program. It is my understanding that under the Healthy Maine Program that we have signed up about 55,000 people since June 1st and with a goal of 225,000 people. We have the problem right now with our federal waiver, or at least it has come into question, with what has happened with the State of Vermont and our program is modeled under the same one, it is mirrored after it. My question is, how is that affected and addressed by this amendment with Part B?

The **SPEAKER**: The Representative from South Portland, Representative Glynn has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. There are two things going on here, I think. One, we

had some discussion in the past about the state's increasing cash flow needs or cash flow problems. The \$100 million tax anticipation note issue included in this proposal is something that has been around for a while. In July of this year, over the past year we have used up somewhere between \$200 and \$250 million of cash. We just passed today another \$80 million of spending. By next month, we will be back into daily cash flow issues, at least that is the projection right now. The State of Maine needed to go back to borrowing in anticipation of taxes because of this. The \$100 million in tax anticipation notes is something that has been around a while. Incidentally, tax anticipation notes are borrowed, but it has to be paid back at the end of the fiscal year. This is not, at least in theory, something that is going to affect our long-term debt structure. It costs money. Again, it is not free. Now comes some court cases, at least one of which has been going on for a while, that affected the Maine RX Program. It was intended to go in favor of the state, unexpectedly and a couple of weeks ago another court case, which has really affected the State of Vermont on the waiver program, it probably will affect the State of Maine. Because of that, the administration has asked for some flexibility in dealing with these now large uncertainties as to what is going to happen with these prescription drug programs. In the case of the newest one, they had begun issuing cards. There are literally thousands of cards out there that they are retrieving. We have started up the newest program and we may be forced to end it. We don't know. The administration needs the flexibility and in combination with the potential borrowing offer by the tax anticipation note needs, and we were convinced, we ought to have the flexibility of switching between the already approved and already authorized programs that provide prescription drug benefits for those people who are currently eligible. I would ask you to focus on two things. You all have a copy of the bill. One, obviously is the \$100 million in tax anticipation and the other is on page 2, the middle of the page under Part B, Section B1, the underlined words, which are the operative words, I believe, for this particular issue. Thank you.

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

**ORDERS**

On motion of Representative COLWELL of Gardiner, the following Joint Order: (H.P. 1388)

**ORDERED**, the Senate concurring, that the following specified matters be held over to any special or regular session of the 120th Legislature.

Agriculture, Conservation and Forestry

H.P. 1062, L.D. 1425 - An Act to Establish a Fund for Marketing and Improvements in Agricultural Fairs.

S.P. 463, L.D. 1516 - An Act to Support Family Farms.

S.P. 470, L.D. 1534 - An Act to Prohibit Grocery Stores From Charging Maine Farmers Access Fees, Slotting Fees and Rebates.

S.P. 598, L.D. 1771 - Resolve, to Establish the Maine Cattle Health Assurance Program.

Appropriations and Financial Affairs

S.P. 186, L.D. 658 - An Act to Continue Funding for the Maine Microenterprise Initiative Fund.

H.P. 546, L.D. 701 - An Act to Build Parking Garages in Service Center Municipalities.

H.P. 674, L.D. 874 - An Act to Increase the Operating Subsidy to the Casco Bay Island Transit District.



H.P. 863, L.D. 1135 - An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Testing of Marine Dredge Spoils and the Proper Disposal of Spoils that are Special or Hazardous Waste.

H.P. 1362, L.D. 1819 - An Act to Give the Maine Technical College System Limited Revenue Bonding Authority.

Banking and Insurance

H.P. 472, L.D. 600 - An Act to Implement the Recommendations of the Joint Select Committee on School-based Health Care Services.

S.P. 217, L.D. 782 - An Act to Ensure Health Maintenance Organization Accountability.

H.P. 1151, L.D. 1554 - An Act to Allow Health Insurance Premiums to be Eligible for Medical Savings Accounts.

H.P. 1205, L.D. 1627 - An Act to Ensure Equality in Mental Health Coverage.

H.P. 1324, L.D. 1784 - An Act to Lower Costs in the Small Group Market.

S.P. 622, L.D. 1804 - An Act to Improve the Accessibility and Affordability of Health Care Benefits in the State.

Business and Economic Development

H.P. 213, L.D. 248 - An Act to Promote Economic Development in Rural Maine.

H.P. 532, L.D. 687 - An Act to Maintain a Centralized Database for Schedule II Prescriptions Dispensed by Pharmacies in the State.

H.P. 948, L.D. 1262 - An Act to Properly Apply Jurisdiction of Chimney Regulation.

H.P. 1107, L.D. 1476 - An Act to Require Continuing Education in the Cosmetology, Manicuring, Aesthetics and Barbering Fields.

S.P. 444, L.D. 1498 - Resolve, to Require the Collection of Health Care Practitioner Workforce Data.

S.P. 541, L.D. 1672 - An Act to Create the Washington County Development Authority.

H.P. 1273, L.D. 1731 - An Act to Require Registration of Building Contractors.

H.P. 1286, L.D. 1749 - Resolve, to Establish a Commission to Review Internet Policy.

Criminal Justice

S.P. 173, L.D. 601 - An Act to Provide for Relief from Mandatory Minimum Sentences in Certain Cases.

H.P. 526, L.D. 681 - An Act to Amend the Law Concerning Possession of Firearms by Persons Convicted in Other States.

H.P. 951, L.D. 1265 - An Act to Clarify the Criminal Extradition Laws.

H.P. 993, L.D. 1330 - Resolve, Establishing the Commission to Examine the Maine Correctional Institute.

H.P. 1123, L.D. 1492 - An Act to Improve Treatment of Persons with Mental Illness in Maine's Jails and Prisons.

H.P. 1198, L.D. 1620 - An Act to Enact Mandatory Minimum Sentences for Firearms Offenses to Make the State Eligible for Firearms Sentencing Incentive Grants.

H.P. 1216, L.D. 1657 - An Act to Improve Emergency Medical Services by Expanding the Pool of Qualified Emergency Medical Services Personnel.

Education and Cultural Affairs

S.P. 9, L.D. 1 - An Act to Phase Out Community Income Considerations from the School Funding Formula.

H.P. 364, L.D. 466 - An Act to Remove Liability from School Units When Releasing Information on School Employees Accused of Crimes.

H.P. 373, L.D. 475 - An Act to Govern Fees Assessed by the Bureau of General Services that Apply to School Construction Projects.

H.P. 414, L.D. 535 - An Act to Expand Educational Opportunities.

H.P. 685, L.D. 889 - An Act to Establish a Mandated Minimum for Teachers' Salaries.

S.P. 321, L.D. 1089 - An Act to Improve Taxpayer Equity in School Funding.

H.P. 1117, L.D. 1486 - An Act to Create the Child Development Services Advisory Committee.

H.P. 1157, L.D. 1557 - An Act to Exempt the City of Waterville, the Town of Winslow and School Administrative District 47 and School Administrative District 49 from Lease Limitations on Educational Structures.

S.P. 491, L.D. 1580 - An Act to Fund the Implementation of Student Achievement Standards by Fulfilling the State Commitment to Fund 55% of Public Education Costs for Kindergarten to Grade 12.

H.P. 1295, L.D. 1765 - An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel.

Health and Human Services

H.P. 190, L.D. 201 - An Act to License Freestanding Birth Centers.

S.P. 183, L.D. 611 - An Act to Create a Pilot Project to Fully Implement the Maine Medical Marijuana Act of 1998.

H.P. 663, L.D. 863 - Resolve, to Establish Crisis Assessment and Triage Centers for Children in the State.

H.P. 694, L.D. 898 - An Act to Improve Public Health in the State.

S.P. 317, L.D. 1085 - Resolve, to Improve Staffing in Health Care Settings.

S.P. 370, L.D. 1208 - An Act to Plan for the Delivery of Developmental Disabilities and Autism Services.

H.P. 1009, L.D. 1346 - Resolve, to Establish a Commission to Study the Health Care Workforce Shortage.

S.P. 419, L.D. 1363 - An Act to Reduce Medical Errors and Improve Patient Health.

S.P. 459, L.D. 1512 - An Act to Increase Long-term Care Options for Low-income Citizens of the State.

S.P. 461, L.D. 1514 - An Act to Ensure Fairness in the Regulation and Reimbursement of Nursing Facilities.

S.P. 481, L.D. 1545 - An Act to Increase the Supply of Medical Services to Consumers.

S.P. 501, L.D. 1588 - An Act to Appropriate Funds for a Study to Determine the Feasibility of a Medical School in Maine.

H.P. 1180, L.D. 1603 - An Act to Expand Family Life Education in Maine Schools.

S.P. 592, L.D. 1768 - An Act to Create a Comprehensive Prescription Insurance Plan for Maine Seniors through the Implementation of the Recommendations of the Heinz Family Philanthropies Report.

S.P. 619, L.D. 1799 - An Act to Strengthen the Certificate of Need Law.

Inland Fisheries and Wildlife

H.P. 43, L.D. 52 - An Act to Limit the Number of Chances a Person Has in the Moose Lottery.  
 H.P. 130, L.D. 141 - Resolve, for a Multi-year Experimental Program to Test the Effectiveness of Stocking Smelt in Maine Waters.  
 H.P. 251, L.D. 287 - An Act to Allow the Use of Cage Traps for Bear.  
 H.P. 420, L.D. 541 - An Act to Provide a New Opportunity in the Moose Lottery.  
 H.P. 580, L.D. 735 - An Act to Allow October Fishing.  
 H.P. 606, L.D. 761 - An Act Pertaining to Bear Hunting Permits.

Judiciary

H.P. 191, L.D. 202 - An Act to Improve Maine's Jail Diversion Programs.  
 H.P. 283, L.D. 361 - An Act to Adopt the Model Business Corporation Act in Maine.  
 H.P. 1173, L.D. 1573 - An Act to Enact the Uniform Principal and Income Act of 1997.  
 H.P. 1202, L.D. 1624 - An Act Concerning the Payment of Child Support.  
 S.P. 539, L.D. 1670 - An Act Regarding Child Abandonment.  
 H.P. 1274, L.D. 1734 - An Act to Promote Safe Schools.  
 H.P. 1307, L.D. 1770 - An Act Regarding Conversions of Nonprofit Entities to For-profit Entities.

Labor

H.P. 415, L.D. 536 - An Act to Define and Revise Noncompete Employment Contracts.  
 H.P. 647, L.D. 847 - An Act to Examine Issues Regarding the Canadian Workforce.  
 H.P. 762, L.D. 981 - An Act to Amend the Laws Governing the Maine Unemployment Insurance Commission.  
 H.P. 771, L.D. 1015 - An Act Regarding Health Insurance for Firefighters.  
 S.P. 373, L.D. 1211 - An Act to Supplement Benefits for State Employees and Teachers whose Pensions are Subject to Reductions Enacted in 1993.  
 H.P. 944, L.D. 1258 - An Act to Make the Unemployment Insurance Program More Responsive to the Needs of Today's Workforce.  
 S.P. 507, L.D. 1594 - An Act to Provide Disclosure and Financial Protections to Temporary Workers.  
 S.P. 510, L.D. 1629 - An Act to Increase the State Share of Health Insurance for Certain Retired Teachers.  
 H.P. 1283, L.D. 1746 - An Act to Amend the Workers' Compensation Laws to Provide for a Rebuttable Presumption of Eligibility for Benefits for Hepatitis or Hepatic Disease for Firefighters and Emergency Medical Services Personnel.

Legal and Veterans Affairs

H.P. 253, L.D. 289 - An Act Regarding Horse Racing.  
 H.P. 1003, L.D. 1340 - An Act to Hold an Advisory Referendum on Term Limits.  
 H.P. 1144, L.D. 1532 - An Act to Amend the Governmental Ethics Laws Administered by the Commission on Governmental Ethics and Election Practices.  
 H.P. 1288, L.D. 1752 - An Act to Update the Department of Defense, Veterans and Emergency Management Laws.

Marine Resources

H.P. 335, L.D. 425 - An Act to Restrict the Use of Gill Nets.  
 H.P. 792, L.D. 1036 - An Act to Create a State Program for the Testing of Marine Dredge Spoils and Disposal of Contaminated Spoils.  
 H.P. 1065, L.D. 1428 - An Act to Amend the Aquaculture Leasing Law.

Natural Resources

H.P. 1109, L.D. 1478 - An Act to Amend Maine's Growth Management Law and Related Laws.  
 H.P. 1119, L.D. 1488 - An Act to Require Major Water Users to Provide Public Information About Their Annual Water Withdrawals from Public Water Resources.  
 H.P. 1211, L.D. 1643 - An Act to Provide Criteria for the Municipal Use of Rate of Growth Ordinances.

State and Local Government

H.P. 441, L.D. 562 - An Act to Allow Municipalities to Create Capital Improvement Districts.  
 H.P. 846, L.D. 1118 - An Act to Enact the Paperwork Reduction Act.  
 H.P. 904, L.D. 1218 - An Act to Amend the Calculation for Annual County Tax Assessments.  
 H.P. 1146, L.D. 1549 - An Act to Amend the Organization of Washington County Government.  
 S.P. 499, L.D. 1586 - An Act to Separate Territory from the Town of Falmouth and Annex it to the City of Portland.  
 H.P. 1231, L.D. 1678 - RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish the Legislative Compensation Commission.

Taxation

S.P. 242, L.D. 810 - An Act to Amend the Laws Governing the Deduction of Pension and Retirement Benefits from State Income Tax.  
 S.P. 251, L.D. 883 - An Act to Return a Percentage of Sales and Use Tax to Municipalities.  
 S.P. 262, L.D. 909 - An Act to Improve the Circuit Breaker Program Application Process.  
 H.P. 1170, L.D. 1570 - An Act to Update the Property Tax Exemption for Pollution Control Facilities to Promote Clean Production through Pollution Prevention and Toxics Use Reduction.

Transportation

H.P. 386, L.D. 507 - An Act to Provide Property Tax Relief from the Cost of Public Transportation.  
 H.P. 400, L.D. 521 - An Act to Adopt the Canadian Highway Weight Standards.

Utilities and Energy

H.P. 330, L.D. 420 - An Act to Strengthen Energy Conservation.  
 H.P. 506, L.D. 646 - An Act to Establish the Maine Energy Advisory Council.  
 S.P. 332, L.D. 1139 - An Act to Ensure Access to Energy Markets for Maine's Small Hydroelectric Facilities.  
 S.P. 432, L.D. 1412 - An Act Relating to the Transfer of Certain Privileges Bestowed by the Legislature upon Great Northern Paper, Inc. to Great Northern Energy, LLC.

**READ and PASSED.**

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

On motion of Speaker SAXL of Portland, the following Joint Order: (H.P. 1383)

WHEREAS, the joint study order establishes the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated; and

WHEREAS, persons with mental illness who are incarcerated in the county jails and state prisons need proper care and treatment that is safe and humane; and

WHEREAS, corrections officers and others in the jails and prisons who are responsible for persons with mental illness who are in their custody require proper training to care for these inmates; and

WHEREAS, the current corrections system does not provide adequate care for incarcerated persons with mental illness, nor does it provide those responsible for the care with the tools and training necessary to provide care; and

WHEREAS, the Legislature would benefit from a study of the needs of persons with mental illness who are incarcerated in Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated is established as follows.

1. Committee established. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated, referred to in this order as the "committee," is established.

2. Committee membership. The committee consists of the 13 members of the Joint Standing Committee on Criminal Justice.

3. Chairs. The Senate chair and the House chair of the Joint Standing Committee on Criminal Justice shall serve as the chairs of the committee.

4. Meetings; public hearings. The chairs of the committee shall call and convene the first meeting of the committee no later than 45 days after passage of this order. The committee may hold up to 6 meetings, 3 of which may be public hearings held in locations throughout the State.

5. Duties. The committee shall invite the participation of experts and interested parties, gather information and request necessary data from public and private entities in order to:

A. Evaluate the availability and appropriateness of current mental health services for persons incarcerated in Department of Corrections facilities and in county jails, including but not limited to: access to forensic beds for prisoners in need of that level of mental health intervention; the provision of mental health services within the institutions provided by or in partnership with the Department of Mental Health, Mental Retardation and Substance Abuse Services; and involuntary medication of prisoners with mental illness;

B. Identify what additional mental health services are needed for incarcerated persons and how those services may best be implemented, provided and funded;

C. Identify what mental health training is required for law enforcement and corrections officers who work in corrections facilities and jails and how that training may best be implemented, provided and funded; and

D. Identify steps necessary for county jails to seek and achieve accreditation.

The experts and interested parties with whom the committee may consult include but are not limited to the following: representatives from the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services; representatives from state, county and municipal law enforcement; persons with mental illness who were formerly incarcerated in a Department of Corrections facility

or a county jail; parents or guardians of persons with mental illness who are or were formerly incarcerated in a Department of Corrections facility or a county jail; representatives from advocacy groups for persons with mental illness; and representatives from community mental health agencies. The committee also may consult with other interested parties who may provide additional information.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. The members of the committee are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee.

8. Report. The committee shall submit its report, together with any necessary implementing legislation, to the Legislature no later than December 5, 2001. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

9. Budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

**READ and PASSED.**

Sent for concurrence.

On motion of Speaker SAXL of Portland, the following Joint Order: (H.P. 1384)

WHEREAS, it is necessary and vital to the people of the State that Maine's fishing heritage be preserved; and

WHEREAS, this order convenes a committee to study waterfront access and other policies concerning the commercial fishing industry; and

WHEREAS, the Legislature would benefit from a study of issues and recommendations regarding loss of waterfront access for commercial fishing and economic development issues affecting commercial fishing; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing is established as follows.

1. Committee established. The Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing, referred to in this order as the "committee," is established.

2. Committee membership. The committee consists of 10 members appointed as follows:

A. One Senator appointed by the President of the Senate;

B. Three members of the House of Representatives, at least one of whom serves on the Joint Standing Committee on Marine Resources, appointed by the Speaker of the House of Representatives;

C. Two members representing the fishing industry, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

D. Two members of the general public, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives. The member appointed by the

Speaker of the House of Representatives must be a representative of municipal government; and

E. The Governor is invited to appoint 2 members representing state agencies that regulate the fishing industry.

3. Chairs. The first named Senator is the Senate chair of the committee and the first named member of the House is the House chair of the committee.

4. Appointments; meetings. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once the appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee no later than August 15, 2001.

5. Duties. The committee shall review current policy regarding the State's fishing industry and make recommendations to preserve the fishing industry. Specifically, the committee shall address the following issues:

A. Waterfront access for commercial fisheries, including zoning restrictions, municipal comprehensive plans, current-use taxation, smart growth and set asides; and

B. Economic development, including incentives and disincentives, taxation policies, promotion and marketing issues, financing and workforce development.

6. Staffing. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide staffing services to the committee. The Department of Marine Resources and the Executive Department, State Planning Office shall provide information and assistance as requested by the chairs of the committee.

7. Compensation. Members of the committee who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee. Other members of the committee who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

8. Report. The committee shall submit its report, together with any recommended implementing legislation, to the Joint Standing Committee on Marine Resources no later than December 5, 2001. The Joint Standing Committee on Marine Resources may report out a bill during the Second Regular Session of the 120th Legislature concerning the findings and recommendations of the committee. If the committee requires a limited extension of time to complete its report, it may apply to the Legislative Council, which may grant the extension.

9. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall promptly provide the committee chairs and staff with a status

report on the committee's budget, expenditures incurred and paid and available funds.

**READ and PASSED.**

Sent for concurrence.

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On motion of Speaker SAXL of Portland, the following Joint Order: (H.P. 1387)

WHEREAS, this joint study order establishes the Committee to Study Access to Private and Public Lands in Maine; and

WHEREAS, the charge of this committee is vital to the interests of Maine citizens and camp and business owners in this State; and

WHEREAS, the spring and summer months begin the seasons of peak use of the Maine woods for Maine citizens and tourists and, therefore, are the optimal time for the committee to gather information and study issues related to access to lands; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study Access to Private and Public Lands in Maine is established as follows.

1. Committee established. The Committee to Study Access to Private and Public Lands in Maine, referred to in this order as the "committee," is established.

2. Committee membership; chairs. The legislative members appointed to the Committee to Study Access to Private and Public Lands in Maine pursuant to Joint Order 1999, House Paper 1951 shall continue to serve on that committee. The Legislators serving as chairs shall continue to serve in that capacity.

3. Meetings. The chairs shall call and convene the first meeting of the committee within 30 days of adjournment of the First Regular Session of the 120th Legislature. The committee shall hold not more than 4 meetings.

4. Duties. The committee shall fulfill all the duties required by Joint Order 1999, House Paper 1951 and shall:

A. Determine the status of public access to flowed lakes in the State;

B. Review and report on the issue of the division and sale of land by timber companies and the private acquisition of large tracts of undeveloped land surrounding the State's great ponds;

C. Consider policy options to promote continued access to public and private land; and

D. Work with the Department of Inland Fisheries and Wildlife and the Department of Conservation, Bureau of Forestry to develop a map that shows significant areas in the State where public access is restricted, prohibited or permitted with the payment of a fee.

5. Report. The committee shall submit its report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry not later than December 5, 2001. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 120th Legislature not later than December 5, 2001. If the committee requires a limited extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide staffing assistance to the committee.

7. Compensation. Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

8. Budget. The chairs of the committee, with the assistance from the committee staff, shall administer the committee's budget. The committee may not incur expenses exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee and its staff with a status report on the committee's budget, expenditures incurred and remaining available funds.

**READ and PASSED.**

Sent for concurrence.

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

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On motion of Representative WHEELER of Bridgewater, the House adjourned at 11:52 p.m., until 11:30 a.m., Thursday, June 21, 2001 in honor and lasting tribute to Caleb Carter and Brooke Carter, the Children of Mr. & Mrs. Hilton Carter of Bridgewater.