

MAINE STATE LEGISLATURE

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

Volume II

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May 18, 2001 – June 22, 2001

Second Regular Session

January 2, 2002 – March 6, 2002

Pages 890-1770

ONE HUNDRED AND TWENTIETH LEGISLATURE
SECOND REGULAR SESSION
14th Legislative Day
Tuesday, February 12, 2002

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

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

Prayer by Reverend Doctor Jesse P. James, Riverview Community Parish, South Gardiner.
National Anthem by Camden Hills Regional High School Chamber Singers, Rockport.
Pledge of Allegiance.
Doctor of the day, Harry Grimmnitz, M.D., Augusta.
The Journal of Thursday, February 7, 2002 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 768)

ORDERED, the House concurring, that the Joint Standing Committee on Criminal Justice report out, to the Senate, legislation regarding the County Jail Prisoner Support and Community Corrections Fund.

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

The following Joint Order: (S.P. 769)

ORDERED, the House concurring, that the Joint Standing Committee on Business and Economic Development and the Joint Standing Committee on Judiciary jointly report out, to the Senate, legislation regarding the establishing of a statewide prescription and controlled substances monitoring and intervention program.

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

Non-Concurrent Matter

Bill "An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole"

(H.P. 827) (L.D. 1081)

Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE READ** and **ACCEPTED** in the House on January 25, 2002.

Came from the Senate with the Majority (8) **OUGHT TO PASS** Report of the Committee on **CRIMINAL JUSTICE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

On motion of Representative POVICH of Ellsworth, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 374)

THE UNIVERSITY OF MAINE
MARGARET CHASE SMITH CENTER FOR PUBLIC POLICY
5715 COBURN HALL
ORONO, MAINE 04469

February 5, 2002

Honorable Millicent M. MacFarland
Clerk of the House of Representatives
2 State House Station
Augusta, ME 04333

Re: Maine State Government Summer Internship Program 2001 Annual Report

Dear Clerk MacFarland:

In accordance with 1967 Public Law, Chapter 493, Section 294, Item 8, I am enclosing copies of the 2001 Maine State Government Summer Internship Report for distribution to the Members of the Maine House of Representatives.

The Maine State Government Summer Internship Program is a full-time, 12-week, paid work experience in a state agency. The Program combines work experience with an educational program designed to provide students an opportunity to participate in and contribute to Maine State Government.

Thank you for your assistance in making this Report available to the Members of the House.

Yours truly,

S/Suzanne K. Hart
Research Associate

Director, Maine State Government Summer Internship Program
READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 375)

STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

February 5, 2002

The Honorable Richard A. Bennett, President
The Honorable Michael V. Saxl, Speaker
120th Maine Legislature
State House
Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Maine Milk Commission under the State Government Evaluation Act. In its review, the committee found that the commission is operating within its statutory authority.

Sincerely,

S/Sen. Richard Kneeland
Senate Chair
S/Rep. Linda Rogers McKee
House Chair

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

The Following Communication: (H.C. 376)

STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

February 5, 2002

The Honorable Richard A. Bennett, President
The Honorable Michael V. Saxl, Speaker
120th Maine Legislature
State House

Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Maine Dairy Promotion Board under the State Government Evaluation Act. In its review, the committee found that the board is operating within its statutory authority.

Sincerely,
S/Sen. Richard Kneeland
Senate Chair
S/Rep. Linda Rogers McKee
House Chair

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

The Following Communication: (H.C. 377)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

February 5, 2002

The Honorable Richard A. Bennett, President
The Honorable Michael V. Saxl, Speaker
120th Maine Legislature
State House
Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Maine Dairy & Nutrition Council under the State Government Evaluation Act. In its review, the committee found that the council is operating within its statutory authority.

Sincerely,
S/Sen. Richard Kneeland
Senate Chair
S/Rep. Linda Rogers McKee
House Chair

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Further Protect the Nesting Habitat of Endangered and Threatened Species"

(H.P. 1603) (L.D. 2104)

Sponsored by Representative BROOKS of Winterport.
Cosponsored by Senator NUTTING of Androscoggin and Representatives: COWGER of Hallowell, DUNLAP of Old Town, JODREY of Bethel, JONES of Greenville, LUNDEEN of Mars Hill, McKEE of Wayne, PINEAU of Jay, VOLENIK of Brooklin.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested.

On motion of Representative DUNLAP of Old Town, **TABLED** pending **REFERENCE** and later today assigned.

Pursuant to Joint Order

Joint Standing Committee on Education and Cultural Affairs
Representative RICHARD for the **Joint Standing Committee on Education and Cultural Affairs** pursuant to Joint Order 2001, H.P. 1579 asks leave to report that the accompanying Bill "An Act Regarding Essential Programs and Services"

(H.P. 1602) (L.D. 2103)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.
Sent for concurrence.

Pursuant to Joint Order

Joint Standing Committee on Judiciary
Representative LaVERDIERE for the **Joint Standing Committee on Judiciary** pursuant to Joint Order 2001, H.P. 1601 asks leave to report that the accompanying Bill "An Act to Enact the Maine Professional Service Corporation Act"

(H.P. 1605) (L.D. 2105)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative KANE of Saco, the following Joint Order: (H.P. 1604)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services report out, to the House, a bill naming the new State Mental Health Institute in Augusta.

READ and **PASSED.**
Sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Fund the Endowment Incentive Fund" (EMERGENCY)
(H.P. 33) (L.D. 42)

Signed:

Senators:

GOLDTHWAIT of Hancock
MILLS of Somerset

Representatives:

BERRY of Livermore
MAILHOT of Lewiston
BRANNIGAN of Portland
ETNIER of Harpswell
NASS of Acton
WINSOR of Norway
ROSEN of Bucksport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-782)** on same Bill.

Signed:

Senator:

CATHCART of Penobscot

Representatives:

TESSIER of Fairfield

JONES of Greenville

BELANGER of Caribou

READ.

Representative BERRY of Livermore moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I just want to say upfront that this bill is a necessary bill. It is a great bill. The Representative from Bangor has brought this bill before us several times in the past hoping for funding. It is a great cause. I regretfully am on an Ought Not to Pass report. I stand by that vote. The budget situation that we are facing is the reason that I voted against it. I feel that the members of the committee that have voted against it would look at this as a good program, a part of our initiative to get people to higher education and those opportunities which many of us have supported. I guess I will leave it to you. Thank you Mr. Speaker.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I would like to speak to this bill. It is the endowment incentive. You have heard about it before. I want to try to explain this morning why this bill is absolutely essential at this time in our state's history and our state's economic development. For many, many years New England has been the beacon of higher education. Students and scholars have come from across the country to attend school in New England, but sadly today the regions dominate hold on the higher education market is fading. This is not just Maine. This is all of New England. At one time, and still today, the public institutions in New England have not held the place of respect and prominence that the private colleges have. Those top private colleges in New England and in Maine, Bowdoin, Colby and Bates, are not going to go away. They will remain as they are, top schools. Unfortunately, they have limited enrollments and they are far too expensive for many of our students and that is why it is absolutely imperative that we fund our public institutions, our seven universities and our seven technical colleges and Maine Maritime. This is a bill that helps all 15 of our public institutions.

A lot of us really don't want to know this or hear this, but the sad fact is that none of the state supported institutions in all of New England rank in the top tier. They are second tier in Connecticut, Massachusetts, Vermont and New Hampshire. The University of Maine and the University of Southern Maine actually rank in the third tier. Two of our state institutions rank in the fourth tier. Why is this a problem? It is a problem because we are losing our own Maine students out of state at twice the national average. It is not particularly higher than students in New England leave their states, but in Maine we cannot afford that. Students who leave the state are 10 times more likely to stay out of state. The problem with our third and fourth tier institutions, except in Farmington, is that we are not able to draw students from those other 49 states to come in and build our economy. Higher education has pumped \$15 billion into the New

England economy. For us to lose that means to lose our economic engine.

How do we get to quality? Certainly distance education hasn't done it, sadly. Technology hasn't done it and won't do it. The only way to get to quality is to build and maintain first-class public institutions and that means recruiting top faculty and retaining those faculty and retaining those faculty. It means building R & D, research and development. We lag so far behind that it is just pathetic. It means retaining our students who will build the future of this state. I appreciate the technical colleges and I often hear them called the gem of higher education in Maine. Something is wrong with this picture. We need our universities, as well as our tech colleges, to be gems of higher education. We cannot afford to lose the talented students that we are losing out of state because we don't have universities with top academic reputations. This bill could go a long way to fix this problem. Across the country it is acknowledged that the only way to build quality in colleges and universities is to build the endowment. That means development offices have to go out, beat the bushes and raise money. Here in Maine we have literally encouraged our institutions to come to us and ask for handouts. Handouts for scholarships. Handouts for increased percentages. We don't have the money. The truth of the matter is that Maine universities and technical colleges can raise private money. They just don't have a history of doing that. They need encouragement.

LD 42 is designed to jump start the endowment offices at every campus to go out and raise the matching funds. Right now the University of Maine, I was told the other day, there are three donors waiting for matching funds. This is a limited pool. My original bill asked for \$14 million three sessions ago. What a shame we didn't fund it when we had the money. Last year the bill actually became law, but was funded at a pitiful \$100,000 while we pumped yet another \$1.5 million into scholarships, which are one time.

Do you understand? We have got to think ahead if we are going to improve the quality of public higher education in Maine. My request today is that you would consider, despite the Minority Report, sending this bill to the Appropriations Table. What if there is a small windfall that we can't predict that could actually keep this bill alive, keep those development offices out there, working, learning they can do it because they really can. Maine higher ed has a lot of friends, not just alumni, but businesses and some wealthy friends out of state. It is time for us to start tapping them and I would really like to see us make this kind of commitment today, in this body that we care about all of the public higher institutions in Maine and that we are determined to hold them accountable for high quality so that we can keep Maine students in state. We can draw them here from out of state. We can pump up our economy and we can get about the business of improving the already terrific quality of life in Maine. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. I will be voting against the Ought Not to Pass hoping that we can move to an Ought to Pass on this bill.

I know the current situation with our budget. As you all know, I serve on the Appropriations Committee. However, there are instances where at the very end there are possibilities of funding one-time allocations. It is my understanding that this is, at this time, a one-time allocation of funds. I would like to see this bill go to the Appropriations Committee and sit on the Table in the event that we do have funds that could be made available on a one-time basis.

All of us are aware of the surveys that have been done, the studies that have been done that show that we need to increase the number of bachelor level and graduate level graduates here in the State of Maine. That is one of the ways that we will grow our economy. That is one of the biggest faults in trying to grow a greater, not only research and development economy, but the economy as a whole in the State of Maine.

Therefore, I believe that it is a very important bill that I will vote Ought Not to Pass and hopefully you will do so to.

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

Representative **NASS**: Mr. Speaker, Men and Women of the House. In my opinion, this should not be a debate about the needs of the university. This should be about using tax money to further implement, which I don't think we should ever do, not now, not 10 years from now, not whether we had a lot of money. We should not do this. This is an endowment proposal. We already have an endowment proposal floating around. This is not dissimilar. Endowments should be, in my opinion, raised by philanthropists, graduates of the university system, the same way they are for all of the institutions in this country. We should not be using tax money now, tomorrow or 20 years from now to support an endowment for the University of Maine. I urge you to support the report in front of you. Thank you.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. As you can see, I am on the Minority Report of Ought to Pass. I am for basically two reasons. It has been made abundantly clear to us that in order for this state to prosper, we need a greater percentage of our students going on to post secondary education. This is an opportunity to move that along, although not a great deal, but at least a little bit. I think that this deserves consideration on the Table towards the end of the session. It is interesting to members on the other side of this report to talk about what a wonderful bill this is and a great idea, but unfortunately they can't support funding it. I would say that if it is a wonderful idea, it should be advanced to the Table and should compete with other measures. If we really believe that part of economic growth is better education of our students, then I don't understand why we cannot support this concept. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. Just a couple minutes ago, the gallery emptied of some young people who had hoped would be able to stay and listen to this debate. It is their futures. These are young people who are going to school in Maine and will be looking for an opportunity to stay in Maine, I hope, and study in Maine. This is a bill with a price tag of \$100,000. You are probably going to hear me say, if you serve in the committee that I serve in, that we need to preserve these \$100,000 bills so that we can restore what is being proposed to us in a number of cuts in a number of other areas by the Chief Executive. This is the time when you are going to hear me say, let's go for it. Let's put this on the Appropriations Table. There is a budget reprojected or fiscal reprojected report coming somewhere between the 15th and the 1st of March, sometime in the next couple of weeks, that hopefully will give us a little bit more flexibility and perhaps we will restore some of that money in the \$250 million shortfall that we know we have. If that is the case, then let's take a look at whether or not we want to take \$100,000 and invest it in the future of the children of the State of Maine. Let's not just simply and arbitrarily

send this away. If at the end of the session when we know that we have a much better fiscal picture, then I will join with you in saying no. If it is not sitting on the Appropriations Table at that time, ladies and gentlemen, we will not be able to do it. I suggest with you that we vote, as I am going to, against the motion of Ought Not to Pass, so that we can send this to the table and make a decision at a time when we have a better and clearer and more in focus picture of the economic picture for the state. Thank you.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. I am going to rise this morning to urge you to defeat the pending motion, Ought Not to Pass. As a member of the Education Committee for these last three terms, I certainly am aware of the great needs that we have in higher education here in the State of Maine. We have just conducted a blue ribbon commission on post secondary educational attainment that was brought forth by leadership, both here in the House and in the Senate. What we were asked to look at was the relationship between educational attainment and the economy of Maine.

A strong university and technical college and Maine Maritime System are the engine that make this state run, not just for our students, but students that come from other states to take advantage of the wonderful opportunities that those institutions provide. I know that my good colleague, Representative Baker, when she was on the Education Committee, fought very hard for this endowment. Some of us on the committee were very disappointed with the level of funding that it received last session of only \$100,000. A pittance of what was asked.

The \$100,000, rest assured, was well used to bring down a one-to-one match on each of those campuses that were allocated on a prorated basis amounts of money to put into their foundations as an incentive for people in their community that have direct relationships with those campuses to give generously, a one-to-one match. I know my campus here in Augusta, UMA, was very grateful for that incentive for the people in the greater Augusta community to come forward and to give to their university. I know in talking to the administration at UMA that they could have raised ten times the amount of money if they had had ten times the amount of money allocated to them. I think this is a good bill. I don't know at this point what the amount is that they had requested of Appropriations, maybe someone from Appropriations could explain that to us, but certainly even at the \$100,000 level, that is not a lot to ask. Thank you.

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

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. I rise in support of the good chair of this committee, my friend, Representative Randall Berry, who, along with the rest of us on the Majority Report, with the possible exception of one, didn't vote against this on an arbitrary basis at all, as was referenced by Representative Brooks from Winterport. We voted against this because, although I do believe this is a noble effort and was paired down from the \$14 million original request, the rest of us have a full understanding that this state has been running in the red every day, except maybe one since last Thanksgiving. We have been running in the red to the tunes of tens of millions of dollars every day. When I talk about running in the red, I am including having drained for accounting purposes the Rainy Day Fund and all other reserves in state government. We are running below zero, folks. When the good Representative from Bangor, Representative Baker, refers to a small windfall coming in and saving this well-intentioned bill. It is not going to happen, folks. Even with the best hopes for a

reprojection, which people have already spent a dozen times of \$20 to \$50 million, that still leaves us with around a \$200 million shortfall that we are trying to grapple with in this session. There will be no small windfalls bailing out this bill, I am afraid. I wish there was a huge windfall that would bail out this and a whole bunch of other ones, but realistically speaking, I don't see it happening. Those of us on the committee, those of us here in the chamber and the Chief Executive have recognized that higher education is a priority for this state. As you see in the Chief Executive's budget and you will see coming out of the work of the Appropriations Committee that higher education takes very little hit at all, even given the current economic downturn. Certainly in the Chief Executive's budget it didn't and it is our hope to maintain the highest levels possible, not only for GPA, which takes no hit, compared to what was proposed from last year, but certainly not take anymore from the good higher education institutions of the state. The cuts that have been taken, as you have heard, have been on the backs, by enlarge, of the Health and Human Services and the Mental Health and Mental Retardation areas. I can't go any further down that road. I certainly want to do all I can to fight for higher ed, but given the economic conditions of the state, I can't support this bill at this time. I urge you to support the Ought Not to Pass report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative Thomas.

Representative THOMAS: Mr. Speaker, Men and Women of the House. The previous speaker stood and said that they didn't want to make this bill about the university, but Mr. Speaker, I present to you that this bill is not about the university. We hear time in and time out in the Business and Economic Development Committee that one of the major hurdles that we need to overcome is the lack of an educated workforce that we don't have here in the State of Maine. This bill is about providing the state with a strong workforce that will drive the economy. We don't want to be making these types of decisions between Medicaid and GPA in the future. My good friend Representative Etnier is right. We are running in the red, but right now we have a choice to make, ladies and gentlemen. We can continue to make these Medicare payments, these welfare payments, to an uneducated workforce that is struggling to find decent jobs or we can educate them and provide for a strong and healthy workforce that will drive our economy into a prosperous future. Thank you. I urge you to vote against the Ought Not to Pass motion.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. In my sixth year here, I have known Representative Baker and for the last four years having been fortunate enough to sit next to her. As many of you know, she is a university professor and I am a high school English teacher. I teach grade 11. It has been interesting for us to talk about education, particularly in terms of the large number of students who graduate from high school and the very low number of Maine students who go on to college. I must admit at times we have argued over the right approach, most notably during the time in which there was a very worthy proposal to provide \$14 million in scholarships for freshman students, students who during their four years of high school earned an honor roll average, giving them that first year. I was a very strong proponent of that. I can't tell you the heartbreak that teachers see every year with an aspiration that started in 9th grade fizzling by grade 11, by looking only at tuition costs for either technical college or four-year schools. No matter how much I try some students can't seem to get beyond that. It was in my mind that scholarships would do it.

After listening to Representative Baker and understanding where she was coming from, I began to realize that \$14 million could be three times that much if it were an endowment. That is number one. By the way, endowment proposals are nothing new. We have been looking at one for \$50 million for the past three years. It is paired down a bit, but it is nothing new.

This idea of building a nationally known university is absolutely appealing to me and I will tell you why. I was just at a career night last Tuesday night. There were about 40 parents there. We were talking about schools. It went on for some three hours. One of the things that I kept hearing from parents was top school, top school. My son has done the searches. He wants to go to a good school, a top school. The probable valedictorian of the class, her parents were there. One of the things that she said, even knowing that that student could earn a free ride to the University of Maine at Orono, was unbelievably to me, thinking she would not accept it because she wanted to go to a top school.

Those of you who live in the Farmington area know what wonderful press top school has meant. It is very hard to get into the University of Maine at Farmington today, because they have worked very, very hard. Interestingly enough they were one of the last ones to come on board with technology education distance learning. I think that has only been a very, very recent thing. Representative Baker is right. There may, in fact, be a correlation there between the resistance to that and building a top institution.

I believe if you build it, they will come. I come from the south, South Carolina. North Carolina, on the other hand, always did things better than we did. One of the things they have done much better has been in education. My family lived there, part of them lived there. Their children have a difficult time getting into the University of North Carolina because everybody wants to go there. The same is true in Virginia. The same is true in Vermont and Pennsylvania. Those are public institutions. Folks, donors don't make the distinction between public universities and private universities. They give where there are matching funds. Let's not continue to consider what I would call handouts, but let's do some really good thinking about this. Yes, it is a fairly new idea, but it is a good investment. Maine education, the way education ought to be, I say.

Let's give it a chance. Let it go to the table. As Representative Baker has suggested, we don't know what will happen by then. I hope that we will allow this incremental step toward building a top institution that Maine students want to go to, they want to be a part of, can have an opportunity to get started. Thank you.

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

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

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

Representative WINSOR: Mr. Speaker, Men and Women of the House. I am sorry that my name was used in a local city and it confuses the city. Seriously, this is a pretty serious issue. As a member of the majority that is advocating that you vote for the pending motion, I want you to know that we did consider this seriously.

Just to give you a little bit of information about the bill, this bill was presented in the first session of the Legislature. It was passed by the House and Senate and reached the Table. During that period of time when we had all sorts of money, we were flush in cash, in spite of that, we did not have the combined will to fund

it. The committee, at that time, carried it forward with the hope that we would have more money to reconsider this proposal this term. As everybody in this room is aware, our current fiscal situation is significantly different than it was when we left last spring. I think to think that we, as a group, will have a different combined will as we get ready to adjourn, I think it unrealistic.

Secondly, I wish this bill would do what the proponents advocate. I believe what they are advocating is that this will help send more students to college with the result that more of them will stay in this state to work and to raise their families. The way to do that, in mind, is to lower or tuition rates, generally, in our public schools. Our tuition rates in Maine are among the highest in the country on a per credit hour basis. At the same time our state subsidy is one of the highest in the state, measured in the same way. I don't know what the reason is and people can argue back and forth, but I would hope that the university and the Education Committee would really look into that in detail and try to make college more affordable, generally, for everybody in this state. In my mind, that is the way to make our public institutions more effective and efficient and more attractive to the students in Maine. I think Maine students do go to college at the same rates that other students do in the other states. The problem I think we have is that so many of them go out of state that we don't track them well and we can't verify whether they graduate or not. It is true that many students will try to work in the area in which they go to school and raise their families. Maine has a real problem in that we have a significant number of people who are graduating from school and who are leaving the state because they can't find employment.

The bottom line of this bill is, I think it takes the wrong approach. It intends to subsidize individuals to go to college, when what I think we should be doing is looking with a bigger, broader brush in trying to lower the cost to all students from Maine who attend college. If we do that, I think we will accomplish our combined goal of helping more and more students get a college degree and encourage them to stay in the state and raise their families. Thank you.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I wish to agree with the good Representative who just spoke. The tuition in our public institutions is remarkably high, even the tech colleges, which are considerably lower than the universities. That tuition is way high. Why is that? One problem is that you and we choose to fund 15 public institutions of higher learning in a state with 1.2 million people. This is twice what Connecticut tries to do. We are spread out geographically. We have bought into the need for access on practically every corner, but it is still not working. What do we do? The real handouts are scholarships. I believe we are doing \$13 million to MISIP. I can't get those letters right, but you know which one I mean. It is just an endless handout of money that we are paying for scholarships. The only way to get around that is with building endowments. Businesses know this. Public institutions across the country know this. Right now the University of Texas boasts the largest endowment in the country. It is a public institution. This is the only way to get those institutions to quit coming to us with their hands out expecting us to fund 15 separate institutions with full bureaucracies across this state. We cannot do it at a level of quality. This says to each institution, whether it is the Kennebec Valley Technical College or the University of Maine at Machias or the one where I teach, the University College at Bangor, you have to make the effort. You have to get out and raise the money. We will help jump-start you. We will endow you up to a certain point. These things take on a life of their own.

Success builds success, but we need to be able to say that we are going to jump-start you and you are going to produce quality. Our students are going to vie to get into the University of Southern Maine, the University of Maine at Fort Kent, Eastern Maine Technical College, just like the students in North Carolina vie to get into that public institution or any number of other states across the country who have understood that the only way to do it is endowments. I hope you will give this bill a chance.

What harm can be done to send it to the Table? You have heard that there will be no money, but we will never know. This bill will never have a chance unless we vote today against the pending motion. Thank you.

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

ROLL CALL NO. 472

YEA - Andrews, Annis, Berry DP, Berry RL, Bouffard, Bowles, Brannigan, Bruno, Bryant, Bull, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Crabtree, Cressey, Daigle, Davis, Dudley, Dugay, Duncan, Dunlap, Duprey, Etnier, Fisher, Foster, Gagne, Glynn, Goodwin, Haskell, Heidrich, Jodrey, Kane, Kasprzak, Labrecque, Landry, LaVerdiere, Lemoine, Lessard, MacDougall, Mailhot, McGlocklin, McGowan, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Neil, Patrick, Perkins, Pineau, Pinkham, Povich, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Waterhouse, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Ash, Baker, Belanger, Blanchette, Bliss, Brooks, Bunker, Canavan, Cowger, Cummings, Desmond, Dorr, Duplessie, Estes, Fuller, Gerzofsky, Gooley, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Koffman, Laverriere-Boucher, Ledwin, Lundeen, Madore, Marley, Matthews, McDonough, McKee, McLaughlin, Michaud, Mitchell, Norton, O'Brien JA, O'Brien LL, Paradis, Quint, Richard, Rines, Tessier, Thomas, Twomey, Volenik, Watson, Weston.

ABSENT - Bagley, Buck, Bumps, Green, Hall, Lovett, Marrache, Mayo, Norbert, Peavey, Perry, Richardson, Skoglund, Smith, Tuttle, Mr. Speaker.

Yes, 87; No, 48; Absent, 16; Excused, 0.

87 having voted in the affirmative and 48 voted in the negative, with 16 being absent, and accordingly the Majority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

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

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-779)** on Bill "An Act to Increase the Licensing Fee Caps of the Board of Osteopathic Licensure"

(H.P. 1514) (L.D. 2017)

Signed:

Senators:

SHOREY of Washington
 YOUNGBLOOD of Penobscot
 BROMLEY of Cumberland

Representatives:

THOMAS of Orono

MORRISON of Baileyville
 HATCH of Skowhegan
 DUPREY of Hampden
 RICHARDSON of Brunswick
 BRYANT of Dixfield
 CLOUGH of Scarborough
 DORR of Camden
 MICHAUD of Fort Kent

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

Signed:

Representative:

MURPHY of Kennebunk

READ.

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

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

**CONSENT CALENDAR
 First Day**

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

(H.P. 846) (L.D. 1118) Bill "An Act to Enact the Paperwork Reduction Act" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-790)**

(H.P. 1396) (L.D. 1835) Bill "An Act to Amend the Loan Broker Law" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-789)**

(H.P. 1438) (L.D. 1935) Bill "An Act Concerning the State Board of Funeral Service" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-788)**

(H.P. 1550) (L.D. 2053) Bill "An Act to Clarify the Treatment of Members of Limited Liability Companies Under the Workers' Compensation Laws" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-793)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

**CONSENT CALENDAR
 Second Day**

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

(S.P. 732) (L.D. 2042) Bill "An Act to Make Technical Changes to the Maine State Grant Program"

(H.P. 1405) (L.D. 1843) Bill "An Act to Require that Temporary Nurse Agencies Verify Certified Nursing Assistants' Eligibility Before Hiring Certified Nursing Assistants"

(H.P. 1409) (L.D. 1847) Bill "An Act Regarding Fire Inspections for Foster Homes"

(H.P. 1428) (L.D. 1925) Resolve, to Extend the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security (EMERGENCY)

(H.P. 1452) (L.D. 1949) Bill "An Act to Clarify Roles and Positions within the Department of Behavioral and Developmental Services"

(H.P. 1479) (L.D. 1980) Bill "An Act to Extend the Period During Which the Passamaquoddy Tribe May Acquire Land in the City of Calais"

(H.P. 386) (L.D. 507) Bill "An Act to Provide Property Tax Relief from the Cost of Public Transportation" (C. "A" H-780)

(H.P. 1420) (L.D. 1868) Bill "An Act to Provide Enhancements to the Small Enterprise Growth Program" (C. "A" H-778)

(H.P. 1451) (L.D. 1948) Bill "An Act to Clarify the Method of Sale for Heating Oil and Retail Motor Fuels" (C. "A" H-777)

(H.P. 1519) (L.D. 2023) Bill "An Act to Amend the Election Laws" (C. "A" H-776)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

**BILLS IN THE SECOND READING
 House**

Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2003" (EMERGENCY)

(H.P. 1526) (L.D. 2030)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative ETNIER of Harpswell, was **SET ASIDE**.

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

**ENACTORS
 Emergency Measure**

An Act to Create a Digital Library to Meet the Educational, Research, Business and Economic Needs of Maine

(H.P. 1102) (L.D. 1471)
 (C. "B" H-767)

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

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

Emergency Measure

An Act to Authorize the Formation of Regional County Corrections Authorities

(S.P. 662) (L.D. 1853)
 (C. "A" S-410)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act to Amend the Charter of the Winterport Sewerage District

(H.P. 1418) (L.D. 1862)
(H. "A" H-769 to C. "A" H-761)

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. 131 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, to Allow the Courts to Utilize the Maine Governmental Facilities Authority to Issue a Bond of \$2,500,000 to Finish the Repairs at the Lewiston District Court

(H.P. 1425) (L.D. 1866)
(C. "A" H-760)

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. 106 voted in favor of the same and 25 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act to Amend the Maine Insurance Guaranty Association Act

(S.P. 268) (L.D. 915)
(C. "B" S-402)

An Act to Ensure Continued Reporting of Tax Incentive Recipients

(S.P. 655) (L.D. 1834)
(C. "A" S-408)

An Act to Clarify Licensure for the Operation of Antique Trucks

(H.P. 1397) (L.D. 1836)
(C. "A" H-768)

An Act to Eliminate Unnecessary Filing Requirements for Water Utilities

(H.P. 1399) (L.D. 1838)
(C. "A" H-765)

An Act to Amend the Definition of "Governmental Unit" as It Relates to the Maine Municipal Bond Bank Act

(H.P. 1412) (L.D. 1856)

An Act to Allow Pledging of Medical Education Loans to Secure Bonds to Finance Educational Loans

(S.P. 674) (L.D. 1877)

An Act to Reduce Administration in the Right-of-way Process of the Department of Transportation

(S.P. 679) (L.D. 1881)

An Act to Clarify the Application of Workers' Compensation Coverage Requirements to Wood Harvesters

(H.P. 1549) (L.D. 2052)

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

Resolves

Resolve, Directing the Department of Transportation to Make Recommendations to the Legislature to Provide More Stable Financial Support for the Casco Bay Island Transit District

(H.P. 674) (L.D. 874)
(C. "A" H-762)

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

An Act to Promote Equity Among Health Care Clinics

(S.P. 128) (L.D. 404)
(C. "B" S-403)

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

On motion of Representative ETNIER of Harpswell, was **SET ASIDE**.

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

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

On motion of Representative JACOBS of Turner, the House adjourned at 10:51 a.m., until 9:30 a.m., Wednesday, February 13, 2002 in honor and lasting tribute to Duane "Buzz" D. Fitzgerald.