

MAINE STATE LEGISLATURE

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

Volume III

Second Regular Session

March 7, 2002 – April 25, 2002

First Special Session

November 13, 2002 - November 14, 2002

Pages 1771-2574

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House Legislative Sentiments
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ONE HUNDRED AND TWENTIETH LEGISLATURE
SECOND REGULAR SESSION
43rd Legislative Day
Thursday, April 4, 2002

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

Prayer by Reverend Heidi Chamberland, Winthrop United Methodist Church.

National Anthem by Mt. Blue Voices, Mt. Blue High School, Farmington.

Pledge of Allegiance.

Doctor of the day, Ronald Chicoin, M.D., Lewiston.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Resolve, Authorizing Michelle Booker to Sue the State
(H.P. 1672) (L.D. 2174)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1044) in the House on April 1, 2002.

Came from the Senate **FAILING OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1044) AS AMENDED BY SENATE AMENDMENT "A" (S-568)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Protect Children from Sexual Predators"
(H.P. 1482) (L.D. 1983)

Bill and accompanying Papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE** in the House on April 3, 2002.

Came from the Senate with the Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 447)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

April 3, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 29 An Act to Implement the Recommendations of the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households
- L.D. 1561 An Act to Require Sprinkler Protection in all Secondary and Postsecondary Dormitories
- L.D. 2093 An Act to Promote Cultural Tourism and Economic Growth
- L.D. 2121 An Act to Authorize a General Fund Bond Issue in the Amount of \$9,500,000 to Construct New or Retrofit Existing Pollution Control Structures on Maine Farms to Protect the Environment, to Construct Environmentally Sound Water Sources that Help Avoid Drought Damage to Crops, to Recapitalize the Potato Market Improvement Fund and to Make Renovations and Enhance Wastewater Treatment at the Department of Inland Fisheries and Wildlife's Fish-rearing Facilities
- L.D. 2129 An Act to Authorize a General Fund Bond Issue in the Amount of \$43,000,000 to Improve Homeland Security in Maine, to Renovate a State Office Facility, to Build a New Correctional Facility in Machias and to Make Improvements to the Maine Correctional Center in South Windham

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jill M. Goldthwait

Senate Chair

S/Rep. Randall L. Berry

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 448)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 3, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 2045 An Act to Enhance Consumer-directed Personal Assistance Services for Maine Citizens with Disabilities

We have also notified the sponsor and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Susan W. Longley

Senate Chair

S/Rep. Thomas J. Kane

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 449)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 3, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2180 An Act to Provide Funding for Conservation Education

We have also notified the sponsor and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. David L. Carpenter
Senate Chair
S/Rep. Matthew Dunlap
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 450)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON TAXATION**

April 3, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2161 An Act to Conform the Maine Tax Laws for 2001 With the United States Internal Revenue Code

We have also notified the sponsor and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Kenneth T. Gagnon
Senate Chair
S/Rep. Bonnie Green
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 695)

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

April 2, 2002

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

Dear Clerk MacFarland:

Please be advised the Senate today Adhered to its previous action whereby Bill "An Act to Control Internet 'Spam'" (H.P. 1538) (L.D. 2041) was Passed to Be Engrossed as Amended By Committee Amendment "A" (H-906) As Amended By Senate Amendment "A" (S-520) thereto, in Non-Concurrence.

Sincerely,
S/Pamela L. Cahill
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 696)

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

April 2, 2002

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

Dear Clerk MacFarland:

Please be advised the Senate today Insisted to its previous action whereby Bill "An Act Regarding the Payment of Severance Pay" (H.P. 1551) (L.D. 2054) Accepted Report "B" Ought Not To Pass, in Non-Concurrence.

Sincerely,
S/Pamela L. Cahill
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Speaker SAXL of Portland, the following Joint Resolution: (H.P. 1722) (Under suspension of the rules, cosponsored by President Pro Tem MICHAUD of Penobscot and Representatives: ANDREWS of York, ANNIS of Dover-Foxcroft, ASH of Belfast, BAKER of Bangor, BERRY of Livermore, BLISS of South Portland, BROOKS of Winterport, BRYANT of Dixfield, BULL of Freeport, BUNKER of Kossuth Township, CANAVAN of Waterville, CARR of Lincoln, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUGH of Scarborough, COLWELL of Gardiner, COTE of Lewiston, COWGER of Hallowell, CRESSEY of Baldwin, CUMMINGS of Portland, DESMOND of Mapleton, DUDLEY of Portland, DUGAY of Cherryfield, DUNLAP of Old Town, DUPLESSIE of Westbrook, ESTES of Kittery, FISHER of Brewer, FOSTER of Gray, GAGNE of Buckfield, GERZOFKY of Brunswick, GLYNN of South Portland, GREEN of Monmouth, HASKELL of Milford, HONEY of Boothbay, HUTTON of Bowdoinham, JACOBS of Turner, JONES of Greenville, KANE of Saco, LaVERDIERE of Wilton, LEDWIN of Holden, LORING of the Penobscot Nation, LOVETT of Scarborough, MATTHEWS of Winslow, MAYO of Bath, McDONOUGH of Portland, McGLOCKLIN of Embden, McKEE of Wayne, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MICHAUD of Fort Kent, MORRISON of Baileyville, MURPHY of Berwick, MURPHY of Kennebunk, NORBERT of Portland, NORTON of Bangor, PARADIS of Frenchville, PATRICK of Rumford, PINEAU of Jay, PINKHAM of Lamoine, POVICH of Ellsworth, RICHARD of Madison, RINES of Wiscasset, SAVAGE of Buxton, SHERMAN of Hodgdon, SIMPSON of Auburn, SKOGLUND of St. George, SULLIVAN of Biddeford, TARAWEWICH of Waterboro, TESSIER of Fairfield, THOMAS of Orono, TOBIN of Dexter, TWOMEY of Biddeford, WATSON of Farmingdale, WHEELER of Eliot,

Senators: President BENNETT of Oxford, DAGGETT of Kennebec, RAND of Cumberland, ROTUNDO of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CORRECT INEQUITIES FOR RETIREES DRAWING SOCIAL SECURITY BENEFITS

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

WHEREAS, retirees covered by federal, state or local government retirement programs are facing hardship in retirement; and

WHEREAS, the retirement benefits of these retirees are low and the cost of health insurance is high and climbing every year; and

WHEREAS, added to this bleak economic picture, even though many of these retirees may qualify for Social Security through their own or their spouses' work, Congress will not let them benefit as other citizens do; and

WHEREAS, the first roadblock, the windfall elimination provision of the federal Social Security Act, requires 30 years of "substantial earnings," as rated on a scale, before a retiree is eligible for the full Social Security benefit. If a retiree does not have 30 years, or some years fall below the standard, the Social Security benefit may be reduced or eliminated; therefore, retirees who earned a pension from working for a government agency and also worked part-time under Social Security may see their Social Security benefits reduced or eliminated; and

WHEREAS, the 2nd roadblock, the government pension offset of the federal Social Security Act, reduces the survivor benefit under Social Security by 2/3 of an individual's retirement benefit. This means the death of a spouse of a retiree is a double tragedy because the offset will reduce the family income by 1/3 or more and then freeze it at that level. Any future increase in the retiree's retirement will result in the loss of Social Security benefits; now, therefore, be it

RESOLVED: That We, your Memorialists, support the repeal of the government pension offset and the windfall elimination provision from the federal Social Security Act; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each member of the Maine Congressional Delegation.

READ.

Representative COLWELL of Gardiner **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**: 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. 615

YEA - Andrews, Annis, Ash, Bagley, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard,

Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Baker, Buck, Cummings, Dugay, Green, Landry, McKee, Muse C, Povich, Quint, Young.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the Joint Resolution was **ADOPTED**.

Sent for concurrence.

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

On motion of Representative RICHARDSON of Brunswick, the following Joint Order: (H.P. 1732)

ORDERED, the Senate concurring, that Bill, "An Act to Create the Maine Rural Development Authority," H.P. 1724, L.D. 2212, and all its accompanying papers, be recalled from the Revisor of Statutes, Engrossing Division to the House.

READ and PASSED.

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

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 46)

ORDERED, that Representative Joseph C. Brannigan of Portland be excused Tuesday, March 19th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard A. Crabtree of Hope be excused Tuesday, March 26th and Wednesday, March 27th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Stanley J. Gerzofsky of Brunswick be excused Tuesday, April 2nd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard H. Mailhot of Lewiston be excused Friday, March 22nd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Marc Michaud of Fort Kent be excused Thursday, March 21st and Friday, March 22nd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John R. Morrison of Baileyville be excused Monday, March 25th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William R. Savage of Buxton be excused Friday, March 15th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard H. C. Tracy of Rome be excused Monday, March 25th, Tuesday, March 26th and Wednesday, March 27th for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Dennis P. Hayes, of Farmington, on the occasion of his retirement as Music Director of Mt. Blue High School and S.A.D #9 after 27 years of dedicated service. The music program, both instrumental and voice, has flourished over the years under Mr. Hayes' direction. The Mt. Blue High School Marching Band captured 5 Class A Championships and took part in the 1989 Presidential Inaugural Parade in Washington, D. C. Other accomplishments include the formation of the Mid-Maine Youth Orchestra in 1984, 14 high school plays featuring Broadway musicals and the development of Maine's outstanding school string instrument program in 1979 with over 300 students participating annually. We extend our congratulations and best wishes to him on the occasion of his retirement;

(HLS 1004)

Presented by Representative GOOLEY of Farmington. Cosponsored by Senator WOODCOCK of Franklin, Representative LaVERDIERE of Wilton, Representative McGLOCKLIN of Embden, Representative PINEAU of Jay, Representative JODREY of Bethel.

On **OBJECTION** of Representative GOOLEY of Farmington, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. It certainly is a pleasure to have the Mt. Blue Voices with us here today with the National Anthem and with their program before that. They certainly have done an excellent job. We would like to single out Dennis Hayes here this morning for a special recognition. Dennis's professional life has been music, primarily with Mt. Blue High School and SAD 9. We are proud of both Dennis and his wife, Karen. She is another professional involved in the SAD 9 music program, primarily strings. We want to wish both Dennis and Karen the very best in their future endeavors. Thank you.

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. It is with great pleasure that rise today to honor Dennis Hayes who is retiring after many years of dedicated service to SAD 9. I want the members of the House to know that I have a very personal connection here because both of my children were involved deeply in the music program at Mt. Blue. They participated in many of the activities, including the school play, which was always a big treat and continues to be a big treat for all of the citizens of the area to come and watch the high school do its annual tradition. They have done a fantastic job over the years. They have been led by an individual who really, truly has made music something that is very important to the people of the area. I join with Representative Gooley and others in honoring Dennis on his retirement. The people in the area are much richer and much better off and the students will never, ever forget what they have learned and the spirit that Dennis has brought in terms of music to the area. For that, we thank, very much, Dennis for his years of service and we wish him the best.

PASSED and sent for concurrence.

Recognizing:

the following members of the Mt. Blue High School Boys Ski Team, of Farmington, who won the 2002 Class A State Championship: Machias Schoen, Mitch Groder, Bracken Babula, Tyler Judkins, Jake Hardy, Buzzy Cyr, Ben Saviello, Ben Prentiss, Alex Martin, Eben Bouchard, Tom Aseltine, Tommy Gopsill, Luke Ferreira, John Tompkins, Nelson Emerson, Dan Lightbody, Freeman Scott, Chet Farnum, Nick Gray, Jordan Stevens, Seth Hubbard, Wes Hines, Matt Dunlap, Tim Roberts, Ian McPherran, John Milster, Derrick Pratt, Scott Nichols and Tyler Schoen; and Coaches Jeff Meserve, Jason Simpson, Mark Cyr and Rick Hardy. We extend our congratulations and best wishes to the members of the team on this achievement;

(HLS 1041)

Presented by Representative GOOLEY of Farmington. Cosponsored by Senator WOODCOCK of Franklin, Representative LaVERDIERE of Wilton, Representative PINEAU of Jay, Representative McGLOCKLIN of Embden, Representative JODREY of Bethel.

On **OBJECTION** of Representative GOOLEY of Farmington, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

the following members of the Mt. Blue High School Girls Ski Team, in Farmington, who have won the 2002 Class A State Championship: Courtney Clark, Lauren Stevens, Molly Hardy, Hannah Whitney, Emma Carlson, Allison Demshar, Keelin Cyr, Elena Yates, Alison Tinguely, Kristina Hines, Julia Hoisington, Callie Douglas, Katie Wells, Carly Lochala, Laura Smith, Naomi Allen, Lydia Smith, Anna Dunlap and Bethany Brown; Coaches Jeff Meserve, Jason Simpson, Mark Cyr and Rick Hardy. This is the 11th consecutive Class A Championship for the team, and is a new state record. We extend our congratulations and best wishes to the members of the team on this achievement;

(HLS 1042)

Presented by Representative GOOLEY of Farmington. Cosponsored by Senator WOODCOCK of Franklin, Representative LaVERDIERE of Wilton, Representative PINEAU of Jay, Representative McGLOCKLIN of Embden, Representative JODREY of Bethel.

On **OBJECTION** of Representative GOOLEY of Farmington, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. Once again I proudly stand before you for our Boys and Girls Class A State Champions. I believe for the boys this is the third consecutive and for the girls it is a new record, 11 times. You never know. It is a real proud moment to stand here before you to recognize these young athletes. I remember some of these young skiers in the first grade because I used to teach skiing at Titcomb Ski Area. Some of us go back a long ways. Thank you very much and congratulations.

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. Many of you know that I don't rise very often with regard to sentiments. In fact, in the past year I have stood twice with regard to legislative sentiments and both times were today. I do so gladly today because in addition to Dennis Hayes that we spoke about a minute ago, I am very, very proud of the young athletes that are represented by items (5-5) and (5-6) on your calendar. These individuals are true athletes that

have made the people of SAD 9 very, very proud. As you can see from (5-6) the Mt. Blue High School girls have won their 11th consecutive state championship. That is an incredible feat. Please join with me in recognizing these young athletes for their accomplishments. They make the people of SAD 9 very, very proud. Thank you.

PASSED and sent for concurrence.

Recognizing:

the Catherine McAuley High School Girls Basketball Team, of Portland, on its winning the State Class A Basketball Championship. We send our congratulations to the following members of the team on their successful season: Tricia Freeman, Joanna Minervino, Justine Pouravelis, Regina Champagne, Kara Ebrahim, Sara Marshall, Kate McConnell, Angela Orlando, Gabrielle Stone, Danielle Gagnon, Vanessa Lux, Laura Ridge and Courtney Powers; Coaches Elizabeth Rickett, Tim Strohm, Rachel Knox and Maura Edgecomb; Managers Amrgo Roy and Eva Kecskemethy; and Trainer Ann Marie Bouchard;

(HLS 1106)

Presented by Representative NORBERT of Portland.

Cosponsored by Senator RAND of Cumberland, Senator BRENNAN of Cumberland, Speaker SAXL of Portland, Representative BRANNIGAN of Portland, Representative CUMMINGS of Portland, Representative MARLEY of Portland, Representative DUDLEY of Portland, Representative McDONOUGH of Portland, Representative QUINT of Portland, Representative KANE of Saco, Representative O'NEIL of Saco, Representative MUSE of South Portland, Representative MUSE of Fryeburg, Senator KILKELLY of Lincoln, Representative LEMOINE of Old Orchard Beach, Representative DAIGLE of Arundel, Senator LaFOUNTAIN of York, Representative DAVIS of Falmouth, Representative LABRECQUE of Gorham, Senator O'GARA of Cumberland, Representative MURPHY of Kennebunk, Senator McALEVY of York, Senator PENDLETON of Cumberland, Representative CLOUGH of Scarborough, Senator BROMLEY of Cumberland, Representative LOVETT of Scarborough, Representative GLYNN of South Portland, Representative BLISS of South Portland, Representative COLLINS of Wells, Senator CARPENTER of York.

On **OBJECTION** of Representative NORBERT of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. It is my very great pleasure to welcome the state basketball champions for the girls, Catherine McAuley High School. You all may remember growing up reading the children's book, *The Little Engine that Could*. This is the team that could. Catherine McAuley was in the state championships for its third year in a row and this is the year, finally, when they did it. They brought the gold ball home and we are very proud of them.

You know, Catherine McAuley is a very special school. It has about 300 students so that they have been able to go consistently to the state championship year after year is remarkable. I think it speaks an awful lot about their character, their team spirit and the excellent work that is done by not only the girls who belong to the team, but the trainers, their very special coach, Liz Rickett, with whom I had the pleasure of going to Portland High School and seeing her perform on the basketball court and win us a state championship. Also with them today is the principal of the school Sister Edward Mary who is a dear

friend of ours. You probably know her twin brother rather well, Mr. Ed Kelleher with whom many of us work. We are delighted that she is with us as well.

I just want to commend the team, the little engine that could that did it this year and salute them. I know my fellow Portlanders and the delegation join with me in commending you. Also, if you take a look at the sentiment, we have taken the time to include all members who represent hometowns. As you know, a lot of students go to McAuley from different areas other than Portland. We included you as well. Again, congratulations, girls, and best of luck for next season.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I stand representing Cony. I want to wish you my most sincere congratulations on an incredible season and an incredible game. Those in the chamber may recall that I accepted a challenge from the good Representative from South Portland, Representative Muse, and I really didn't quite understand it. One thing I couldn't understand is how he can claim to be an honorary alumnus of McAuley. I don't quite understand it, but I can probably guess. He challenged me to somehow get a Cony hat. I will tell you that I went to the school to try to buy a Cony hat and they are all out. I will defer to your judgment. If you want a tee shirt or a sweatshirt, you tell me what you want from Cony and I will deliver it to the Representative from Fryeburg, Representative Muse, who will hand it over.

Seriously, I want to say that this was an incredible game and despite Cony making nine three-point shots, which I believe is a record, McAuley pulled it out. If we had to lose, I cannot think of another team that I would be more happy to lose to. I want to thank you for a wonderful and exciting game. Congratulations.

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

Representative **RICHARD**: Mr. Speaker, Ladies and Gentlemen of the House. I would be remiss if I did not stand and congratulate this team, even though you may wonder what connection I, way up in Madison, have with the team. The connection I have is that I had as a student the father of one of these girls. I have watched this team and was just so proud of them last year when they lost because they were such graceful losers. That is one of those things we are supposed to learn in sports, but this year they were so elated and I was elated with them. I want to express my congratulations.

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

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. I, too, rise not because I am an alumnus of McAuley, I wanted to be, but they wouldn't allow me. I don't look very good in a kilt. I am an alumnus of Cheverus and having spent four years at Cheverus High School just down the road from McAuley, I always aspired to saddle up to the girls from McAuley. I am pleased to say this morning I got the opportunity down in the Executive's Office with my good friend from Portland, Representative Norbert. I have to correct him. It was a little bit inappropriate to invoke the little engine that could, because here I stand a little bit over six feet tall and I was about the eighth tallest person in the room. There were some big girls up there and they could play hoop. I am pleased and proud to have been associated with them. It is a fabulous program. Just one little note, my committee is the Committee on Banking and Insurance, our legal analyst, an attorney that helps us decipher and write legislation is an alumnus of McAuley. Her name is Colleen McCarthy Reid. She is one of the brightest lights in this city. It should not go without saying that I am sure that every one of

those girls up there in addition to being a super athlete is an exemplary student. Thank you.

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

Representative MCDONOUGH: Mr. Speaker, Men and Women of the House. We couldn't be any prouder of a team coming from Portland than we are of the girls and their coaches from McAuley. I went to a little school next door to that institution and a lot of my classmates went there. They received a wonderful academic education. As I mentioned before, we are just so happy in the greater Portland area for those students that have attended that school and particularly for the team that we see up here. Those gals have a lot of heart and we are very proud of you.

PASSED and sent for concurrence.

Recognizing:

Travis Magnusson, of Thomaston, who has scored his 2,000th career point in high school basketball at a game in Madison. This achievement is accomplished by only a handful of players. Travis, a senior at Georges Valley High School, has numerous athletic accomplishments in soccer, baseball and basketball. He has been voted Most Valuable Player in all 3 sports, as well as being an excellent student. We acknowledge his remarkable sports and academic record and we extend our congratulations and best wishes to him;

(HLS 1145)

Presented by Representative SKOGLUND of St. George.

Cosponsored by Senator SAVAGE of Knox.

On **OBJECTION** of Representative SKOGLUND of St. George, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

the Waterville Senior High School Science Olympiad Team, winners of the 2002 Maine State Olympiad who will represent the State of Maine in the national competition at the University of Delaware in May: Seniors Brian Esty, Jamitto Fleming, Dan Huber, Chris Montgomery, Alan Priest, John Tuthill and Julie Yeterian; Juniors Chanterelle Butler, Aaron L'Heureux, Thatcher Newkirk, Jesse Remillard and Joseph Spofford; Sophomores Sean Anderson, Colin Donihue, Kristen Huber and Brian L'Heureux; and Head Coach Rosemarie Smith. This is the 7th straight state title for Waterville Senior High School. We extend our congratulations to the team on this remarkable achievement;

(HLS 1149)

Presented by Representative CANAVAN of Waterville.

Cosponsored by Representative MARRACHÉ of Waterville, Senator GAGNON of Kennebec, Representative BUMPS of China, Senator DAGGETT of Kennebec, Representative MITCHELL of Vassalboro, Representative TESSIER of Fairfield.

On **OBJECTION** of Representative CANAVAN of Waterville, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

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

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

Expression of Legislative Sentiment recognizing the Waterville Senior High School Science Olympiad Team.

(HLS 1149)

Which was **TABLED** by Representative CANAVAN of Waterville pending **PASSAGE**.

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

Representative CANAVAN: Mr. Speaker, Men and Women of the House. We tend to hear a lot in this body about what is wrong with the world. It is the nature of the beast because our job, I guess, is to examine issues of the day and to ferret out what is wrong about the environment, education, health insurance, taxes and about a whole host of other issues. It was a welcome relief for me to open up the *Waterville Morning Sentinel* the day before yesterday and to learn what is right with the world. In particular, what is right with our teachers, our students and our educational programs. I am here today to share with you the good news. The Waterville High School Science Olympiad Team has won the Maine State Olympiad Title. It is a title that Waterville High School has won for the seventh straight year. What this indicated to me was that something is very right with our schools and our teachers and our students. What this indicated to me is that there are teachers who are committed and dedicated and who want to help students realize their full potential and that there are young people who are hard working and disciplined and smart and who are willing to do what it takes to compete and win in a competition as fierce as the State Science Olympiad. Just so you understand what winning this competition involves, just to make the team is considered an honor. Winning the competition requires long hours of work and months of discipline and dedication and determination. The students spent many hours studying subjects as diverse as cell biology and aerodynamics and working with elaborate mechanical gadgets. When I read about the work that these students and their teacher do, I was floored. I decided then and there that something is right with our schools and our students and our teachers.

We devote a lot of attention in this body to the accomplishments of sports teams. That is exactly as it should be because athletes work tremendously hard to achieve what they do. I have said here before that my own children were very involved in sports and it helped them to enhance their athletic skills and their self-confidence and their self-esteem. I think it is equally important that we recognize the intellectual accomplishments of our students as well. I am very pleased and proud to be able to honor the tremendous accomplishments of the Waterville High School Science Olympiad Team. The work of their teachers and the students demonstrate clearly what is right with our schools, what is right with our students and what is right with our teachers. Thank you.

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

Representative MARRACHÉ: Mr. Speaker, Men and Women of the House. I, too, rise to congratulate the Waterville Senior High School Science Olympiad Team on their win. I also wish them luck when they go for a national competition. I just wanted to say that since they won for seven straight years, it only proves that the brightest minds in Maine are in Waterville. Thank you.

Subsequently, the Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Seven Members of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-1080)** on 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"

(H.P. 1628) (L.D. 2128)

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

BERRY of Livermore

MAILHOT of Lewiston

TESSIER of Fairfield

BRANNIGAN of Portland

ETNIER of Harpswell

JONES of Greenville

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-1081)** on same Bill.

Signed:

Representatives:

NASS of Acton

WINSOR of Norway

BELANGER of Caribou

ROSEN of Bucksport

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-1082)** on same Bill.

Signed:

Senators:

CATHCART of Penobscot

MILLS of Somerset

READ.

Representative BERRY of Livermore moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. This item before you is the first bond item that the House will see. We have two others reported out of the committee. This is a divided report from the committee. The Report "A" is a bipartisan report of the committee. I want to start with a general overview of the bond package and some of the comments I anticipate. I want to start out by saying as a fourth term Representative, the House Chair of the Appropriations Committee, three terms on the Appropriations Committee, I feel like I have been involved in those terms in some major investments and major strategies in the state. This Legislature has taken a great role in moving us forward in some areas that needed it.

This bond package, there are three reports. I want to speak to Report "A." Report "A" will leave us within less than 5 percent of the total general fund in highway revenues. The Executive has suggested that we use this for future bonded debt is 5 percent of the general fund and highway fund revenues. The total package of all the bonds in Report "A" will be below that number. According to the Moody Bond Rating Company, I think I have some important information from them when we look at the level of bonds.

According to Ann Brossard, a rating analyst at Moody's who evaluates Maine's bonded debt and repayment, Maine's fiscal and financial policies are exemplary and contribute to the high ranking of Maine's bond. Maine has admirable fiscal and financial policies as witnessed by the following. Maine has lower than average debt per capita and debt as a percent of personal income, which makes its bonds highly attractive to investors and to bond rating houses. Maine retires its bonds in 10 years while most states retire their bonds in 15 to 20 years. Maine, unlike a number of other states, has a long-term capital budget and a long-term approach to capital infrastructure investment and budget stabilization. Maine has an outstanding track record of bond repayment and investor's trust. Moody's Bond Rating Company is very impressed by Maine's quick responses to budget deficits and revenue changes. Most states do not respond as quickly and as decisively as Maine in regard to revenue reprojections and budget deficits. Most states reacted too slowly when downturns in the economy occurred last year. Maine was one of the few states that responded quickly when revenues fell and, again, when the economy began to bounce back. Maine has a consistent track record of investment in infrastructure, which is essential to economic growth and development. Wall Street was impressed with Maine's policies and investments in high technology communications and fiber optics transmissions systems. Maine has taken extraordinary steps to address the unfunded liability of the State Retirement System and has reduced the amortization period in which the unfunded liability is completely retired. Maine is one of the few states that have taken charge to control Medicaid spending. Maine's efforts to control drug costs has earned the state considerable credit throughout Wall Street and the bond-rating houses. In addition, Maine's use of prior authorization is another example of controlling Medicaid. While Moody's would not comment on the 90 percent theory, by which a state retires more bonds than it issues. Moody's did indicate that investments in infrastructure improvements are essential to a state's economy and its bond ratings. Moody's does not have any hard and fast rules such as the 5 percent rule by which the state's tax supported debt does not exceed 5 percent of its revenues. As a result, Moody's does not subscribe to the 90 percent theory, which, if taken to its natural conclusion, would reach the point where the state could not issue any more bonds. As a result, infrastructure would disintegrate and capital needs would become so costly that the state could not fund them on a timely basis. Maine's fiscal picture is so good that it makes no difference with respect to its bond rating if the state issues \$80 million of bonds or \$130 million of bonds. The more the state invests in infrastructure, the greater the economic stimulus.

The only weakness the Moody's Bond Rating Company expressed with respect to Maine is the nature of its economy, which it describes as slow-growing and mature. While Moody's does not take state investment in research and development into consideration when it rates state's bonds, this type of investment cannot but help an economy that has a large number of mature industries and firms.

As LD 2128 is proposed by Committee Amendment "A," the first thing that I would point out is it does change the title of the bill. It becomes, "An Act to Authorize a General Fund Bond Issue in the Amount of \$47 million to Capitalize the School Revolving Renovation Fund, to Build a New Correctional Facility in Machias, to Make Improvements to the Maine Correctional Center in South Windham and to Provide Grants to Public Educational Institutions to Install Sprinkler Systems in Dormitories." The Appropriations Committee started their work, in my opinion, I think it was somewhat of a backwards approach for me. Some felt that we needed to identify a number and work within that number. I think it is more important that we look at the needs of the state and look at a responsible way to address those needs in the future and a responsible way to fund them. I think that is within the 5 percent standard. It is reasonable. The Chief Executive had proposed a package of approximately \$118 million. The combination of Report "A" would be at \$130 million, but still below the 5 percent.

The \$290 million of total construction contracts that we have done in recent years, 93 percent of that has gone to local contractors in Maine. Most of the remaining percentage is related to specialty contractors for the corrections projects, especially the security type items. I think when I talk about the bond issues in general, I think of this as a good economic stimulus package also. I think other parts of the country have suggested tax cuts as an economic stimulus. I think it is important that we get some work out there. We do it while the interest rates are still reasonable. We expect they may go up. I would expect them to continue to go up beyond our more immediate future. I think it is timely to do this.

It will take a minute to run down through the pieces of LD 2128. I think I started that, but I will step back a second. One portion of LD 2128 now is the public higher education sprinkler systems. It takes out the private piece. It does provide the grants for the public institutions. It includes the University of Maine System, the Maine Technical College System, Maine Maritime Academy and also the Maine School of Science and Mathematics. This comes from a unanimous committee report from Criminal Justice last year for a \$10 million bond for public and private. The Appropriations Committee in Report "A" does the public portion and it does it as a grant program rather than a loan fund. We figured the costs we pass on to our students, we might just as well do it up front. The importance of the bill, it is financial, but the primary importance of the bill is to preserve life in our dormitories and have safer living spaces. We have seen tragedies in other states where students have died in dormitories. Sometimes there is behavior related to college students that are somewhat hazardous at times. There have been some tragedies in the past and states have found that after these tragedies, they are willing to throw all kinds of money at the problem after the fact. I think this is a proactive measure for us to make our dormitories safe for students. It implements a reasonable plan and it implements the funding to pay for it.

The school renovation portion is \$50 million. This is the fifth and final phase of the Governor's commission on school facilities. With this bond proposal, it completes a \$100 million plan that was started in the previous Legislature. It follows up on that plan to address the health and safety needs in our schools throughout the State of Maine. Looking through the facilities that have already used this revolving fund is quite impressive. It has been beneficial to our communities throughout the State of Maine.

I want to read in a quote during the public hearing. I enjoyed this letter. It is from Geoff Herman from the Maine Municipal Association. "The \$15 million put forward in this bond proposal

signifies the culmination of the \$100 million goal established by the Legislature in 1998 and represents the most conscientiously adhered to state commitment in municipal memory. In addition, as a result of some amendments to the law governing the renovation fund, this appropriation will open the scope of school renovation that could be supported by the fund. There is a very significant need for school renovation that goes beyond the health, safety and accessibility compliance limitations that have been governing the state's financial participation thus far. The municipal view is that the fund represents the most positive public policy development in the entire area of K-12 education in well over a decade. The Legislature and the voters of Maine deserve the most sincere thanks for designing, implementing and ultimately funding the school revolving renovation fund. This bond issue allows the state to complete its funding commitment promptly and appropriately on schedule."

I think that this is one of the items in this package that continues our commitments that we have made and follows up on those commitments. I think as a member of the Appropriations Committee, I am proudest if we leave here with a plan that completes a goal. It is very difficult with two-year terms. We find ourselves with new people, new priorities. We are looking at a change in the administration next year and who knows what the priorities will be then. This is our chance to follow up. As a fourth term member it is a chance for me to support an effort to follow up on our plans.

Other portions of this bill are for a new Downeast Correctional Facility in Machias. In 1999 there was a resolve passed by the Legislature that was related to the replacement of state correctional facilities that said that the first priority of the state in authorizing new state correctional facilities to be financed in part or in whole with general obligation bonds or leased appropriations bonds issued by the Maine Governmental Facilities Authority is a replacement simultaneously of state correctional facilities in Cumberland County and Washington County. You will see that there is a proposal here for \$13.9 million for the Machias one and \$11.1 for the Maine Correctional Center improvements in Windham. That is phase II of the corrections plan that we started. I think that it is important that we complete the renovations of what was one of the most expensive and inefficient corrections systems in the country. We have a plan. We have nearly completed phase I. This follows through on that plan. We can design efficient operations. We can design efficient buildings. We have had some of the most expensive old buildings in great need of renovations. Here is a chance to complete our plan and have some new facilities. It is not so much to make prisoners comfortable; I think it is just wise for Maine as an investment to improve these facilities for efficiencies in operations and maintenance. I know there are other people that will speak to this. The needs at the Windham Facility, there have been some security problems down there. They need to improve the security. The proposal includes a fence, an infirmary and a long-term care facility. The long-term care facility has been quite expensive to operate currently. If this plan is completed with respect to the long-term care, the department will realize the savings of \$45 per day per inmate requiring health care in a residential facility. There are future savings related to these investments. Again, I think it is wise for us to follow through on these plans, these commitments that we have made. I think we have made some great improvements in investment in capital infrastructure of the state. I hope we will follow through.

I just want to say that with this report, you will find that this is the only report with funding for the correctional facilities. I hope that members of this body will consider the importance of

following through on these plans for the good of the State of Maine for these investments. It is important that you vote on this vote if you plan to support or hope to see any corrections funding in there. This is a general fund bond for corrections. We have been criticized in the past for the method of funding. Here it is for a general fund bond issue for the public voters to vote.

I will close asking for your support and your consideration. It is important in my mind that you support this vote. Thank you very much Mr. Speaker.

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

Representative NASS: Mr. Speaker, Men and Women of the House. We have handed out for your reading enjoyment a chart that depicts, hopefully, the current situation with the bond package. The Appropriations Committee has suggested or provided three reports, Committee Amendment "A," "B" and "C." These are depicted on the handout in front of you. What is in front of us right now is Committee Amendment "A" of the middle section of this chart. Essentially there are going to be nine bills before we are done dealing with the bond package. This is one of those nine proposals. It is the one entitled school facilities and corrections, LD 2128. It proposes a total spending package of \$47 million on school facilities and corrections.

At this point I would ask you to focus on the bottom line because now is the time to do that before you start voting in or voting out these proposals. Committee Amendment "A," supported by the majority, has a total spending of \$130 million. The other two reports are different amounts, somewhat less. Those are all in front of you. This will be our first opportunity to present the overview. Rightly so, the House Committee Chair has done that.

I need to remind you of several other overview parts. One, in the first session of the 120th Legislature we sent out to the voters almost \$150 million in bonds. They were all approved. With this additional proposal of \$130 million, this 120th Legislature will have sent to the voters \$280 million proposed of additional debt. I would suggest that that is too high and therefore I would urge you to look at the other proposals for less total debt spending. I think this is the time to focus on the total before you start voting for the individual pieces. It is going to be easier to forget about the total. Now is the time to keep it in mind. There are some differences in the proposals. Those are in front of you. Other people will speak to the differences at this point. There is one other point here in this bill that we should talk about now. When are we going to ask the voters to vote on these things? We have the opportunity and the Chief Executive has in his initial proposal suggested that some of these should go out in June and some in November. One of the proposals in front of you proposes to send all of whatever we pass here out in November and none in June. We will speak to the advantages of that as we get into this. We clearly need to point that out now. There is a difference in how these are going to be presented to the voters, whatever we approve. That is important to take note of now. It will get lost in the shuffle.

Others are going to speak about the details of this particular bill, I just want to finally, briefly talk about the so-called 5 percent rule and older 90 percent rule. Neither one is bad, I would suggest, although I have my preference, mine is for the older 90 percent rule. I don't know it is clear, at least not to me yet, that spending a certain percentage of your projected revenue, that is what the 5 percent rule does, is good for the citizens of Maine. We are typically in an inflationary environment and so our projected revenues are going to be going up. Some would suggest that is reason enough to vote for and support increased

debt. That is an economic philosophy that I suggest to you is not complete. It leaves us short.

Let me suggest why I think the 90 percent rule is better. It is not better because it takes us down to zero, that is not enough of a reason that over a long period of time we would essentially get rid of all of our debt. That isn't going to happen. It is never going to happen. What it does do is that in good times if we follow this rule, it gives us additional borrowing capacity. That is extremely important if something happens that we need that capacity to borrow. The 5 percent rule does not necessarily let that happen. It depends on inflation to create additional capacity. I think it is more important for the citizens of Maine to have an effective, although non-statutory rule that recognizes our need to pay down debt when times are good in order to create this additional capacity to borrow. If something happens, we can go into the market and borrow money and do so under favorable conditions. The 5 percent rule that the Chief Executive and that proposal "A" seeks to promote here I don't think serves that purpose. Again, I think that others will speak to the details of this specific amendment. I appreciate being able to speak to the general situation as far as bonds go. 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. Let me just reiterate something that the good House chair said. Sometimes it seems to fall on nearly deaf ears and that is that there is no 90 percent and there is no 5 percent rule. These are only theories. If anyone tells you these are rules, that is a myth. Don't be misled by that. Those are different theories. Neither one of them is recognized by the bond houses in the state. The good Representative Nass has said he has some concerns about the bonded indebtedness of the state and this level of bonding that is proposed by the Majority Report in the various bonds that are coming before you over the next day. I understand he may have some concerns, but who I listen to, with all due respect to the Representative from Acton, is the professionals in this business and that is Moody's Investor Service. The good Representative from Livermore has quoted extensively from there. I just want to hit on a couple of things that came across that was published on March 21st of this year, 2002. This takes into account our most recent debt level, our most recent bonding, including last year. A couple of things they say there. They give us the assignment of our highest quality short-term reading reflects the state's financial strength. That is one thing it says. It also says the rating also reflects continued steady improvement in fund balance levels, controlled spending and debt levels near the state medians. It says Maine has adopted, these are the professionals here, this isn't me talking to you, this isn't Representative Berry or Representative Nass, it is the professionals who are in this business day in and day out. Maine has adopted a conservative approach to debt with moderate bond issuance and aggressive payout structure and capacity to accommodate unforeseen borrowing needs. You heard about additional capacity to borrow as a concern with this 90 percent theory. Right here it says we can accommodate unforeseen borrowing needs with our current debt structure and our current debt policies. Below average debt levels are in part due to the state's practice of using available cash rather than new debt to fund approximately 50 percent of annual capital expenditures. It goes on to say that we paid down our debt in 10 years rather than most states that are 15 to 20 years. Those are extremely important things to remember as you hear these different theories get bandied about. Neither one of them is accepted by anybody outside of a few in this state as anything but theories and that is really the bottom line of the difference between Report "A" and

Report "B" and Report "C." Bear that in mind as you vote on these. Again, the Representative from Livermore mentioned that Report "A," the superior report, as I like to think of it, is the only one of any of these that has the correctional facilities in it. Think about that if you are from Windham or Down east Maine. It is the only one that follows through on the state's commitment to phase II of our correctional plan. It is the final implementation of the state's correctional facilities plan that we have been working through with the aid of the Chief Executive and others for the last eight years or so. This is the only one that gives you a chance to do that. To send this out to the voters for them to vote on. Often times it is mentioned around here, and I have been one of the people who are concerned about it, along with my good friend from Bridgton, Representative Waterhouse, about the governmental facilities bonding authority and how inappropriate it is to use bonding and not send it out to the voters for their approval and to do it through the governmental facilities bonding authority. I have been concerned about that. I have sponsored bills to say that it requires a two-thirds vote and similar things to that and I have cosponsored them. Here is an opportunity, in fact, it is very disheartening to me that when push comes to shove, there is only one of these plans, the plan before you right now that recognizes the need and is willing to send it out to the voters and let them decide if this is what they want to do without having to go through the governmental facilities bonding authority as a fall back position. This is a chance to do that. Let's let the voters decide about the correctional facilities of the state whenever possible and do it this way. That certainly is the best way, if doable and I certainly would appreciate your assistance in doing so. Thank you.

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

Representative WINSOR: Mr. Speaker, Men and Women of the House. Notwithstanding the comments of the previous speaker, I would only respond by thinking that when those reports were made, our financial situation was somewhat different than it is today. At the time we were considering a budget proposal to reduce our spending and since that time we have enacted a budget which effectively strips all the cash reserves of the state, the easy money that we have. It pushes programs into the next biennium in such a way that we are looking at a \$500 to \$600 million shortfall in the next biennium and that is assuming that we have growth as predicted by the Revenue Forecasting Committee. Frankly, if we were in the position we were in a year ago or two years ago, I would probably be an enthusiastic supporter of this proposal, but we aren't. I just suggest that it is conservative and reasonable to tailor our future spending plans, which is what this is, borrowing money is simply anticipating future revenues to pay for the borrowing. I am just suggesting to you that we have a state that has a very, very volatile economy. It is changing from a manufacturing economy to a service economy. Nobody knows quite how it is all going to all shake out. We have a population that is not growing significantly. We have some huge challenges and we have some huge potential budget challenges ahead of us. It is imperative that we maintain our infrastructure of buildings and public facilities and I think the other proposals before us do that in an adequate and affordable way. I am convinced that the proposal before us just goes too far right now. These are bills that are going to have to be paid. I prefer and I am recommending to this body that we wait and that we take a less aggressive approach with some of these building plans and that we wait until our financial house is more clear going into the future. I think that is the reasonable, conservative and responsible way to go. Forty-seven million dollars is what the Majority Report asks us to

borrow. I think we can go forward with most of those programs, programs that we all agree, all of the caucuses in both bodies, and we can go with those areas spending between \$28 and \$30 million. It is not a lot of money in this particular thing before us. The difference isn't a lot of money, but it is significant. I would appreciate your rejecting the current motion before us. Thank you.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. I don't know a lot about budgets. I have all I can do to keep my checking account balanced. I do know something about repairs. I do know something about putting in and keeping in good repair what you already have. As I read this, this is a bond issue in the amount of \$15 million to and capitalize school revolving renovation fund for repairs in improvements and public school facilities to address health, safety and compliance deficiencies, general renovation needs and learning space upgrades. Let me think for a minute now, GPA was dropped. We have school systems who are already getting less money to run what people say is either the first or second biggest concern for Maine citizens. It is either health care or education, depending on who you talk to at the time. We cut the GPA. We have school systems not getting anything, but we fund laptops and we fund the learning results that I stood here again and said to you was an unfounded mandate just for the 90 percent assessment part of the learning results. When it comes to health and safety and compliance deficiencies, we say, let's not put our money there. No, it is not a good place. I do think that the future is in the children. The Chief Executive in the State of the State Address said that the future way to success is education. Every time we want to invest in our young people, I wonder if it is because they can't vote, we decide to cut those places. These schools are the people's schools. What is more fair than to allow this to go to bond and let the people decide how they want us to spend their money. I think that the people must show excellent choices when they go to vote. After all, they elected all of us to serve here. They make good choices. I certainly wouldn't say that the people of my district cast a bad vote for me. I would imagine all of you would feel the same way about your people. Why are you afraid to let them decide how to spend their money? Both sides of the aisle say that people need to be involved. They need to understand. They need to spend their money. They need to have a voice in their government. Sending something out to bond is allowing them a voice. It is the right thing to do. I say that if you really care about children, if you really care about increasing our level of students going onto post-secondary education, then maybe we need to address health, safety and renovation deficiencies, maybe we need to do those things. Maybe we ought to allow the Maine people to have a voice in their government and go and vote how they want to spend their money. I trust the Maine people. Thank you very much.

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

Representative BELANGER: Mr. Speaker, Men and Women of the House. I would like to address some of the comments by the previous speaker and put on the record the fact that this Legislature, this body, has increased GPA by over 4 percent in a time when the economy is down. I think to characterize it as not fulfilling our obligation is not accurate.

I would also point out that whether you are on Report "A" or Report "B," that this provides for school renovation and over the years it will bring the total to over \$100 million, which represents 50 percent of the effort. The other 50 percent is by the locals. That means that \$200 million will have been provided for Maine

schools to renovate and repair their facilities. The commission a few years ago identified \$140 million of work that was needed for health and safety. This will provide \$200 million. I think we have met that obligation.

With respect to the bond issues, I think you do need to look at the bottom line. Is this a period when we should be maximizing borrowing or minimizing borrowing. Please remember that the average income of the Maine citizen is lower than the national average. Please remember that we have a \$500 to \$600 million structural gap for the next biennium, the next Legislature. Doesn't that say to you that we should minimize borrowing going forward? The people on Report "B" do not argue with the need for these projects. We are talking about timing. I, personally, not speaking for my caucus, object to the location of the correctional facility in Machias. I don't object to the facility. I object to the location, which will be directly adjacent to the university campus. I find that objectionable. I will not and cannot support that.

That is the major difference between the two reports with respect to facilities. Yes, the Report "B" includes the Harlow Building, but you will find that the people on Report "A" include the Harlow Building in another section. The primary difference between the two packages in this LD 2128 is the prison facilities. That is the primary difference. Those of us who were unable to join Report "A" feel it is a matter of timing. We made a major effort in our correctional facilities. We are opening a new prison. We have renovated and built a new juvenile facility. We are moving forward. Perhaps we could wait a year or two and allow the department to complete these projects, fully implement them, before we move to phase 2. We think that is the prudent thing to do given the economy. Thank you Mr. Speaker.

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

Representative **BRANNIGAN**: Mr. Speaker, Ladies and Gentlemen of the House. It is a matter of timing and this is the difference between the two packages. It isn't about schools. It is not about sprinklers. It is about the prisons. We did delay. This has been put off. The whole package was not done at once. Between my service in the Senate and here, the Governor asked me to head a task force that was already underway to put together the prison package, to deal with this issue of a high-cost prison system. We had a tremendous working group. A plan was put together and this plan said that we would do a variety of things. They all were part of a package. They all were part of a plan. For us to put off the Downeast Facility will just disrupt that plan and it will also not meet the commitment that we had made to the people in that area. Those beds there will be minimum security beds. This will allow balance between the other levels of security in the system. Without it the system is out of balance, not be able to obtain the savings in the other institutions that we had hoped for. Windham needs to be finished and Downeast needs to be done. That is a commitment that we made. It is a commitment that this Legislature made. It is a commitment the Governor made. We need to continue that commitment. The timing is now for this commitment. 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. As many of you know, I was here when we started at the beginning of that productivity task force eight years ago and the birthing of the new correctional facility. I really appreciate the good Representative from Portland's comments in chairing that committee that brought us through a couple of years of long and heated discussions on how we are going to reform our correctional system. I do want to thank the Criminal Justice Committee that I served on for two terms and the last several

Criminal Justice Committees that have worked with this issue and is carrying the ball to make sure that we come through with the final solution and the final phases of the correctional rehabilitation and moving our corrections into the year 2000.

We all like to be tough on crime and we all want to lock them up and throw the key away, but when you vote here today, you are voting on whether you want to lock them up and keep them there or whether you want to provide the proper facilities to take care of the people that do not wish to protect society and follow the rules that you and I have set here in different laws. In addition to that, as much of this money obviously is finishing the final components of Windham and Downeast, what you guys have to realize, when you sit here and vote today, you are voting on that total plan. When I stood up and supported this plan a few years ago, I was supporting Charleston. I was supporting every Representative and Senator that was supporting keeping that facility open. I was supporting Bangor in keeping that pre-release open. Those Bangor Representatives were proud that I was there to hold the line for that region of the state. I was there for Windham. I was there for the Youth Center in Portland. That was a number one concern and we came together with a plan to move that forward. We came together and did that.

This correctional program and new vision encompasses the whole state. This is the promise that was made to us. I have to tell you, right from the beginning, I was telling them, why are you handling Downeast way down on the other end? Some day I am going to be standing on the floor and you are going to be trying to chop it off at the neck. Ladies and gentlemen, don't allow that to happen. We worked together for the last eight years to move forward a brand new vision for corrections and we are asking you to support that here today and allow the voters to make the final decision.

Thank about all the other issues we have ever discussed on this floor, whether you are from Fort Kent or whether you are from Loring Development or you are trying to put that Bangor Auditorium together and get a vote on that. Each and every one of us expects our colleagues from all the different components to help us pull together when these important issues arise. I have always been there for you guys when those issues came into your backyard, whether it is the cushion or whatever. You got your \$4 million. I know it is not what we wanted completely, but this Legislature pulls together when regions of the state need it. I am asking for that strong vote here today when you vote on this bond issue. We have all clearly heard the information on the financial battles of whether this is good fiscal policy or not. I think the data you have on the desk shows that we are in very great fiscal shape as far as our bonding and our approach to capital improvements. I think it is a good course. I think we should finish that course and continue to follow that course in the future to maintain the great ratings we have in New York. Thank you and I appreciate your support on this bill.

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 speak just briefly on timing. That is a critical word in all of this, timing in the sense of the interest rates are at a historic low. This is the time that if we are going to do this package, we should be considering it, not two years from now when we fully expect that interest rates will again rise. They are beginning to rise now. Now is the time for us to bring this package forward and capture this possibility of getting excellent interest rates on the bonds. Thank you.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I urge you to support this issue. I am in complete solidarity with Representative Bunker. He has worked really hard. The Criminal Justice Committee is proud of the work that has been done the past few years to completely rejuvenate our Correctional System. I don't think a number of our members of our committee have ever visited Bucks Harbor, the Downeast Correctional Center as it sits now. It is about 72 miles from Ellsworth. I hope you know how far it is from here to Ellsworth. It is on a long spit of land. It is beautiful down there. It is gorgeous. It was a former Air Force Communications Base. The federal government, God love them, sold it to us for \$1. That is where we got a \$1's worth. It is not a prison. It is not a correctional facility. It makes a really poor correctional facility. Here at Bucks Harbor, you have some pretty mean felons down there. You have your sex offenders down there. You have a facility that doesn't have the ability to protect or keep from harm the correctional staff. They are pretty much mingling among the population down there. There have been assaults. It is very costly to maintain. It is crowded. We were impressed with the plan and the commitment from the people of Washington County and the Town of Machias to donate the land for this new facility makes sense. I hope you have an opportunity to visit the facilities in Warren. You will see what we have done, how we have actually saved money, economized. We made it more efficient with better programs now. We have the ability to hope that the people when they leave these facilities, these people many of them are going to be leaving these facilities and how do you want to receive them when they come back to your homes? Do you want them to be better behaved? They are not going to be unless you have the programming and the facilities. I urge you to support this pending motion. It is really needed. Thank you very much.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I feel compelled to rise to speak to this having worked for six years on the renovations and repairs that we have funded. I know a lot has happened to this since we took it to the Appropriations Committee, but the renovations and repairs are very important. It was expressed by the Representative from Caribou that we have worked hard on this and it is 50/50, the towns pay back. It might not be 50/50. There is a range there that they pay back. We do get back some of this money. I am just pleading with you to vote for that section and the other sections, I think there is \$15 million in all of these amendments. It is a little different in the second one, but it is in all of these amendments. I do have to speak to urge you to vote for this particular amendment.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. We have to all admit that this isn't the best economy that we have in Maine at the present time. We could have a structural gap, which is \$500 million next year. I have to relate to the Governmental Facilities Authority. It is surprising to me that some of these projects aren't coming under the Governmental Facilities Authority. The track record over the last few years with the State Office Building, the State House, the Mental Health Facility and whatever else we did, we did it all under the Governmental Facilities Authority and didn't even go out to the people. I didn't think that was right at the time and I still don't

think that was right. I guess what I would like to do is to minimize borrowing and I would like to see us go on to proposal "B." Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I rise to support this motion. I think it is a great package. I wanted to just respond to a few comments from my good friends on the other side. The good Representative from Acton, Representative Nass, said that low debt service is good for the people of Maine. I agree. The fact is we have low debt service in the State of Maine. As a matter of fact according to Moody's, who rates that kind of thing throughout the nation, Maine's debt service per debt capita is around \$487, which is well below the national average of \$820 per capita. I would say it is probably roughly 30 percent or 40 percent below the national average. That is a very good thing. What is also a very good thing is the passage of this bond package won't change that. In fact, we are retiring \$87 million or so dollars of bonds this year. Although this handout that I had delivered is based on a \$120 million package, there would have been approximately \$5 million less debt service in the next year, even considering passing that. I would assume that we are probably at around zero. That is a good thing.

I am not really interested in arbitrary limits of debt. I think it is good to keep it low. We are doing that with this package. What I am interested in and I think that what we in this chamber should be interested in, is meeting the needs of the people of Maine. The real question before this body is, what should we do to keep our state healthy, safe, educated and headed in the right direction? How should we do that within our means? The answer to that question is, vote for this bond package, because it accomplishes all of those things. Vote for it and we will send this out to the voters to decide if it meets their needs, which is really what this vote is all about.

The voters are our guides. I think all of us in this chamber listen very carefully to what they say. I would like to paraphrase a slogan from United Bikers. "Let those who guide decide." Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative **ROSEN**: Mr. Speaker, Ladies and Gentlemen of the House. One point I want to repeat again so that everyone understands. All three reports do include money for school renovation. You have heard that said, but it is worth repeating. All three reports, all versions of this bond that is in front of you include funding for school renovation.

Many of the speakers that are favoring Report "A" are asking you to put up your blinders and to ignore the use of any kind of a benchmark, ignore the economic situation that we find ourselves in and to simply favor Report "A" because, the argument, is the need is in front of us. This is a question of level of debt that you want to impose for the next 10 to 15 years. Currently in the biennium budget we have \$170 million committed for the retirement of the current level of debt. The 90 percent rule or the 5 percent benchmark, you are being asked to dismiss both of those. They are not in statute and we should disregard them. Somehow the 90 percent rule is a quaint sort of old fashioned approach to considering future debt. All it is is a benchmark. The 5 percent is a benchmark. The use of any benchmark has to take into consideration the environment that you find yourselves in at that particular moment in time. The Moodys and the rest of the investment services that perform the ratings, they take a look back. What has your past performance been? They provide a rating. Our job, as the Appropriations Committee and the entire

Legislature, you are now being asked to look forward. What level of debt are you comfortable to impose on future budgets and on the taxpayers of the State of Maine? The "B" report covers basic and essential programs. It does delay the prison facility, but it is a conservative and reasonable approach considering that this was the Legislature, the 120th, that was elected in the fall of 2000 at a time of economic expansion, the longest in the history of the United States, surplus revenue and no debts floated in 01.

We have now gone through a recession. We felt the economic impact of the attacks on the United States. We have had to adjust our budget. We have cleaned out the reserves and we should, reasonably, want to allow the maximum flexibility for the next administration and the next Legislature. If we impose the full amount of Report "A," the \$130 million on top of what was already presented to the voters and passed last November, over a quarter of a billion dollars of additional debt, we limit their flexibility and their ability in a few months to address the needs that are ahead.

Report "B" is reasonable. It takes into consideration the times we find ourselves in. The 90 percent rule, which is the guideline for Report "B," is also a reasonable measure to use in this circumstance. Please support "B" and reject "A."

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

Representative ETNIER: Mr. Speaker, Men and Women of the House. Forgive me for rising a second time, I just couldn't contain myself. A couple of things I wanted to address, I think it was the Representative from Acton or maybe someone else mentioned that we have to consider the personal income of the people of the State of Maine. You have been distributed a graph, that shows clearly about in the middle of it, the tax supported debt as a percentage of personal income, this has been mentioned before, but it shows it clearly on this draft at 1.9 percent, well below the 3 percent average in the United States. It puts us exactly at number 26 in the State of Maine. That doesn't work too well. A couple people, including my friend from Norway, Representative Winsor, mentioned the information about the bonds being dated. I thought I mentioned that the information that I had was published on March 21. I will mention that again, March 2002. One thing that has also been mentioned about the concern about economic conditions and economic downturn, one little passage that I didn't read from that that I evidently should have is, the State of Maine is well positioned today, the word is today, to weather the current economic downturn. These factors combined with the state's capacity to accommodate tax cuts in recent years is expected to provide a buffer to the state's financial operations should the economy continue to weaken. I think that pretty much says it all in rebuttal to those who have said to the contrary.

Things to remember, there has been some misinformation, unintentional I am sure, that the reports are identical except for corrections. Folks, that is not the case. There is only one report, the report in front of you, as I have said before, that does anything for the Corrections System of the State of Maine today. There is only one report, the one that is in front of you right now, Report "A," that has \$15 million for school renovations. That is \$2 million more than the other report that is out there. There is only one report, Report "A," that fully funds through bonding the cost of installing sprinklers in the public schools of the State of Maine. That costs \$7 million. The other reports have it at less. One of the other reports has it at \$2 million less. That \$7 million comes from the applied fire services. They say the estimated public school cost to take care of the sprinklers are \$6.81 million. There is only one report that does those. The others fall short.

Please support the report that is in front of you. It is responsible. It is the responsible thing to do.

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

Representative MAILHOT: Mr. Speaker, Ladies and Gentlemen of the House. I will be brief. I don't rise today to rehash the GPA on the floor of the House. I also don't rise today to rehash the laptop debate of the House. I think we have heard all we have to hear on those issues. I don't rise today to say that we don't think of minimizing spending for our citizens in the State of Maine. I do rise today to say that I would like to speak on the maximizing quality of life for our citizens in the State of Maine. Safety and quality of life is what LD 2128 is all about. I heard previously that we were talking of \$130 million of bonding. We are not. LD 2128 is talking of \$47 million bonding. It is all about safety and quality. If we don't maintain our correctional centers, we are certainly going to lose long-term quality of life. If we don't install sprinklers, which we are probably 50 years late doing that, in our dormitories for public education in the State of Maine, shame on us, should anything happen to any of our children or adults that attend those schools.

Last, but not least, I hear this often on the floor of the House, property tax relief. I will tell you that renovation of public schools, which is partly by themselves to our municipalities is just what that is. When municipalities and states don't maintain their schools, they eventually have to be destroyed and new schools have to be built at a much higher cost.

At this time I would ask you to support Committee Amendment "A" of LD 2128. Thank you very much for your time.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Machias, Representative Bagley.

Representative BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House. I would like to address the Downeast Correctional part of this bill. In 1977 Governor King selected an advisory committee to work with a company to present a proposal for the renovation of Maine's prison systems. This is known as the State of Maine Correctional Facilities Capital Plan. The proposal recommended the closure of Downeast Correctional Facility. This proposal was rejected by the Governor. The plan was revised and enacted into law and included a 200 bed minimum facility in Washington County. The plans now call for the facility to be built in Machias. Downeast Correctional does not meet the standards. The existing capacity in the Wastewater Treatment Facility must accommodate the needs for the new facility. In order for the facility to operate the treatment facility, the Legislature must pass a special law and the cost would be prohibitive for a treatment facility and for maintenance and costs. At least 70 people are currently employed at Downeast Correctional Facility. This number would increase to a minimum of 100 and eventually an estimated 50 positions would be created in auxiliary services. If the prison were to be closed, it would mean a loss of all existing positions, a loss that would be devastating to the Downeast community. The new facility has the full positive support of the University of Maine, the Town of Machias, the Sunrise Economic Council, Washington County Technical College, Downeast Community Hospital and many other organizations and agencies. Thank you for your consideration.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. All of a sudden this issue is about school renovation and we agree with it. It says right here, Plan "B," \$13 million, which makes our commitment to \$100 million like we promised back in 1996. That was a promise and this \$13 million gets you

to \$100 million. It is right there, black and white. I hear this is all about the correctional facility. Have you heard us say we are opposed to the correctional facilities? No, as a matter of fact, in the leadership meeting, I said it doesn't belong in this bond, but we are open to putting out Windham and Machias in a separate bond for the people to vote on. Come on after us like you are doing now, saying that you don't support the correctional facilities. That is absolutely not true. What we are saying is it shouldn't be in a school renovation package. I then hear about debt service, saying look how low we are. That is only if you take the general fund debt. If you include MHEFA, MESA, Government Facilities Authority, do you know where it puts you percentage wise? It puts you at the top of the class in the whole country. You have the highest percentage of debt per capita if you include all those in there. Let's not just talk general fund debt here, let's talk all debt, which is what you ought to be doing. These graphs are really pretty, but they don't give you the whole picture. What we are asking for is a compromise package, which we think is package "B." We are very aware of how much debt the State of Maine has, but you ought to look at the whole picture, not just general fund debt. Thank you Mr. Speaker.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I know this has been a long debate this morning. I think it is an important issue and it deserves the discussion that we have had. I would like to comment on some of the remarks made during the debate. I would like to further clarify some of the issues. First, while it is fresh on my mind, I will respond to the previous speaker. I would say that looking through the other bond amendments, I don't see the prisons anywhere. If there is support in another caucus, I don't see it. I don't see where it is for our opportunity here. I would say that the report mentioned as a compromise plan, I don't recognize that as a compromise plan. I think the previous speaker mentioned that Maine's income is among the lowest in the nation. I think if we don't continue to make investments in our infrastructure and wise decisions on those investments, I think we are pretty apt to stay that way. We are going to limit our ability to make better investments later down the road. I would say that this bond issue is investments in efficiencies and future savings. I hope I would appeal to my conservative colleagues in all parties that those investments in efficiencies are a wise choice. Deferred maintenance and deferred investment is a debt. It is a debt that is passed on to future taxpayers and future Legislatures. The Representative thought that maybe members of Report "A" suggested that we put on our blinders. I am asking you to open your eyes and open your minds and consider that possibly the interest rates, as mentioned by the Representative from Fairfield earlier, are low now and possibly those lower rates could be lower than the future rate of inflation on the projects and for future taxpayers. I hope you will consider that when you consider previous discussions.

I didn't point out the specifics in my previous remarks. I know that those are probably the longest remarks I have made in my eight years here. Related to the Downeast Correctional Facility, the importance of doing that, there are significant upgrades required to their wastewater treatment. They are uncertain about the current and future water quality on their present site, the poor physical condition of the buildings and light, safety and standards violations. The projections call for increased numbers of minimum custody beds. The existing facility is inefficient to operate. I want to point out that the commissioner came and spoke very highly of the staff at the present facility. The commissioner had very congratulatory remarks on their work to improve the operations there. They have done a great job. They

have the lowest turnover rate in the system. I think it is important to point that out. I think they have done a great job and they are appreciated. The new facility, what it would have available, adequate water and wastewater treatment capacity, meet the American Correctional Association Standards in all building codes, provide appropriate spaces for prisoner programming, work and education, provide for enhanced transition of prisoners re-entering their communities, improve working environment for staff, a 34 percent lower per diem cost, \$85 from \$130, due to efficient layout and economies of scale. It would expand design capacity by 50 percent from 96 to 152, with minimal increase in employees. I wanted to point that out as being important in this discussion. It is not just an economic package for an area. It is important for the people of the State of Maine to support efficient operations. We know, as the Representative from Kossuth Township mentioned, the Productivity Task Force, we were looking at savings through personnel and efficient operations. This is part of that plan also. I would encourage all members to support the motion before you. Thank you Mr. Speaker.

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

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

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

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. I am trying desperately to follow this subject; it is difficult. Could somebody please give me an idea of the interest portion of the debt service for all of the state's debt right now and then perhaps compare that with other budget items that we have been debating so much this session?

The SPEAKER PRO TEM: The Representative from Arundel, Representative Daigle 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. The current biennial budget provides for, as was indicated earlier, debt service payment of about \$170 million. On an annual basis that is about \$85 million. About \$60 million or \$65 million of that is in principle repayment. The remaining \$15 million to \$20 million is in interest repayment. There is another line in the budget called repayment of the government facilities debt. That is smaller, but is separate from the \$170 million piece.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Greenville, Representative Jones.

Representative JONES: Mr. Speaker, Ladies and Gentlemen of the House. I will not go through the details of the corrections, because the case has already been made a number of ways, not only in this body today, but also in the media from one end of the state to the other. Maine has a consistent track record of investing in the infrastructure. We all realize what happened on September 11 and the recession that the United States has faced and what we have faced. The timing is now to improve our economic growth and development. I urge you to support LD 2128. It is important to continue what we have begun to encourage economic growth for the State of Maine. Thank you.

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

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

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

Representative GOOLEY: Mr. Speaker, Ladies and Gentlemen of the House. My question is, if the Government Facilities Authority was used for the major prison project of \$85

million or whatever it was, why was it necessary to go the bond route for the correctional facilities at Machias and Windham?

The **SPEAKER PRO TEM**: The Representative from Farmington, Representative Gooley has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. In response to the good Representative's question, you could go either way, would be my answer. You certainly could do these correctional facilities through the Governmental Facilities Bonding Authority as the other pieces were. The attempt is made now, because of concerns raised by some that that was not an appropriate way to bond. It was better to send things out to the voters so the attempt was made here in Report "A" to send it out to the voters and allow them to decide. I hope that answers your question.

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

ROLL CALL NO. 616

YEA - Ash, Bagley, 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, 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, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

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

ABSENT - Baker, Koffman, Landry, Wheeler EM.

Yes, 88; No, 59; Absent, 4; Excused, 0.

88 having voted in the affirmative and 59 voted in the negative, with 4 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1080)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1080)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

ENACTORS

Emergency Measure

Resolve, Dealing With One-time License Transfers of Sea Urchin Drugging Licenses

(H.P. 1726) (L.D. 2213)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, to Allow Julie Harrington to Sue the State

(H.P. 1659) (L.D. 2165)

(C. "A" H-1045)

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

An Act to Allow a Lessee to Purchase Leased Premises When the Lessor Decides to Sell

(H.P. 1600) (L.D. 2101)

(H. "A" H-1041 and H. "B" H-1070 to C. "A" H-973)

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. 617

YEA - Annis, Ash, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cummings, Daigle, Davis, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Hutton, Jacobs, Jodrey, Jones, Kane, LaVerdiere, Lessard, Lovett, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien LL, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Tuttle, Usher, Volenik, Wheeler GJ, Young, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Bryant, Buck, Bull, Chase, Clough, Cowger, Crabtree, Cressey, Desmond, Duprey, Foster, Heidrich, Honey, Kasprzak, Labrecque, Ledwin, Lemoine, MacDougall, Madore, McNeil, Nass, O'Brien JA, O'Neil, Peavey, Rosen, Savage, Schneider, Shields, Stedman, Trahan, Treadwell, Twomey, Waterhouse, Weston, Winsor.

ABSENT - Bagley, Baker, Fuller, Koffman, Landry, Laverriere-Boucher, Watson, Wheeler EM.

Yes, 105; No, 38; Absent, 8; Excused, 0.

105 having voted in the affirmative and 38 voted in the negative, with 8 being absent, and accordingly the Bill was

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

Resolve, to Study the Impact of a Maine-based Casino on the Economy, Transportation Infrastructure, State Revenues and the Job Market

(H.P. 1700) (L.D. 2200)
(S. "B" S-560 to C. "A" H-1035)

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

On motion of Representative MURPHY of Kennebunk, was **SET ASIDE**.

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

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

ENACTORS
Acts

An Act to Ensure Equality in Mental Health Coverage

(H.P. 1205) (L.D. 1627)
(H. "A" H-1077 to C. "B" H-1052)

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

On motion of Representative MAYO of Bath, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

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. 618

YEA - Andrews, Ash, Belanger, 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, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Mr. Speaker.

NAY - Annis, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Mayo, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bagley, Baker, Koffman, Landry, Muse C, Watson, Young.

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 Bill 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:

UNFINISHED BUSINESS

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

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-523) - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act to Support a Continuum of Quality Long-term Care Services" (EMERGENCY)
(S.P. 722) (L.D. 1924)

TABLED - April 1, 2002 (Till Later Today) by Representative ETNIER of Harpswell.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Unanimous **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-523)** was **READ** by the Clerk.

Representative KANE of Saco **PRESENTED House Amendment "A" (H-1091) to Committee Amendment "A" (S-523)**, which was **READ** by the Clerk.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. The proposed amendment strips the fiscal note and specifies that the Department of Human Services and the Maine Health Care Association and the Maine Hospital Association will report annually to the Health and Human Services Committee on the actual retrospective and projected real costs and needs of the nursing and residential facilities identified in the categories for funding in the original bill. Left unchanged LD 1924 would have had an immediate fiscal note of \$132,000 and a total fiscal note of \$7 million over the biennium of 03-04. Thank you Mr. Speaker.

House Amendment "A" (H-1091) to Committee Amendment "A" (S-523) was **ADOPTED**.

Committee Amendment "A" (S-523) as Amended by House Amendment "A" (H-1091) 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-523) as Amended by House Amendment "A" (H-1091)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

ENACTORS
Emergency Measure

An Act to Protect Workers from Unilateral Imposition of Random or Arbitrary Drug Testing

(H.P. 1595) (L.D. 2098)
(C. "A" H-887)

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

Representative **KASPRZAK** of Newport **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 PRO TEM: The Chair recognizes the Representative from Durham, Representative Schneider.

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. It is my obligation to bring an update on the preemption issue that we discussed the last time that this was debated. Since the Attorney General's opinion that I received that said that there was a good argument to be made on either side of the issue, a final ruling has been issued by the National Labor Relations Board deciding the issue.

If I might, I would just like to read a small part of the decision. They say that Title 26, Section 684, Subsection 3A, as interpreted, suggests that a random drug testing policy cannot be implemented by an employer in a collective bargaining relationship, absent an agreement, freely negotiated and signed by both parties to the relationship. This interpretation is contrary to the rules cited above under federal labor law. In these circumstances the act has been consistently viewed as preempting inconsistent state labor laws. There has been a recent decision dated March 28 of this year that has decided that this will be preempted by federal law. I urge you to vote against enactment of this. If enacted, it would cause a problem and be preempted by federal law. Thank you.

On motion of Representative **BUNKER** of Kossuth Township, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

Acts

An Act to Make the Unemployment Insurance Program More Responsive to the Needs of Today's Workforce

(H.P. 944) (L.D. 1258)

(H. "B" H-1027 to C. "C" H-839)

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

On motion of Representative **TREADWELL** of Carmel, 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. 619

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

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Desmond, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, Madore, Marrache, McKenney, McNeil,

Mendros, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Perkins, Pinkham, Povich, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Sullivan, Tessier, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bagley, Baker, Estes, Koffman, Landry, Lovett, Young.

Yes, 82; No, 62; Absent, 7; Excused, 0.

82 having voted in the affirmative and 62 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Prevent Mercury Emissions when Recycling and Disposing of Motor Vehicles

(S.P. 719) (L.D. 1921)

(S. "C" S-535 to C. "A" S-476)

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

On motion of Representative **BRUNO** of Raymond, 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. 620

YEA - Andrews, Ash, Belanger, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gerzofsky, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michael, Michaud, Mitchell, Murphy T, Muse C, Muse K, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Quint, Richard, Richardson, Rines, Rosen, Savage, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tracy, Trahan, Twomey, Usher, Volenik, Watson, Weston, Mr. Speaker.

NAY - Annis, Berry DP, Bouffard, Bowles, Buck, Chase, Clark, Clough, Crabtree, Cressey, Duncan, Duprey, Foster, Goodwin, Heidrich, Kasprzak, Labrecque, MacDougall, Mendros, Morrison, Murphy E, Nass, Nutting, Povich, Schneider, Shields, Stedman, Tobin D, Treadwell, Tuttle, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bagley, Baker, Estes, Gagne, Koffman, Landry, Lovett, Young.

Yes, 109; No, 34; Absent, 8; Excused, 0.

109 having voted in the affirmative and 34 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Establish the Maine Consumer Choice Health Plan
(S.P. 793) (L.D. 2146)
(S. "A" S-548 to C. "A" S-530)

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

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

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

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

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

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

Representative **MCKEE**: Mr. Speaker, Ladies and Gentlemen of the House. Had I been present earlier in today's session, I would have voted in the affirmative regarding Item 4-1, a Joint Resolution Memorializing Congress to Correct Inequities for Retirees Drawing Social Security Benefits and wish to be so recorded. Thank you.

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

The House recessed until 1:45 p.m.

(After Recess)

The House was called to order by the Speaker.

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

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.

Bill "An Act to Provide Government with the Necessary Authority to Respond to a Public Health Emergency Caused by an Act of Bioterrorism"

(H.P. 1656) (L.D. 2164)

- In House, Report "C" (4) **OUGHT NOT TO PASS** from the Committee on **HEALTH AND HUMAN SERVICES** and the Committee on **JUDICIARY READ** and **ACCEPTED** on April 2, 2002.

- In Senate, Report "A" (17) **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1062)** from the Committee on **HEALTH AND HUMAN SERVICES** and the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1062)** in **NON-CONCURRENCE**.

TABLED - April 3, 2002 (Till Later Today) by Representative LaVERDIERE of Wilton.

PENDING - FURTHER CONSIDERATION.

Representative LaVERDIERE of Wilton moved that the House **RECEDE AND CONCUR**.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. Fears, safety, liberties and scenarios of disaster, we have heard all of these on the floor on this issue. We have heard all of them in committee. We had a public hearing on this bill. We had a very intense work session on this bill. As you well remember, we had a debate on the floor of this House. You listened to that debate. You overwhelmingly voted this bill ought not to pass.

Since then the sun has set twice and it has risen twice and nothing has really changed, other than the fact that probably you were lobbied to change your mind for whatever reason. Nothing has really changed. Nothing, except for maybe our fears. What I am asking you today is to please remember why you voted against this bill and vote as you did then and let's not surrender to our fears, but let us vote to maintain our liberties. Mr. Speaker, I ask for the yeas and nays.

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

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

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

ROLL CALL NO. 621

YEA - Andrews, Annis, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bull, Bunker, Chase, Chick, Chizmar, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Green, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jones, Kane, Labrecque, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Nass, Norbert, Norton, O'Brien LL, O'Neil, Patrick, Peavey, Perry, Pineau, Quint, Richard, Rines, Schneider, Shields, Snowe-Mello, Sullivan, Tarazewich, Tessier, Thomas, Trahan, Usher, Watson, Wheeler GJ, Mr. Speaker.

NAY - Ash, Berry DP, Bowles, Brooks, Buck, Carr, Clark, Clough, Collins, Cressey, Dugay, Duprey, Gerzofsky, Glynn, Goodwin, Hall, Haskell, Kasprzak, McGowan, McKenney, Mendros, Michael, Murphy T, Pinkham, Povich, Rosen, Savage, Sherman, Simpson, Smith, Stanley, Stedman, Tobin D, Tracy, Treadwell, Twomey, Volenik, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bagley, Baker, Belanger, Bryant, Bumps, Canavan, Davis, Dorr, Duncan, Estes, Foster, Gooley, Honey, Jodrey, Koffman, Landry, Ledwin, Lovett, MacDougall, Madore, McKee, Morrison, Muse C, Muse K, Nutting, O'Brien JA, Paradis, Perkins, Richardson, Skoglund, Tobin J, Tuttle, Weston, Young.

Yes, 77; No, 40; Absent, 34; Excused, 0.

77 having voted in the affirmative and 40 voted in the negative, with 34 being absent, and accordingly the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH**.

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

**ENACTORS
Acts**

An Act to Stabilize the Funding of the Department of Inland Fisheries and Wildlife

(H.P. 1432) (L.D. 1929)
(H. "A" H-1061 to C. "A" H-1021)

An Act to Amend the Laws Relating to Development Districts
(S.P. 725) (L.D. 1966)
(C. "B" S-547)

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.

SENATE PAPERS

The following Joint Order: (S.P. 830)

ORDERED, the House concurring, that Bill, "An Act to Control Internet "Spam"," H.P. 1538, L.D. 2041, and all its accompanying papers, be recalled from the legislative files to the Senate.

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

The Joint Order was **READ**.

Pursuant to Joint Rule 404, this Joint Order required the affirmative vote of two-thirds of those present for passage. 92 having voted in the affirmative and 5 in the negative, 92 being more than two-thirds of the membership present, the Order was **PASSED** in concurrence. **ORDERED SENT FORTHWITH**.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Increase the Supply of Medical Services to Consumers"

(S.P. 481) (L.D. 1545)

Signed:

Senators:

MARTIN of Aroostook
LONGLEY of Waldo

Representatives:

KANE of Saco
FULLER of Manchester
BROOKS of Winterport
LAVERRIERE-BOUCHER of Biddeford
DUDLEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-528)** on same Bill.

Signed:

Senator:

TURNER of Cumberland

Representatives:

DUGAY of Cherryfield
O'BRIEN of Augusta
LOVETT of Scarborough
NUTTING of Oakland
SHIELDS of Auburn

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

Representative KANE of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. LD 1545, a bill that would repeal the Maine Certificate of Need Program, would have serious implications for Maine citizens' access to health care. Simply stated, the certificate of need law requires hospitals and certain physician-owned facilities to obtain permission from the state before constructing medical facilities or offering certain health care facilities such as MRIs, PET scanning or cardiac caps. Thirty-six states including Maine have some type of certificate of need law. The objective of a certificate of need review process is to prevent unnecessary duplication of health care facilities and services to guide the development of services that best meet public needs and it assures that high-quality services are provided. In short, it provides a means for helping to achieve national, orderly development of health care facilities.

Only about a month ago, on March 1, 85 business people gathered at a health care forum sponsored by the Chamber of Commerce in Portland to try to come up with practical solutions to the health care crisis and the cost. After only two hours, there was widespread agreement on two points. Maine needs a system by which consumers and payers can track outcomes, costs, levels of use for hospitals, doctors and other providers. They also concluded that Maine needs a comprehensive health plan and an office that sets priorities if we are to channel resources for care. Of all times when Maine, like other states, are dealing with skyrocketing health insurance premiums, why would we get rid of the one tool we have to ensure that there is accountability in the development of costly services? Proponents of the repeal argue that duplication of facilities and services increase competition. Unfortunately, and most experts agree, when it comes to health care, duplication creates excess capacity and increases health care costs. More facilities, equipment and overhead that serve the same patient population when current capacity is adequate fuels health care inflation. It also promises to increase the cost of health care rather than bring needed prices down. Deregulation could result in a proliferation of new for-profit facilities and services that duplicate the services already provided by nonprofit community government hospitals.

To make matters worse, while this duplication would increase health care costs, it would damage the health care delivery system on which communities depend for service. When these for-profit providers serve only patients with insurance, those patients are no longer served by the hospital. When the new facilities spawned by deregulation target procedures where hospitals do make money, they then jeopardize the hospital's ability to pay for unprofitable services, like 24-hour emergency services where they lose money. The loss of these patients and procedures would seriously erode the financial foundation of Maine's hospitals. If Maine hospitals can no longer afford to provide needed services or money-losing services, will the benefits of deregulation come at too high a cost for our communities?

I urge you to support the Majority Ought Not to Pass Report.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to tell you a story, a story of poor judgment, wasted money, monopolistic greed. It is called the certificate of need law. I want to tell you why it is in effect, what is doing and why we ought to get rid of it.

In the 1960s some geniuses in the federal government decided that hospitals should be reimbursed for costs. In those days, my hospital administrator said that this is a no lose deal.

Fifty percent of our patients at that time were covered by Blue Cross and Blue Shield, 40 percent by Medicaid and Medicare, the hospital only has to come up with 10 percent. We can buy anything we want and it is going to be paid for. Everybody went merrily on their way buying things and expanding and finally the federal government caught on.

In 1974, Congress mandated that all the states have a certificate of need law. Nobody paid much attention to that. In 1979, Congress said if you don't put in a certificate of need law, you are not going to get any more federal funding so everybody put one in. We now have 50 certificate of need laws. All this was a result of this method of reimbursement of costs, retroactive costs, that were submitted to the insurance carriers. What were we seeing then? Congress put in a certificate of need law, but costs failed to come down. In fact, costs increased. Taxpayer funded bureaucracies were created and staffed. Expensive and time-consuming application processes were instituted and these costs were passed onto consumers and local communities were dissatisfied with those health care planners who were often far away in Augusta or some other place and they were perceived as being insensitive to local needs and made decisions with negative impacts on local health care availability.

Finally Congress woke up and the method of reimbursement had changed from cost to a system called DRG, diagnostic related groups. Congress said as of January 1987, you don't have to have a certificate of need law anymore. Fourteen states woke up. We can drop this turkey. Congress suddenly realized that the outcome should be focused on quality of care, not quantity. The certificate of need, Congress disowned it. It was deemed a failure. Why would any state continue to keep that program? Fourteen states decided they didn't need it. One reason why states continued to keep it is because of the monopolistic desires of the existing facilities. They increased their profits by restricting a competitor by using the certificate of need law. Secondly, they denied that market competition increased efficiency and improved the quality of service, which is absolutely opposite. Thirdly, there was an idea that duplication would raise costs and harm the public.

There were a lot of accusations and allegations going back and forth so Duke University put on a study. Let's look at the states that dropped certificate of need. The conclusions were that they had no ill effects, per capita spending dropped, quality of service rose and the availability of service also rose. The states that continued the certificate of need, there was no change in the per capita spending, the quality for service did not increase, availability of service did not increase, profits of the existing providers were raised because they stifled competition. What we have now in Maine is an expensive and slow certificate of need process that lends itself for a guarantee of a monopoly toward the operators of existing health care facilities.

I bring to you a living example of what just happened in the past twelve months. Maine Medical Center had a corner on the market with all their cardiac surgery. They had already fought a battle with a hospital in Manchester, New Hampshire, to prevent them from getting it and they lost. They fought and resisted Eastern Maine Medical Center from getting it and they lost. Now Central Maine Medical Center says they want to put in cardiac surgery. The fight was furious. I can't tell you how many man hours and hundreds of thousands of dollars were spent on both sides trying to prevent the certificate of need being awarded to Central Maine Medical Center. Central Maine Medical Center subsequently prevailed. We don't need the expense of this process. We don't need the expense of the bureaucracy that handles it. We don't need the adversarial atmosphere that the certificate of need creates. All the states that dropped certificate

of need, and there are several similar to Maine, found nothing changed. Business went on as usual and there was no proliferation of anything. People continued on and the situation was normal. I ask you to vote against the pending motion and let's get rid of the certificate of need.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative FULLER: Mr. Speaker, Men and Women of the House. I am rising in support of the continuation of the certificate of need. Having been around the health care system for many, many years, I can tell you there is a tendency of many health care facilities and providers to invest in very expensive equipment. We all know as patients if you have health insurance, whatever the doctor orders, you go and do it. The insurance company will pick up the tab and away you go. I think personally that the experience at Central Maine Medical Center is the case in point when the hospital starting restricting privileges on staff so that they would only have their patients served at the Central Maine Medical Center and not have a choice of where they wanted to have their care provided. It was a result of building a unit that I really have to question whether or not it was needed.

We do continue to need to control health care costs and I submit that without the certificate of need there will be increased costs and runaway costs that we really don't need. I urge your support of the bill to have certificate of need.

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

Representative QUINT: Mr. Speaker, Men and Women of the House. Three years ago I chaired the Commission on Revision of the Certificate of Need Program. I want people to understand that a lot of information is being discussed about how it was enacted in the '60s and the '70s and the '80s. If you were listening only to that, you would believe that it was the same law and the same process that existed 30 years ago. That is actually not the case. We spent a lot of time four years ago rewriting the certificate of need laws to be very applicable to the health care system in the State of Maine. The Certificate of Need Program applied to everything and one of the things that we exempted from that was hospitals and administrative buildings. Prior to our meeting, hospitals were required to go through the certificate of need process to build an administrative building. We decided after input from many of the hospitals, including Eastern Maine Medical Center, Franklin Memorial, Maine Medical Center and the Houlton Regional Hospital, we agreed that that part of the CON process was no longer necessary.

We also discussed ambulatory surgical centers who believe this old argument about the franchise system. One of the things that we want to make sure is that for-profit or out of state concerns don't come into this state and just pick off the people who have insurance and do not take charity care. One of the things that the CON process insures is that those organizations that provide those services are also required to provide a proportion of charity care. I can't tell you how critical that is to many of the people in my district, the fact that hospitals do provide a considerable amount of charity care and they can't cherry pick from those people who pay and those people who don't pay.

If anybody in this room thinks that by lifting the certificate of need requirements in this state are going to do anything but increase the cost of medical care, they are mistaken.

The Chair ordered a division on the motion to **ACCEPT** the Majority Ought Not to Pass Report.

Representative SHIELDS of Auburn **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: 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. 622

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Crabtree, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Honey, Hutton, Jacobs, Kane, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Muse C, Nass, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Stanley, Tarazewich, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Buck, Chase, Clough, Collins, Cressey, Daigle, Duprey, Foster, Heidrich, Jodrey, Kasprzak, Labrecque, Lovett, MacDougall, Marrache, McKenney, Mendros, Michael, Morrison, Murphy T, Muse K, Nutting, O'Brien JA, Pinkham, Rosen, Schneider, Shields, Smith, Snowe-Mello, Stedman, Sullivan, Tessier, Tobin J, Treadwell, Waterhouse, Wheeler EM.

ABSENT - Bagley, Baker, Blanchette, Dugay, Duncan, Estes, Goodwin, Jones, Koffman, Landry, Madore, McGowan, McKee, Povich, Young.

Yes, 100; No, 36; Absent, 15; Excused, 0.

100 having voted in the affirmative and 36 voted in the negative, with 15 being absent, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED** in concurrence.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-507)** on Bill "An Act to Strengthen the Certificate of Need Law"

(S.P. 619) (L.D. 1799)

Signed:

Senators:

MARTIN of Aroostook

LONGLEY of Waldo

Representatives:

KANE of Saco

DUGAY of Cherryfield

FULLER of Manchester

SHIELDS of Auburn

BROOKS of Winterport

LAVERRIERE-BOUCHER of Biddeford

DUDLEY of Portland

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

O'BRIEN of Augusta

NUTTING of Oakland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-507) AS AMENDED BY SENATE AMENDMENT "B" (S-573)** thereto.

READ.

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

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

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House. Last week there were to editorials that appeared, one in the Lewiston paper and one in the Portland paper, essentially saying the same thing regarding this issue. I would like to quote very briefly one paragraph from the Portland article summarizing so much of what we are about right now.

"Legislators in Augusta this week have an opportunity to marginally improve and to contain runaway health care costs in Maine. Unfortunately, they will also be voting on a bill that will make the problem much worse. At issue is a process called certificate of need. Hospitals need these certificates when they make substantial investments in new health care equipment and programs. Before lawmakers are competing bills that would either strengthen the certificate of need process or repeal it. We believe it should be strengthened." Thank you Mr. Speaker.

The Bill was **READ ONCE. Committee Amendment "A" (S-507)** was **READ** by the Clerk.

Senate Amendment "B" (S-573) to **Committee Amendment "A" (S-507)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-507) as Amended by Senate Amendment "B" (S-573) 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-507) as Amended by Senate Amendment "B" (S-573)** thereto in concurrence. **ORDERED SENT FORTHWITH**.

Divided Report

Seven Members of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-564)** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$19,300,000 to Construct and Upgrade Water Pollution Control Facilities, to Remove Discharges, to Clean up Tire Stockpiles, to Clean up Uncontrolled Hazardous Substance Sites, to Remediate Solid Waste Landfills, to Make Drinking Water System Improvements, to Address Household Hazardous Wastes and to Promote Standardization and Use of Public Geographic Data"

(S.P. 783) (L.D. 2120)

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

BERRY of Livermore

MAILHOT of Lewiston

TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-565)** on same Bill.

Signed:

Representatives:

NASS of Acton
WINSOR of Norway
BELANGER of Caribou
ROSEN of Bucksport

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (S-566)** on same Bill.

Signed:

Senators:

CATHCART of Penobscot
MILLS of Somerset

Came from the Senate with Report "C" **OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-566)**.

READ.

Representative BERRY of Livermore moved that the House **ACCEPT Report "A" Ought to Pass as Amended.**

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT Report "A" Ought to Pass as Amended.**

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

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

Representative **BERRY:** Mr. Speaker, Men and Women of the House. The bond before you, hopefully we don't have to go through the whole debate we had this morning. Hopefully we have most of that out of our system. I wanted to explain the details of Committee Report "A."

In Committee Report "A" we have combined the Chief Executive's bond proposal on the environmental and agricultural issues that he had proposed. There is a difference in the three reports. The water pollution control facilities we have in the full amount of \$8 million. There is a \$2.5 million piece of this, low interest loans for wastewater treatment plant construction either for new facilities or facility upgrades. That also brings a \$12.5 million federal match. Also, included in this \$8 million is \$5.5 million for grants for waste treatment construction. The most likely locations that had been identified for us included the towns of Corinna, Vinalhaven, Milbridge, Limestone, Washburn, Patten and Milford. One of the important things to note is if you intend to plan for all these communities or if you have communities that expect to be coming forward for these applications in the near future, you need to support the full amount to shorten this list down the road. The overboard discharges, it provides \$1 million for grants to municipalities, homeowners and businesses to remove overboard discharges to improve environmental discharges. These locations are potential beneficiaries: Bar Harbor, Boothbay Harbor, Cranberry Isle, Gorham, Machiasport, Phippsburg, Biddeford, Brooksville, Georgetown, Harpswell, Milbridge and Standish. That is identical in all three packages. I would like to point that out. Small community grants program, \$1 million, is in all three packages and it provides funding for approximately 100 projects. There is quite a long list there. I won't go through those. They are intended to help the rural

areas. I have seen it used in my town for some of the septic tanks for the low-income people to help provide a way for them to help clean up or have an efficient system.

Included in all three reports is a clean-up of uncontrolled hazardous waste sites, \$1 million. It provides for part of the clean up of Portland and Bangor waste oil sites. It is shared with the EPA funding for costs of the Corinna superfund site and there is a list of potential sites such as Acton, Dover-Foxcroft, Ellsworth, Houlton, North Jay, Paris, Sanford and Waterville.

The Hazardous Waste Recycling Program is in at \$600,000. It is identical in all three. Another item where there is difference is internet based library of geographic information services. The Executive's bill proposed \$4 million. The Majority Report includes a full \$4 million. The Minority Reports include \$2 million. That will bring \$1.6 million in federal matching funds. The reason you will find the additional \$2 million or the full \$4 million in the Majority Report, Report "A" is that \$2 million is the portion of the bond that will go out to enable communities across the state, all of the municipalities, to support the GIS mapping and enable them to improve citizen access and to improve citizen access in the planning process for emergencies. It is quite a universal for municipalities. It builds a system that is standardized. It really makes sense to go this way rather than see communities building separate systems. I would imagine in the future that will be much more expensive to standardize and make compatible for different systems or different uses.

The public drinking water piece is in. It is \$1.8 million. That is identical in all three packages. That brings a \$6 million match. I did get a note that the \$500,000 to remediate solid waste landfills is in all three reports. I thank the House Chair of Natural Resources for that.

A piece from the agricultural portion of the bonds, there is a difference in this amount. The Majority Report has \$1 million for manure pollution control structures on Maine farms. The original Executive's bill is \$1.5 million. It provides for the structure of newer retrofitting existing manure control structures on Maine farms in order to comply with Maine law. The only reason that the amount was reduced by a half a million in Report "A" was trying to attempt to reduce the overall cost of the bond packages. I think it still allows a million dollars to continue with these programs.

Recapitalization of the potato marketing improvement fund is identical in all three bills at \$500,000. The environmentally sound water sources, which is related to the irrigation initiative creates, farm ponds, but that is not accurate. It is creating environmentally sound water sources to enable irrigation for the blueberry crops and potatoes across the state. That is identical in all three packages. Wastewater treatment improvements for IF & W at \$7 million is identical in all three packages. This is a long-time-coming project. The original request was for \$20 million. The Executive's bill supported \$7 million. It begins an effort to bring the hatcheries program into compliance with wastewater discharges. It also will support improving our hatchery system and getting more young fish out into Maine lakes, which is part of our economic base in the state.

There are not a lot of differences in the reports. I think the differences are important. I hope you will support Committee Amendment "A." Thank you.

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

Representative **NASS:** Mr. Speaker, Men and Women of the House. I think the House Chair has done a good job of explaining the detail of the differences here. I just would like to add just a few points to that. Again, as in the prior bill, there is another report, no split, between the bond issues issued in June

and November. The report before us does divide it. The summary that we handed out this morning indicates which parts will go out in June and which parts will go out in November. Other reports, again, send it all out in November.

The other major difference for us is that the other reports are somewhat smaller, not significant in this case. This is the bill with the three that has the most agreement as far as the total at the bottom.

Finally, we had referred to the cost of this morning. We talked just briefly about how much money we spend every year to support this debt. Currently it is about \$170 million in the biennium. It is about \$85 million a year. We did not include this morning the government facilities authority debt. That adds about \$13 million a year or \$26 million for the biennium. We are roughly at a total debt service cost for tax afforded debt at \$200 million for biennium or \$100 million per year. I ask you just to think in terms of that of what else could we do with that money? That is what this is all about. If we didn't have this debt or we reduce the debt, there are other things that could be improved. This money could be spent elsewhere or our citizens would have a lesser burden for supporting state government.

Mr. Speaker, this has a cost. We can quantify it. We have told you about it. You need to know that before you vote on this. Thank you.

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

ROLL CALL NO. 623

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

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

ABSENT - Bagley, Baker, Duncan, Estes, Fuller, Goodwin, Kane, Koffman, Landry, McKee, Smith, Young.

Yes, 78; No, 61; Absent, 12; Excused, 0.

78 having voted in the affirmative and 61 voted in the negative, with 12 being absent, and accordingly Report "A" **Ought to Pass as Amended was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-564) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-564) in NON-CONCURRENCE** and sent for concurrence.

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

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

Resolve, to Study the Impact of a Maine-based Casino on the Economy, Transportation Infrastructure, State Revenues and the Job Market

(H.P. 1700) (L.D. 2200)
(S. "B" S-560 to C. "A" H-1035)

Which was **TABLED** by Representative COLWELL of Gardiner pending **FINAL PASSAGE.**

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

Representative **MURPHY:** Mr. Speaker, Men and Women of the House. The first thing I need to do is reassure members of the House that there was no conspiracy. I received a note saying that there has to be a plan connected with this because I know if you have lunch, now that you are a senior you might be napping in the afternoon. There was another member who sent me a note that this casino proposal which started out in Kittery and this morning was in Wells and by the afternoon it could be in Kennebunk and I would be able to sit on my lawn in my chair and watch the traffic go by.

We have before us an issue that provides for a study on casino gambling. It has within it three major issues, the economic benefits, the traffic and the social costs. As I said earlier, others have said, why don't you just roll over? Why don't you just let this thing happen? In your own county some people have. What is missing in this study is the intangibles. You cannot measure intangibles. They are the things that you experience every day where you live. York County is a pretty complex county. We have tourism, agriculture and manufacturing. If you get a catalog in the mail, it probably came from Spencer Press. If you have ridden in a jet, either military or commercial, that engine was made at Pratt and Whitney. If you have been to an arena or a stadium, those seats were made by Hussey Manufacturing. Those seats are even on their way to China. We have biomedical. We have high tech. We also have families that open up their homes to guests, B & Bs. We have small retail shops.

Last month, the leaders of the Indian Nations and Tribes spoke to this House and spoke to their love of the land. What I want to speak to today is the love of our land, the love of our county and how important that is to us. It is a place of great beauty. It is a place of harbors with an active fishing industry, beaches and wild places. One of the most beautiful places a short distance from the proposed casino is a place called Mt. Agamenticus. You can stand on the crest and look toward the ocean and see the blue of the water. You can walk 250 feet across and you can see the White Mountains. If you are there in the fall, you can see the hawks circling. It is an absolutely beautiful place.

York County is a county of small towns. Within those towns, small villages separated by hayfields, forests and other green spaces. We have great pressures in York County. You have heard about some of those in the previous debate. Most of our towns have increased their population in the last decade 25 to 45 percent. Thousands of our kids go to school every day in trailers. We have high property taxes, high housing costs and because of that, many of our people work in Boston, New Hampshire and Portland to be able to live in those communities. We have those

challenges. We have those problems and we are working to solve them. Tourism, which this has been pitched at, is very important to us. You learn during those seasons, as many of you that live in tourism areas, you drive the back roads and you have to go to the grocery store at 8:00 a.m. in the morning. You can't go out to dinner on weekends. You can't go north or south in York County on a Saturday or a Sunday from May to October. There are economic benefits. There are jobs for our young people. Thousands of our young people have been able to go to college because of those summer jobs. Because of those tourists, barns throughout York County host summer theatre, something that wouldn't be available. Some of those tourist snow birds come back and they support our civic organizations and our churches. Some of those tourists fall in love with that county as much as we do and they come back for good. Our home is our county and it is probably very much like your home and your county. You love it like we do ours.

For 14 years in this Legislature, I have listened to representatives from all regions of this state. I have heard about your problems and your fears. I didn't need a study to understand that you needed help, especially when it meant being able to stay in your home and have a quality of life. In the previous Legislature when a proposal for high-stakes bingo was brought forward from Albany Township, I didn't need a study. I didn't need to talk to the Department of Transportation. I listened to the citizens from that area. I listened to the Representatives and Senators and they told me that that proposal would alter their way of life forever. I didn't need a study. I listened and I voted in support of people in that area.

This is a little side issue. You have to understand my background. I am a history teacher. I will always be a history teacher even though I am retired. My specialty was frontier and western history. If you have an interest in frontier history, you understand how important Deadwood, South Dakota, is. You have to understand how important the things that happened there were, the history that was made. We went back to South Dakota to go to a wedding and the high point of that trip for me was to be able to go to Deadwood. I did some reading and I saw that they had gambling there. It was one of the most economically depressed areas in South Dakota. They were losing their young people. They were desperate and they went to casino gambling. A percentage of it was going to be dedicated to architectural preservation. I am an architectural preservationist. I write about it. I study it and I build houses along that line.

We did a 7 a.m. windshield tour of Deadwood, South Dakota. It was absolutely beautiful, the facades, the exteriors. It was everything that I hoped it would be. We went to park the car for the day and it was \$12. That should have told me something. Because it was still so early in the morning, we went to a historic hotel with the star on it saying that it is a must-see. If you see only one thing in Deadwood, South Dakota, you need to go to that two or three story atrium lobby and see that 100-year-old atrium. We walked in at 8:00 in the morning. You couldn't see the atrium because there was Las Vegas inside that lobby. At 8:00 a.m. in the morning there must have been 250 people playing the games and that was their slack hour. That was an eye opener and we walked around town. We looked inside the barbershop. There were two chairs, 12 slots. We went into a hole in the wall breakfast place, you would call it in most of your towns, a counter, six tables and 40 slot machines. We looked into an auto parts store and there was the counter where you pick up your auto part and to the left were the slots. By about 10 or 11 o'clock we realized there was a beautiful façade and they had preserved Deadwood, but the most important thing about that town was the people and their way of life and it was gone. By 10

o'clock the buses started rolling in. Within 5 or 10 minutes there were ladies with 30 or 40 ounce cups with their quarters running from building to building. That was the reality of what casino gambling will do. Most of these casinos on the exterior have beautiful facades, a lot of glitz, but when you get inside and you see where they are located, the people and their way of life have been dramatically altered.

You had passed out here the other day a copy of the *York Weekly*. That was a real nice photo of Foxwood, wasn't it? A real nice sophisticated couple sitting there. Our newspaper in York County wanted to be able to go to Foxwood and take a picture of the people who are gambling. They told the newspaper no, we don't allow those photos to be shot. We will give you a nice glossy of what is happening at Foxwood. I have a feeling an awful lot of those photographs would show the same kind of ladies with their 48-ounce cup running down the street looking for another machine to drop their quarters in.

Many of us are asking you from York County, we do not want that county to become a place where you go to lose your paycheck. We don't want it to become a county where with your ATM card on a weekend, you can wipe out your life savings in your checking and savings account. What I need to ask you, I think there was a hint of it in the *Sunday Telegram* that Mainers who lived elsewhere in the state were asked, would you like to have casino gambling? They said yes. The reporter said, how about here in your town? No, I don't want it in my town. They had made the comment, why not stick it down in York County because that area is ruined already. They are expendable. Let me tell you that as a person from York County, it isn't ruined. It isn't expendable. It is our home. This proposal, while it may bring us glitz, it may bring us a fancy façade, what it is going to do to our towns, our people, our way of life will be unbelievable.

I would ask you on this vote, even though this study says no specific place, I would think about home. Would you put that casino and all the problems connected with it, would you put that in your home, your town or your village and expect the quality of life or what makes your home so unique to continue or would you move out within a year or two? That is what it is all about. Mr. Speaker, when the vote is taken, I ask for a roll call.

Representative MURPHY of Kennebunk **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 PRO TEM**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I love York County. I am a York County native. I was born and brought up there. I plan to spend the rest of my life there. I care very much for York County, my home town and I do understand the concerns of the good Representative from Kennebunk. I think that as a York County native there are differing opinions. I passed out an article from the *Portland Press Herald* in my area and it says if Kittery says no to the casino, then Sanford and others say maybe. In that article it explains that the Town of Sanford and business leaders favor the idea and they want to hear more. In Biddeford, the mayor believes the casino deserves consideration. In Old Orchard Beach at least one town official favors the idea. In Bangor, the mayor believes a casino has merit and should be looked at. Lewiston/Auburn, the economic development director says that a casino is something that should be viewed for the state. Scarborough Downs in Scarborough says it is open to the idea initially.

As I said yesterday in my discussion, having been chairman of the Committee on Legal and Veterans Affairs that deals with these issues year after year, I have always said that regulation

works and prohibition does not. We have a long history of applying that principle. I think that it can work for the State of Maine. As I mentioned before, I think that historically we do review important issues of this nature. I do understand the concerns of my good friend, Representative Murphy. As a fellow member of the York County Delegation, his concerns are well met and well intended, but I think that if this study is conducted correctly as has been the amendment added to it in the other body and with the input of this Legislature, that these questions can be answered and if it can be done in the right way, this is something that we should do. Let's study it. Let's find out. Our minds have not been made up, but by having a study, I think a lot of the questions that have been asked will be answered and I hope that you would support the pending motion.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Biddeford, Representative Laverriere-Boucher.

Representative **LAVERRIERE-BOUCHER**: Mr. Speaker, Men and Women of the House. I live in York County. In fact, I am a native. I have been living in Biddeford for 45 years. A study is a study. I am not afraid of a study. This study I understand will be looking at various Maine locations. I want a study to decide next year if it is in the best interest of everyone concerned. In the resolve it says that there will be three public hearings held in different regions of the state on the subject of a Maine-based casino. Again, a study is a way to gather information. Why are people afraid of gathering information? We are not voting on a casino today, only a study. Thank you.

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. First of all, I would ask that you vote for the position of the person who speaks least, not the longest. I also would like to remind you that this bill has been debated several times now. The same issues have been discussed. I think what we have done is turn this into a debate of whether or not we should have a casino, not whether or not we should have a study. Each time that we voted on this previously, there have been several roll call votes on this, it has been approved overwhelmingly. I would just ask that you stick to your previous vote and let's move on. Thank you Mr. Speaker.

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

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. The good Representative from Kennebec might very well be right about the incompatibility of casino gambling in his district. A study might very well reflect that. However, a comprehensive study like the one proposed in LD 2200 could also very clearly conclude that a casino would be a natural for the north country, Van Buren or Limestone, where there is no sprawl, no traffic congestion and plenty of room to build as big a casino as my good friends the Penobscot or the Passamaquoddy want to build. We need LD 2200 to give us direction northward. Thank you.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I cannot support this study in any way, shape or how. I think what we are doing here is we are taking the cart before the horse. We haven't even decided whether we want gambling in this state. To set a study up to see where we want to put a casino is absolutely ridiculous. We haven't made a decision whether we even want to have a casino or not. I think a study at this time is inappropriate. If you wish to have a casino next year, then put in a bill proposing that. All that information

and all that data will come to you quickly and you will have it all before your little fingers. You will be able to make that decision. I think this is absolutely absurd. I haven't said anything before because I have been holding tight and seeing how people are going. I have to say something. I lived in New Jersey when we built a casino, Atlantic City. New Jersey has hated the day that they put that casino up. They made all kinds of promises to Atlantic City, saying that they are going to help the economic base and they were going to turn Atlantic City into a beautiful city. They turned a charming, quaint, old fashioned town into a city that I am very ashamed of.

In other areas of the country they have done the exact same sort of thing and it has proved to be disastrous. I do not want to support a study that will put our foot into it. I do not want a study that would put a foot into the door. I love Maine. Maine is such a beautiful state. I want Maine to be able to remain a pure and beautiful state. People from all over the world and all over the United States come to our state because of the way it is. If we turn it into a gambling state, we are going to lose those people. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. One of the things that you learn usually quite early in life is not to believe everything you read in the papers. They don't always tell all of the story. It was mentioned by the good Representative from Sanford, Representative Tuttle, that it was in the paper this morning that the management at Scarborough Downs would be willing to talk about a casino in Scarborough. What they didn't say was that last night the people of Scarborough, through the Scarborough Town Council, voted to ban video gambling in Scarborough, at Scarborough Downs and at other areas of Scarborough. I think it is important that we know how the people think on this issue. I would urge you to go on and defeat this motion for passage.

The **SPEAKER PRO TEM**: 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.

ROLL CALL NO. 624

YEA - Ash, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dugay, Dunlap, Duplessie, Duprey, Fisher, Fuller, Gerzofsky, Goodwin, Haskell, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kane, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, Lovett, Lundeen, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McLaughlin, Michaud, Mitchell, Morrison, Murphy E, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Sherman, Shields, Simpson, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tracy, Treadwell, Tuttle, Usher, Volenik, Watson.

NAY - Andrews, Belanger, Berry DP, Berry RL, Buck, Chase, Clough, Crabtree, Cressey, Daigle, Davis, Dudley, Etnier, Foster, Gagne, Glynn, Gooley, Green, Hall, Honey, Kasprzak, Lemoine, MacDougall, Madore, Mayo, McKenney, McNeil, Mendros, Michael, Murphy T, Nass, Peavey, Perkins, Pinkham, Rosen, Skoglund, Snowe-Mello, Stedman, Tobin D, Trahan, Twomey, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Annis, Bagley, Baker, Duncan, Estes, Koffman, Landry, McKee, Smith, Young, Mr. Speaker.

Yes, 94; No, 46; Absent, 11; Excused, 0.

94 having voted in the affirmative and 46 voted in the negative, with 11 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

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

BILLS RECALLED FROM ENGROSSING DEPARTMENT

(Pursuant to Joint Order – House Paper 1732)

Bill "An Act to Create the Maine Rural Development Authority"
(H.P. 1724) (L.D. 2212)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-559)**.

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

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

The same Representative **PRESENTED House Amendment "B" (H-1086)** which was **READ** by the Clerk.

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

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

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

Representative **WATERHOUSE**: Thank you Mr. Speaker, to anybody who could answer, the amendment that this went on, it was my understanding of the reading of it that if a municipality is lacking some kind of private investment in something, which means the private investor doesn't think it is a good idea, that we are going to go ahead and give funding for that.

The other question is on the Senate Amendment it says that expenses are subject to other funding. Could somebody explain to me what they mean by other funding?

The **SPEAKER PRO TEM**: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. In order to answer that question about the private enterprise and whether or not private concerns will come in and essentially bail out a town, we can think of a number of instances in the State of Maine where a single largest employer leaves town. The private investment certainly isn't there because the infrastructure no longer exists. Perhaps the tax base now has been reduced by about 50 percent. In those very rare circumstances, this is something the good Representative from Kennebunk and the good Representative from Scarborough insisted upon when we put this bill together, in rare circumstances we would have the opportunity to go in when private investment, because of a chronically ill, if you will, town or municipality, we would have the opportunity to go in and take some course of action when private investment would not step in. That was to keep the social fabric, if you will, of a community together. That was the reason for that.

The second question you have was with respect to expenses. That was the Senate Amendment. What that did was that was a technical amendment, which OPLA had asked us to place on the

bill. The reason for that is because there were some very small costs, which the Department of Economic and Community Development was going to incur, start-up costs for this authority to get started. You needed that enabling language to allow the Department of Economic and Community Development to get this program started if, in fact, we were to pass this on final enactment.

I hope that answers your questions.

House Amendment "B" (H-1086) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-1086) and Senate Amendment "A" (S-559) in NON-CONCURRENCE** and sent for concurrence.

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:

ENACTORS

Acts

An Act to Update the Department of Defense, Veterans and Emergency Management Laws

(H.P. 1288) (L.D. 1752)

(C. "A" H-837; H. "C" H-946; S. "B" S-557)

An Act to Implement the Recommendations of the Committee to Review the Child Protective System

(H.P. 1644) (L.D. 2149)

(C. "A" H-1078)

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.

An Act to Amend the Motor Vehicle Laws

(H.P. 1406) (L.D. 1844)

(S. "A" S-524 to C. "A" H-941)

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. You will recall that we heard the merits of this very wonderful bill last night from the Representative from Brewer. I would just remind you that there is a fee increase in here for truckers. If you believe that a fee is a type of tax, then I would encourage you to vote against this. Thank you.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. I want to remind you that this has nothing to do with the truck weights. This simply has to do with the fee of oversized vehicles that are usually escorted. People that are bringing in modular homes. These are oversized. That is the permit fee that is being increased. It is still going to be \$10 on the low scale, the lowest fee in the United States of America. Just a faint reminder of that. It has nothing to do with the weights or anything, just the size of the vehicles.

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. With all due respect, I would remind members that this may be one of the lowest fees in the United States, but we are the number one taxed state. Thank you.

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

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

The **SPEAKER PRO TEM**: The Representative may pose her question.

Representative **PEAVEY**: Thank you Mr. Speaker. To anyone who can answer it, when I read the amendment (H-941), number two says that if a person is operating an unregistered vehicle, they would now be charged with a traffic infraction. If someone forgets to register their car, are they then going to have a traffic infraction, which would take a point off their license the same way if they had been run in for speeding?

The **SPEAKER PRO TEM**: 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. 625

YEA - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bruno, Bryant, Buck, Bumps, Carr, Chase, Chick, Clough, Collins, Cressey, Daigle, Davis, Dugay, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, Lundeen, MacDougall, Madore, McGowan, Mendros, Michael, Morrison, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Quint, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Twomey, Usher, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Annis, Bagley, Baker, Crabtree, Duncan, Estes, Koffman, Landry, Smith, Young.

Yes, 77; No, 64; Absent, 10; Excused, 0.

77 having voted in the affirmative and 64 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

An Act to Supplement Maine's Academic Attainment and to Retain Talent

(H.P. 1655) (L.D. 2162)
(S. "A" S-558 to C. "A" H-1055)

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

On motion of Representative **STEDMAN** of Hartland, was **SET ASIDE**.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Just a reminder that this bill has a fairly hefty fiscal note on it. It will be creating a couple of new positions. It will have a fiscal note of about \$600,000 next year and about \$2 million the following year and about \$6 million the year after that. I would urge you to consider that fact as you make your vote on this particular bill. Mr. Speaker, when the vote is taken, I request the yeas and nays.

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

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

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

Representative **RICHARD**: Mr. Speaker, Ladies and Gentlemen of the House. What the previous speaker said is true. However, there is a statement in here that says the advisory council must submit a report that includes its findings and recommendations including any suggested legislation to the joint standing committee of the Legislature having jurisdiction over education matters and the Legislative Council no later than December 1, 2003. The advisory council is not authorized to introduce legislation following receipt and review of the report; the joint standing committee of the Legislature having jurisdiction over education matters may report out a bill to the Second Regular Session of the 121st Legislature.

As I said, what the previous speaker said is entirely true, but I do think there is a caveat in there that would give the next Legislature an opportunity to make the change if they wanted to.

The **SPEAKER PRO TEM**: 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. 626

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

NAY - Andrews, Chase, Clough, Cressey, Duprey, Foster, Haskell, Heidrich, Kasprzak, Labrecque, Lovett, MacDougall, McGowan, Morrison, Rosen, Stanley, Stedman, Tobin J, Treadwell, Waterhouse, Wheeler EM.

ABSENT - Annis, Ash, Bagley, Baker, Brooks, Crabtree, Duncan, Estes, Koffman, Landry, Nutting, Povich, Wheeler GJ, Young.

Yes, 116; No, 21; Absent, 14; Excused, 0.

116 having voted in the affirmative and 21 voted in the negative, with 14 being absent, and accordingly the Bill was

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

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

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

REPORTS OF COMMITTEE

Ought to Pass

Representative McNEIL from the Committee on **TRANSPORTATION** on Joint Order – Relative to Establishing the Task Force on Rail Transportation

(H.P. 1727)

Reporting **Ought to Pass**.

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

Representative JONES of Greenville **PRESENTED** House Amendment "A" (H-1084), which was **READ** by the Clerk and **ADOPTED**.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **PASSAGE as Amended** and later today assigned.

SENATE PAPERS

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

(H.P. 1637) (L.D. 2140)

(C. "A" H-1046)

FAILED of **FINAL PASSAGE** in the House on April 3, 2002.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1046) AS AMENDED BY SENATE AMENDMENT "A" (S-582)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

JOINT ORDER - Directing the Joint Standing Committee on Education and Cultural Affairs to Report Out Legislation

(H.P. 1707)

READ and **PASSED** in the House on March 25, 2002.

Came from the Senate with the Joint Order **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR**.

On further motion of the same Representative, the House voted to **INSIST**.

Non-Concurrent Matter

Resolve, Establishing the Blue Ribbon Commission to Address the Financing of Long-term Care (EMERGENCY)

(H.P. 1436) (L.D. 1933)

FINALLY PASSED in the House on April 1, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AS AMENDED BY HOUSE AMENDMENT "B" (H-1019)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AS AMENDED BY SENATE AMENDMENT "A" (S-556)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Promote Organ Donation

(H.P. 1448) (L.D. 1945)

PASSED TO BE ENACTED in the House on March 5, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-840)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-840) AS AMENDED BY SENATE AMENDMENT "A" (S-554)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Promote Safety of Families through the Workplace

(H.P. 1463) (L.D. 1960)

PASSED TO BE ENACTED in the House on March 5, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-841)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-841) AS AMENDED BY SENATE AMENDMENT "A" (S-555)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Transfer Responsibility for Determining Eligibility for the Elderly Low-cost Drug Program from the Department of Administrative and Financial Services to the Department of Human Services

(H.P. 1522) (L.D. 2026)

PASSED TO BE ENACTED in the House on March 22, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-911)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-911) AS AMENDED BY SENATE AMENDMENT "A" (S-553)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Establish the Maine Public Library of Geographic Information

(H.P. 1617) (L.D. 2116)

PASSED TO BE ENACTED in the House on March 25, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952) AND SENATE AMENDMENT "A" (S-552)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Implement the Recommendations of the Joint Standing Committee on Criminal Justice Regarding the Review of the Department of Public Safety under the State Government Evaluation Act

(H.P. 1670) (L.D. 2173)

PASSED TO BE ENACTED in the House on March 18, 2002. Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-551)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

(H.P. 375) (L.D. 477)

PASSED TO BE ENACTED in the House on March 6, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-783)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Support the State's Homeless Youth

(H.P. 1528) (L.D. 2031)

PASSED TO BE ENACTED in the House on March 5, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-775)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Amend the Pulling Events Laws

(H.P. 1454) (L.D. 1951)

PASSED TO BE ENACTED in the House on March 21, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-898)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-898) AS AMENDED BY SENATE AMENDMENT "A" (S-571)** thereto in **NON-CONCURRENCE**.

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

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

The House recessed until 7:00 p.m.

(After Recess)

The House was called to order by the Speaker.

Representative WATERHOUSE of Bridgton inquired if a Quorum was present.

The Chair declared a Quorum present.

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

ENACTORS

Acts

An Act to Amend the Freedom of Access Laws to Protect Security Plans, Security Procedures and Risk Assessments

(H.P. 1647) (L.D. 2153)

(C. "A" H-1057)

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

An Act to Provide Government with the Necessary Authority to Respond to a Public Health Emergency Caused by an Act of Bioterrorism

(H.P. 1656) (L.D. 2164)

(C. "A" H-1062)

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 moved that the Bill be **TABLED** until later in today's session pending **PASSAGE TO BE ENACTED**.

Representative BULL of Freeport **REQUESTED** a roll call on the motion to **TABLE**.

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 Table. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 627

YEA - Berry DP, Bowles, Buck, Carr, Chase, Clough, Collins, Cressey, Davis, Duprey, Foster, Goodwin, Heidrich, Kasprzak, Ledwin, MacDougall, Madore, McNeil, Mendros, Michael, Morrison, Murphy T, Muse C, Muse K, Nass, Perkins, Pinkham, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Twomey, Waterhouse, Weston, Wheeler EM, Winsor.

NAY - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Richard, Richardson, Rines, Rosen, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Usher, Volenik, Watson, Mr. Speaker.

ABSENT - Andrews, Annis, Bagley, Baker, Belanger, Crabtree, Estes, Fuller, Haskell, Landry, Lovett, Marrache, McKenney, Murphy E, O'Brien JA, Peavey, Perry, Povich, Quint, Smith, Wheeler GJ, Young.

Yes, 42; No, 87; Absent, 22; Excused, 0.

42 having voted in the affirmative and 87 voted in the negative, with 22 being absent, and accordingly the motion to **TABLE FAILED**.

The **SPEAKER**: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. Out of respect for the wishes of the Representative from Bridgton, I am going to ask my whip, Representative Norbert, to table this piece of legislation.

Representative **NORBERT** of Portland moved that the Bill be **TABLED** until later in today's session pending **PASSAGE TO BE ENACTED**.

Representative **KASPRZAK** of Newport **REQUESTED** a roll call on the motion to **TABLE**.

Fewer than one-fifth of the members present expressed a desire for a roll call which was not ordered.

Representative **MICHAEL** of Auburn **REQUESTED** a division on the motion to **TABLE**.

The Chair ordered a division on the motion to **TABLE**.

A vote of the House was taken. 84 voted in favor of the same and 13 against, and accordingly the Bill was **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

ENACTORS

Acts

An Act to Strengthen the Certificate of Need Law
(S.P. 619) (L.D. 1799)
(S. "B" S-573 to C. "A" S-507)

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

Resolves

Resolve, Authorizing Michelle Booker to Sue the State
(H.P. 1672) (L.D. 2174)
(C. "A" H-1044)

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

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

ENACTORS

Emergency Measure

An Act to Amend the Pulling Events Laws
(H.P. 1454) (L.D. 1951)
(S. "A" S-571 to C. "A" H-898)

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

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

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

Representative **LABRECQUE**: Mr. Speaker, Men and Women of the House. To anybody who can answer, are we increasing the fees for something like \$25 more than what they are now? If so, what is the justification of such a leap?

The **SPEAKER**: The Representative from Gorham, Representative Labrecque has posed a question through the

Chair to anyone who may care to respond. The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. It is my belief that it is a charge per day for the pulling program for that day. It is not to be confused with an amount for each pulling event on a day program. If you pull on a certain day, you will pay a fee. I can tell you that recently I attended a board meeting for Acton Fair and for a number of years on Thursday evening we have had a six-foot pull for visiting teams from around New England. Based on last year's participation it was decided not to have that event in 2002. We will save \$40. I hope that answers the Representative's question.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. In reference to Supplement 36, when you look at this entire supplement, what you have to realize is that is the agreement that was decided on the table already. What we need to do as a body is just Recede and Concur on most of these issues here or quickly enact them. That is what this supplement really does. It is a four-way split that was agreed upon at the table. It is the beginning, hopefully, of getting to a conclusion here of this Legislative Session.

The **SPEAKER**: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I just want to reiterate what my good friend from Raymond said. This supplement does represent a good faith agreement. Our caucus and our leadership went and fought for your issues on the table just as the good Representative from Raymond fought for his party's issues on the table. That is what this represents. These are the items that are going to be funded out of each caucus's share of the million dollars that we agreed upon. It is very important that we honor that agreement. I would urge all our members to support these in good faith and out of friendship and trust in this building. Thank you Mr. Speaker.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I will apologize for not mentioning that (10-1) is something that will be paid by the fairs for the pulling events. It won't require any funds to support. I would ask that you would vote favorably on (10-1). Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Just to clarify something, the fees that are being charged are to provide us with better monitoring of these events, purposely to provide random drug testing for the animals that are used in the pulls. There was money we needed to raise from the general fund that was left out earlier. We appreciate what the Appropriations Committee has done. Thanks.

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

Emergency Measure

Resolve, Establishing the Blue Ribbon Commission to Address the Financing of Long-term Care

(H.P. 1436) (L.D. 1933)
(S. "A" S-556 to C. "A" H-910)

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. 104 voted in favor of the same and 6 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Promote Organ Donation

(H.P. 1448) (L.D. 1945)
(S. "A" S-554 to C. "A" H-840)

An Act to Promote Safety of Families through the Workplace

(H.P. 1463) (L.D. 1960)
(S. "A" S-555 to C. "A" H-841)

An Act to Transfer Responsibility for Determining Eligibility for the Elderly Low-cost Drug Program from the Department of Administrative and Financial Services to the Department of Human Services

(H.P. 1522) (L.D. 2026)
(S. "A" S-553 to C. "A" H-911)

An Act to Establish the Maine Library of Geographic Information

(H.P. 1617) (L.D. 2116)
(C. "A" H-952; S. "A" S-552)

An Act to Implement the Recommendations of the Joint Standing Committee on Criminal Justice Regarding the Review of the Department of Public Safety under the State Government Evaluation Act

(H.P. 1670) (L.D. 2173)
(S. "A" S-551)

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.

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

JOINT ORDER – Relative to Establishing the Task Force on Rail Transportation

(H.P. 1727)

Which was **TABLED** by Representative COLWELL of Gardiner pending **PASSAGE as Amended**.

Subsequently, the Joint Order was **PASSED as Amended** and sent for concurrence.

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

An Act to Protect Workers from Unilateral Imposition of Random or Arbitrary Drug Testing

(H.P. 1595) (L.D. 2098)
(C. "A" H-887)

Which was **TABLED** by Representative BUNKER of Kossuth Township pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

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

ROLL CALL NO. 628

YEA - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bryant, Bull, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Gagne, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Pineau, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Smith, Stanley, Sullivan, Tarazewich, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Bunker, Chase, Clough, Collins, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, Madore, McKenney, McNeil, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, Peavey, Pinkham, Schneider, Shields, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Annis, Bagley, Baker, Brooks, Crabtree, Dugay, Estes, Fuller, Gerzofsky, Haskell, Landry, Lovett, Marrache, Mendros, O'Brien JA, Perry, Povich, Rosen, Skoglund, Snowe-Mello, Tessier, Watson, Wheeler GJ, Young.

Yes, 78; No, 49; Absent, 24; Excused, 0.

78 having voted in the affirmative and 49 voted in the negative, with 24 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was 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.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-1068)** - Minority (1) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act to Implement the Recommendations of the Education Funding Reform Committee"

(H.P. 1581) (L.D. 2086)

PENDING - ACCEPTANCE OF EITHER REPORT.

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

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

Representative GREEN: Mr. Speaker, Ladies and Gentlemen of the House. Here it is, a document that doesn't just skip around tax reform. It doesn't just mention tax reform as a nice goal for some time in the far distant future. It doesn't just mention tax reform as a good speech topic for municipal dinners and campaigns for years to come. It is an invitation to the Legislature, the Chief Executive and to the voters of this state to take action and to take action now.

LD 2086 proposes to ask the voters, the voters, those are the people who buttonhole us on the streets, in the grocery stores, at the school plays, at the soccer games, at the tournaments and they say property taxes are too high. They say that they don't like taxes, nobody likes taxes, but they are willing to pay their fair share, but I don't think it is fair anymore. LD 2086 proposes to ask the voters to agree to a change in the way in which revenue is raised, a change in how the state and the municipalities share the cost of education. LD 2086 proposes to establish in statute a maximum mil rate for funding public K-12 education. Two, ask

the towns to separate on their tax bills the cost of education and the other municipal costs in their town. Three, ask to establish an educational stabilization fund which would function similarly to the Rainy Day Fund so that when the economy is not performing at top speed, education will not be short changed. Four, LD 2086 proposes to retain the Homestead Exemption, the BETR Program and the Circuit Breaker Program to make sure that, through no fault of their own, nobody gets left out in the cold. Five, LD 2086 directs the Taxation Committee of the 121st Legislature to craft the specific legislation that raises the revenue to fund the state share of public education. In the question, it says to the voters, we will do this by raising meals and lodging tax, expanding the sales tax base to include selected services and to address the progress of the income tax and if you have the bill somewhere on your desk, on Page 8 of the Committee Amendment on Line 13 it says that the committee shall raise the necessary revenue in a revenue neutral manner.

This is neither a tax increase bill nor a tax decrease bill. This is a tax reform bill. It is the thing that we all talk about, but we never actually do. This bill addresses the outmoded method this state uses to raise revenue to fund public education. That is education. That is the thing that we all say we are in favor of.

Ladies and gentlemen, education funding should be based on a realistic accounting of the actual cost of educating students in particular grades, not on whether the value of property in a town is high or low, whether students are lucky enough to live in one town as opposed to the other. The purpose of this bill is to give every child in the State of Maine a chance. I hope you will follow my light. Thank you very much.

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

Representative **BUMPS**: Mr. Speaker, Men and Women of the House. I should start this evening my thanking Representative McGowan and my colleagues on the Committee on Taxation for the remarkable effort that they have invested in this piece of legislation. On less than a half dozen occasions since I came to the Legislature in 1997, I have cast a vote that I really regretted. Unfortunately this evening I have to stand here and tell you that I cast a vote in committee on this piece of legislation that I have come to regret.

I am going to explain to you why I have regretted the vote and I am going to attempt to persuade you to join me in voting against the pending motion. LD 2086, the bill before us, is dependent on the passage of an accompanying bill, LD 2087, which is a Constitutional Amendment to implement the provisions of the legislation before you at this moment. That bill and this bill have the potential, no, they don't have the potential, they guarantee, a substantial tax increase to the people of Maine. Let me be clear, Representative McGowan's ambitions in this bill have been both admirable and honorable. His constituents have been well served by the dialog that has surrounded this bill. However, there are serious functional flaws with this legislation that I am going to attempt to address in turn.

First, and most importantly, this legislation promises property tax relief. It contains absolutely no mechanism to guarantee property tax relief to homeowners. It does, on the other hand, guarantee a significant tax increase in the form of a grossly expanded sales tax base that will ultimately tax everything from sporting camps to shoe shines, banking fees to barber shops. A tax increase is assured and a property tax reduction is hoped for.

Comprehensive tax reform is desperately needed in Maine. If it is to be undertaken, it will require both years, not one of a Legislative Session and consideration of a whole host of issues that we've only begun to contemplate. Next January when this Legislature reconvenes some of you and your future colleagues

will face the daunting challenge of closing a projected \$600 million gap in the state's general fund budget. Stabilizing sales tax revenue could be achieved by broadening the sales tax base to currently tax exempt services just like this bill contemplates. I have to warn you that with passage of this legislation those options will have been lost because you are going to shift the revenue source to funding education. Do I believe that property tax rates in Maine are too high? I do. Do I believe that comprehensive tax reform in Maine is urgently necessary? I would submit this Legislature and the next one has no higher priority. Do I believe that this bill's supporters crafted the best and most honest product as was possible in this short session? I do. However, do I believe that if the voters of Maine approve a Constitutional Amendment to implement this bill that the overall tax burden of Maine residents will be reduced? Not for a second. Do I believe that the next Legislature with a new Governor and a \$600 million shortfall would appreciate being handed responsibility for assessing \$400 million in new sales tax revenues to fund education? I doubt it.

Although important and more than a decent effort, this bill must not pass because it really is just a work in progress. There are far too many uncertainties, far too many unanswered questions and far too many major policy changes to be effected in this fashion and at this late stage. When we get ready here in Maine to implement comprehensive tax reform, we need to give the voters the whole story. They must know the consequences of their votes. When faced with the bill before us in November, the voters of Maine will be asked if they want tax reform, but they will not know for certain the consequences of their vote.

I submit to you this evening that the Taxation Committee, the House Chairwoman, the Chairman from the other body, Representative McGowan, the subcommittee and members of the lobby have done their very best in the short time that they had to craft this legislation. It is functionally flawed. It is a work in progress. It must not pass. I ask you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative McGowan.

Representative **MCGOWAN**: Mr. Speaker, Men and Women of the House. I am up again. I have been here two years and I got up once last year and I am going to get up once this year. I just would like to have your undivided attention for about 10 minutes and see if I can point out why this bill should be passed. I came down here two years ago with a commitment, a solid commitment from the taxpayers of the Town of Clinton, the Town of Pittsfield and the Town of Detroit. I went door to door and I asked them what their concerns were. They told me they had two concerns, health insurance, property tax and they went on and on down the line. I had to make a decision what to come down here for. I had to choose what to come down here for. I chose property tax. I dedicated myself to that. It was the only bill that I ever put in. I walked down these aisles two years ago and I said I have come here to do taxation reform. Everybody patted me on the back and said we really need it. We have problems coming up in the future. We need to do something about broadening the sales tax. We need to do something about property tax relief. I thought that everybody was on board. Everybody is backing me. Boy, did I get a lesson.

As time went by I took this bill and said that this is going to be a snap. I have been in business for 30 years and I made decisions one day at a time with no problem. I went home and told my wife that I will put this bill in, get it passed, get out of there and go play golf in Florida.

The tax bill came out and everybody in the hall said it was dead on arrival. It will never go anywhere. It will never do

anything. They have tried it here for 20 years and have never been able to pass anything. I kept trudging along and saying that being naïve and being down here as a freshman that I would just keep plugging away and people will come on board and people will start to listen to me. They will start to pay attention that we have got a problem. Yes, we have \$600 million facing us in two years. Yes, we are going to put \$100 million tax in the next two years. Those are true statements. I thought, they will all come aboard. They will see what I am trying to do here. As time went by, I did get it down to Taxation. I did present it to Taxation. Taxation thought it was a good idea, but they didn't think it was time. They said, let's get a study committee for this and we will get together and we will come up with a good bill. I thought that sounded good. I am a freshman here, sounds like a great idea. We developed a committee with 14 members. There were seven Democrats and seven Republicans. I thought, perfect, we will put these people together and we will come up with a solution. Wrong. We put these people together and it was like separating the sea. The Republicans went one way and the Democrats went the other way. We only had four meetings. The Republican leadership didn't want a part of it. They didn't want a part of it. They tried to stop it. They didn't want to appoint people to the committee. We finally struggled through four long meetings and we did accomplish some things. We put together some kind of a program and we said that we don't have time to finish because we have run over the deadline for that year, but we are going to turn it over to Taxation. We are going to give it to Taxation to work with.

We brought it back to Taxation and from Taxation we developed a subcommittee, which I was chairman of. We worked 400 hours on this bill. We brought in education. We brought in taxation. We brought in the municipalities. We brought in every person that we could think of that could put this package together. In my opinion, we have come out with one of the best packages that you could ever put out to the people. We went out of that committee with a 12 to 1 vote. You know what happened, some place between that vote on the first floor, I call it a moat because it has concrete walls on it and everybody tries to contain things within it and being naïve, I thought we had a 12 to 1 vote on this. I have this whole committee, we are the Patriots. We are coming out of this committee as a team. We are going to come before this group and we are going to present our case. Boy, was I wrong. By the time it got to this floor, the lobbyists had gotten to them in the halls. They had told them everything but the truth. They had presented their case from their side. They thought by the time it gets in here everybody will be against it. Wrong.

You have to look at the big picture for what this does for the State of Maine. We have a lobbyist down here representing 2 percent of the big businesses. We have people down here representing other parts of business that only represent the big ones. I am representing the business and the people of the State of Maine. They are not even considering the 40,000 that are out there that never get any help.

I ask you today to look at the big picture. Let me tell you what the big picture does. We have some things up here that we have been trying to address for 20 years. One of them is property tax relief. The other one is personal income tax relief. The other one is broadening the sales tax, which they have said never could be done. We did an end run around the lobbyists and brought it up here to us and we shut the doors so they can't come in here and tell us what to do. They have tried in the halls to move us, to separate us, to keep us apart so that we don't know what is going on. We come up with little things that we don't like about the bill. We come up with every possible excuse we can find. Let me tell

you, focus on the big picture. This is going to help the senior citizens of the State of Maine. It is going to help small business. It is going to help the farmers. It is going to help 800,000 or 900,000 people in the State of Maine in property tax relief. It is going to do so much. It is going to open up so many doors if we have the courage to vote for it. I say we look at the big picture. We look at property tax relief. We look at lowering personal income tax and if you looked at that, you wouldn't believe what you are going to get in your paycheck when this goes through. We are going to broaden out the sales tax so that when we get in difficult times, we won't be taxing the poor all the time. We will be going back to the homesteaders and say we have to up your property tax because we don't have the money in these halls to do the programs that we want to do. We are going to broaden out this sales tax so that we can operate this place and it is not going to fall on the hands of the poor and of the small business. We are going to take and do tax reform.

All I ask you is to send it out to the people and let them decide. I would not want to be the person that voted the red button on this one. I would not want to go back to my people and say that I voted against property tax relief. I voted against personal income tax relief. I didn't want to broaden the sales tax. I didn't want to do any of these things. I know I have taken up quite a long time. I have spent probably a lot more time that you thought I should, but I think I deserve it because I only got up once last year and I am only getting up once this year. I ask you to support me. Send this bill down to the other body. The other house is down there holding LD 87 hostage. They are going to deep six it if we don't send something down there to tell them that we want some action. If somebody is going to kill that bill, make it them, not us. Don't put the blame on us up here. We send it down there with authority and we send it down there to them and say, you kill it, not us. You kill the people. I thank you very much for your time and your patience and I hope you will support this bill. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative McLaughlin.

Representative **MCLAUGHLIN**: Mr. Speaker, Men and Women of the House. I know we were just declared out of order a little bit ago, but I think the applause was well worth it for Representative McGowan. I have worked with Representative McGowan for over a year on this bill. I hung in there through the special committee during the interim. I hung in there on the subcommittee so I would have a full understanding or as full as possible of what this really meant if, in fact, it was to go out to the voters this fall.

You have heard it is a divided report, 12 to 1. Yes, I am the one. I still have concerns. I want to explain to you tonight why I am in that lonely position. One concern is with the fact that a municipality can, in fact, raise the mil rate for K-12 education in excess of the six mils, which we are being told is a cap. There is a possibility to have something higher than the six mil cap. This will only be raised on assessment to primary residential properties unless it is raised for school renovation. Everybody gets to pay for the renovation projects, but only the owners of primary residential property get to pay for other educational expenses including school construction that is not funded by the state.

When I mentioned this in a caucus meeting I was told I was incorrect. I have gone back and I have looked at the language of the bill. It may not be the intent, but that is what the language of the bill is right now. If it is not right, then it certainly needs to be fixed before it goes out to the voters. My concern is if you are going to be in a community that raises the mil rate for education to higher than six mils, we need to have the business community

be full partners with the residential property owners. They have a vested interest in having a well educated work force and they do need to be partners with everybody else.

I also find that there are some details missing. I want to briefly read from a *Bangor Daily News* editorial that was passed out to you, not by me, earlier this week. Supporters have offered general possibilities of what might be taxed to raise these funds. If towns are going to trust the state as never before to supply school funding, general possibilities are not enough. What new sales tax source that does not fluctuate in good and bad times does the state intend to tax? It goes on to talk about a recent poll that Maine Municipal Association has done finding that 70 percent of the Maine people support comprehensive tax reform. More than 60 percent still support it, even if some taxes they pay will increase. Fully 80 percent said Maine needs more courageous leadership on tax reform. They are talking about Representative McGowan. That is incentive enough to pursue this reform and support enough to be forthright on where the money would be found. A lot of the work that was initiated by this bill is modeled in part on a similar effort in Michigan. In Michigan it took three tries until the voters went along with the proposal. It was in that third effort when all the details were in place that those voters gave their approval. I contend that the Maine voters will respond in the same way, wanting and deserving the details. That is what we don't have in place yet and that is the very strong reason that I ask you to vote against the motion.

The funding for K-12 education is eventually going to tied to the essential programs and services model. Unfortunately the amount of money needed to fund this system is not known right now. We were told in the subcommittee that the soonest we would really have that information would be next January. Without that information we really don't know how much money we are going to be needing to raise at the state level. Let's wait for that detail.

A minor point, but something some of your constituents are going to have concerns about is how is this really going to impact their overall budget in their household? If they itemize on their federal income tax, they can deduct their property tax. They won't be able to deduct any sales tax, be it sales tax right now or whatever we decide to broaden the sales tax to. It very well may be a wash for them. We don't know that detail because we don't know where the proposed expansion of the sales tax base is going to be.

I don't want to be caught in raising the expectations of my constituents or your constituents and then have it not happen. With this bill we are asking the voters to buy into legislative intent. I am not ready to do that without the details. I hope you are not either. I encourage you to oppose the motion. Thank you.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. The first thing I need to reply to is the Representative from Pittsfield of accusing Republican leadership of not making appointments to some committees. I wish I had the power to make appointments, but I don't. Being in the minority, we don't have that power. My issue as the Republican leadership is when Representative McGowan came to see me last session to fund the study, it was me, as a Republican leader, that reconsidered the action in Legislative Council to fund this study. I am a little upset that he is accusing me of things that I didn't do. I invited him to a caucus tonight to explain to our members his position. I invited Maine Municipal at the same time. We are interested in tax reform. This bill the way it is set up right now is flawed. It is a concept. We have this thing in the Legislature called the concept draft, well this is pretty much it. What we are saying is let's send

a question to the voters, do you want tax reform? Do you want to lower your property taxes? Any voter who votes no should not be allowed to vote again. We don't have the details behind it to say if you want tax reform, this is what it means. It means broadening these taxes, lowering these taxes and here are the specifics. What you are asking is that the voters place faith in the 121st Legislature to do the right thing. I am not willing to do that as the leader of the minority party because this legislation doesn't allow the minority voice anywhere. It gives you a Constitutional Amendment to do whatever the majority party wants. That is not right. The two worst things that ever happened to this Legislature are majority budgets in the last six years. Now you are asking me as leader of the minority party to allow you to do tax reform without our voice being heard. I don't think that is right. I need to protect my caucus and my constituents to make sure that when we do tax reform that we are heard. We may have a different perspective than the other side of the aisle.

This bill raises \$430 million to solve a \$260 million problem. I want to know what you are supposedly going to do with the extra \$170 million. You say you are going to provide tax relief, but you don't guarantee it. You have a \$600 million hole coming up and in order to do this you have to raise \$430 million. It doesn't match. You don't protect the Rainy Day Fund, the Education Stabilization Fund, in any way. It can be raided at any time, just like the current Rainy Day Fund is. There are no protections built into this.

This bill has laid a lot of ground work and information for the next session of the Legislature. You have collected data. You know what it is going to do and now you need to fine tune it. You can't do that in three months of a legislative session. You cannot do it. Comprehensive tax reform will take years to come up with the perfect solution. This is not the perfect solution. I applaud the effort. Mr. Speaker, I request a roll call.

Representative BRUNO of Raymond REQUESTED a roll call on the motion to ACCEPT the Majority Ought to Pass as Amended Report.

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

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Men and Women of the House. I would like to apologize. Being lacking of experience, I want to apologize to Representative Bruno. He did help fund the \$22,000 for us to continue that program. I thank you for that and I am sorry that I did what I did, but it was lack of experience not knowing some of the procedures here. I apologize.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. I, too, serve on the Taxation Committee. I was not a member of the subcommittee. Let me begin by saying that all through the whole process of these two proposals that we are going to be discussing either tonight and perhaps later on in the week, the Taxation Committee's approach to all this has been entirely nonpartisan. I think, as other people have said, the first thing we have to do here is to commend the good Representative McGowan for all his efforts in terms of bringing this issue before us. He certainly has a passionate feeling for it.

It is probably the most important issue that we will be discussing this session. It certainly is going to be the most important issue that the next Legislature will have to deal with. I supported the proposal that reported out from the subcommittee and I told them at the time that I supported it, that I did if certain amendments would be permitted on the floor. We will wait to see

if that happens. Regardless or not of whether this passes, the message I think is important and the fact that we are talking about it tonight I hope raises some eyebrows here in this hall in terms of how serious this problem is. Generally when I talk about these issues, I get off on my traditional right wing dialog about the fact that for the last eight years we have spent ourselves into this problem. I think that is probably correct, but we are not going to solve the problem by initiating a partisan debate about the issue. It is much more serious than that. Somehow we have to address the whole issue of funding public education. I think Representative McGowan has done a terrific job in terms of bringing that issue forward. We are not going to solve it this session, but you are going to have to solve it next session. It not only involves where the funding is coming from, it involves how that funding is distributed. We all know that that method that we use right now has failed. Regardless of how you vote on this issue tonight, I hope it has generated enough debate here this evening so that when we leave here at the end of the session, we all understand that this is the most important issue facing us in the next two years.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative COLWELL: Mr. Speaker, Men and Women of the House. I am going to be very brief. I just wanted to address a few issues. A number of folks have said that we need to take the time to get comprehensive tax reform right. We need to spend that time. I served a couple of years down there on Taxation with the good Representative from Yarmouth, the good Representative from Medway, the good Representative from Monmouth and for 20 years or more we have been trying to get it right. I have to say that I have read all those studies. I actually had them all brought to my office. It is all there. I think the notion that we need to take the time to do comprehensive tax reform, the time has already been spent. The work has already been done. I have to say that the good Representative from Pittsfield, the Representative from Monmouth and all the minority members who voted for this in committee and all the majority members did take the time. Four hundred hours is a long time. Plus the 400,000 hours of the 20 years that went before it.

I guess what I learned down there is probably some of the frustration that the good Representative from Pittsfield was feeling in his speech. Everyone talks about tax reform and we are still talking about it, but the reality is the rule that we had down there in Taxation when I was on the committee, the rule was you can't reform taxes when times are good. You can't reform taxes when times are bad. As a matter a fact, you just can't reform the tax system. That is the rule we live by. Evidentially it is the rule we are still living by. I am a little frustrated. I look at the detail here and there are issues, but, you know, I think it is a very, very thorough approach. You may disagree with the approach, but I don't think you can disagree with the thoroughness of it.

The question of the missing \$170 million or whatever it is, I think if I read this right it is found in the income tax cut and the conformity to the federal personal exemption, at least some of that is found there. There is a significant income tax cut to all the people, every income tax bracket in the State of Maine. We all know that is very important.

Finally, the issues that my good friend from Raymond brought up about not feeling that the minority would be able to be represented in whatever solution was offered in the 121st. I am here to hold out my hand and I know the people on this side of the aisle are too. This is way too important an issue and way too important a journey to do alone. I am here to say that we can do it together in the 121st. I know we can. I know we can do what

we need to do to get enough money so we can solve the fact that our GPA pie is just too small. I know that we can get that worked on. I offer that and I offer my hand. Thank you Mr. Speaker.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. Even though we are in the closing days or hours of this session, I think what we have started is a dialog for the next Legislature. I think we are beginning to identify what those priorities will be. I am excited about the fact that we are talking about education and we are talking about taxes. This evening in our caucus I had planned on going to dinner and stopped by the caucus and had the opportunity to listen to the Representative from Pittsfield. Although I disagreed with him in terms of the timing or whether this proposal is ready, I really appreciated his passion. It is going to take passion and commitment to solve this problem. In that caucus, I guess I don't have to lay out the credentials for being interested in property tax relief or in GPA, but I had made the mistake in that caucus of talking about 1984 and the special session on education that fall and when there was a failure to make the commitment to the mandates that were included in those reforms, I felt that in that bill that we wrote from the Education Committee that I had to put in the 55 percent. I am the culprit that put that in. As a guide or a standard that you move toward. What I wanted was future Legislatures, when the money would come to stop and pause and before that music of new spending would entice them away, that they would stop and think about the commitment to the local school units. We had a major recession come along and we were actually moving in a very positive way. Without that recession in the beginning of the early 1990s, I think we would have reached that goal and we wouldn't be having this discussion here this evening and we wouldn't be seeing the pain that exists because of the level of property taxes on the local level. I think the education our children could have had could have been achieved.

I do have concerns on this. Actually, I am recovering from a great deal of pain because a Representative that I used to have a lot of respect for, when I said 1984, gasped and said, I was only 12 years old at that time. That is how long we have been trying to solve this problem. What I think we need to do and I don't think we are going to do it within the remaining days, the Representative from Raymond laid out concerns, for minority party participation. It could flip and you could find yourself on the other side. It is not only consideration toward each party, there has to be a constitutional provision that when that money comes from the taxpayers that you have made a contract with that it is going to go to education and property tax relief, that that music of new spending doesn't deplete the money. You need to be able to have that count protected constitutionally. We have discovered that whenever in the statutes it says two-thirds, super majority, that is overruled by the rules. You need to protect that. Not so much if we are the minority or you are the minority, but that you keep the contract that that is where the money is going to go. We are not going to be tempted to steal it as we have been doing for 20 years. You need to do that. You need to get away from the mights or it possibly could take place. If you are going to have a cap, then have the cap be a cap. If you are going to have no restrictions upon the municipality, the only sure things are going to be that you are going to raise the meals and lodging, which just got raised last year and you are going to raise it again. You are going to go 5 percent on services. I have never ever had a constituent ask me to broaden the sales tax and put a 5 percent tax on services. I live in York County. When the taxes are there, they get in the car and they leave and New Hampshire is the beneficiary.

The only thing that is for sure is that people's taxes are going to be raised and you might have a savings on the local level. You have to have proof that this will be revenue neutral or it will provide tax relief. When you say tax reform to the Maine citizen, they say, you understand what I am going through. My income taxes are too high. The sales tax is too regressive. My property taxes are too high. You understand me. They don't understand that is Augusta-speak for just moving things around. I might reduce something, but I am going to raise something else. You need to be able to measure what is the burden. What is the burden for that citizen now? If you make these changes, will it be neutral or will you have increased their taxes? If I do the addition of all the different components, it doesn't add up to 100 percent because there are provisions in here for the education side to go up and there are provisions that it is going to fall most heavily on the residential homeowners. It is a question mark that once the money flows to the municipality and there are no restrictions, are they going to reduce the property tax or are they going to increase it? I am afraid when you add up all these components, you are going to find that the burden is much higher. There is a real risk involved here. As I talked with people that were here in the 1970s either running schools or sending out property tax bills or serving in the Legislature, I was not here then, I was only 14 years old at that point, they talk about a thing called the uniform property tax, which was probably the biggest disaster that had hit this state and it was repealed by the voters in the late 1970s. As I talked with them, they look at this proposal and they say, I think everything has come full circle. There is a potential that the municipalities and the schools are going to be put at a risk that some real damage is going to occur.

I think we need to keep working on this. We need to put the protections here for when the Legislature is in place. Those voters are real smart. They don't need a concept draft. Finish the work on this and then lay out precisely what will happen to the property tax, what taxes are going to be raised, how are you going to protect their money and how are you going to make sure it gets back? What puts us even more at risk is that we have a \$600 million shortfall. That is the climate that we are coming back into. I tried to raise the concern the other night about the shortfall and the fact that GPA isn't part of that or if it is, it is a tiny small part. That is the climate we are coming back into. I am afraid it is going to be a crisis. The history of the Maine Legislature is that every time there is a crisis the municipalities and the schools take it between the eyes, drilled just like that. All you have to do is look back through the history of the GPA distribution in 1990, 1991, 1992 and 1993. I need this in a contract form. There must be both protections and exactly what are you going to do. We can't take a risk with the Maine school children and the property tax payers with a concept draft.

Mr. Speaker, I want to compliment you for allowing the latitude of this debate. It is the most important issue that we will be discussing. Thank you Mr. Speaker.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. I am not as eloquent a speaker as my good friend Representative Murphy. Let me tell you something, this is my last year here. Eight years ago at just about this time I was asked to present myself to come up here in the Legislature to try to solve some of the problems. At that time I said that I would go meet the constituents door to door. I did this. I was asking these constituents which tax would you rather see reduced, the sales tax or the income tax? After all, those were the only two taxes that there were here in the state. Their answer was neither one

of them. We want our property tax reduced. At that time the sales tax was 6 percent. Lo and behold now it is only 5 percent. While I have been up here for the past eight years we have done some things. We have passed the homestead exemption. That gave property tax relief. Come to find out even the Chief Executive downstairs came out and said that some of the municipalities after we gave them this property tax relief, they turned around and raised the tax bills. I guess that wasn't such a good idea either.

We reduced the sales tax back down to 5 percent. They don't seem to be interested in that at all. It is the property tax that they want to have relieved. Why? It is too high. It seems like every time there is a crisis, who gets hit? Representative Murphy was exactly right on this. The local property taxpayer gets hit every time. I think this is not a bad idea. I haven't consulted with my municipality back home, but it is not a bad idea. I would just like to see us put it to the test here, send it out to the people and let them decide if they want to have a comprehensive tax reform the way that it has been suggested by the Committee on Taxation. If it isn't what they want, they will tell you real quick. The next Legislature will have to find a way of reducing that property tax and financing for the education of our children.

I am going to support this bill because in the past eight years that I have been here the things that we have done to lower taxes haven't seemed to have worked. Let's maybe give this a try. It might just happen to be the solution that might work.

While I am on the subject, five years ago as an anniversary gift my son from California who is in a high tax bracket sent us out to Hawaii. It was a nice gift. While over there we wine and dined and bought souvenirs and did all kinds of other things. I was in a store buying something and I asked, what, I have to pay a sales tax. How much is your sales tax here? The sales tax was 4 percent. That is not too much. I asked exactly what is taxed? The answer was everything, everything that they have over there because they bring in everything. Therefore out of 4 percent they were able to run their budget, but everything was taxed.

Here in Maine the last figure I heard was we have over 67 exemptions to the sales tax. Why? Why are 67 groups out there that should be providing education for your children and other services not paying that sales tax? Maybe not everybody should pay it, but this idea here is not a bad idea. I think this is a good idea. Let's put it to the test. Let's find out if it can work or not. Thank you.

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

Representative **STANLEY**: Mr. Speaker, Ladies and Gentlemen of the House. What an interesting debate we are having here right now. The reason we are having this is because we have had 20 years of a piecemeal tax policy, which has taken place in the State of Maine. Every time we want to get a little money for a program or something, we go and find a tax that we are going to raise. What bill is at the heart of the taxes we pay? We pay the property tax, the sales tax and the income tax. This is one of the major ones that are being addressed. In most communities it is the one that costs these communities the most amount of money. This piece of legislation is trying to address that issue so that we can make property taxes a reasonable rate for people to be able to pay.

I commend Representative McGowan and the Taxation Committee and the subcommittee for all the work that they have done. This is an issue that if you followed so far has been very interesting. I am in support of this. I know there are flaws to it. I am one of those other people that came here and when I said I was going to come to Augusta to try to do something about the

taxes, that is why I wanted to get on the Taxation Committee and serve there because I think our tax policy is a piecemeal approach.

In order to get out of the piecemeal approach to this policy, what we have to do is do something concrete. One of the concrete things is to have something so that when we are making taxes, we are making revenue all the time. We are not overtaxing. What we are doing now is overtaxing people. If we could put a policy in place and say we got the \$170 million, wouldn't it be nice to take \$170 million and put it somewhere else and reduce the taxes so that we could have some incentive programs for businesses or some other agency to be out creating some jobs to help people. The best form of tax relief is jobs. When you provide somebody with a job, you are helping all three basic taxes. We, in the state, have seemed to have forgotten that this is not what we should be doing. We do not put the emphasis on the jobs. I will get back to my old theory that 15 areas of the state have been hit pretty hard by high employment. What have we done? Nothing. On the same line, here we are again. You walk out in the halls and you have people with little signs on. That is what you get when you do nothing. You set up a program 10 or 11 years ago and what have we done? Nothing. That is why we have the problems we have on that issue right now. Here we are with 20 years of doing nothing and having a piecemeal approach and what have we got? We have a bill with a bunch of flaws in it, which is probably absolutely right. I will say one thing though, if you keep going the way you are going for another 20 years, you are just going to be spending money and spending money and making programs and doing this and doing that and we are still going to have the same 15 or 16 areas of high unemployment not being addressed. We are not doing the thing we should be doing to create revenue. I don't mean revenue by creating higher taxes, but I mean creating revenue by creating jobs. Jobs are the answer here. Everything we can do to create some jobs is worth its weight in gold.

The issue for us is the education funding reform. You really stop and think about it and look at what is going on. You look at the Medway, the Portland, the Old Orchard and every other place that you are not funding adequate education levels. What have we done? We haven't done anything. We are just letting certain communities keep going and going and going just like the little pink rabbit. What we ought to be doing is doing something like this where the people of the community involved have a say in what they want for education. They are the ones that are paying the bill. The state is going to pay their share for essential programs and services and for anything else they have to pay for.

We talk about the BETR Program and about there is \$100 million here. Here is a program right here that is going to tax all business on your personal property and your real property at six mills for education. That will be a substantial savings because most communities are over 11, 12, 14, 15 or more mills that they have for education. That is a tax incentive that is going to provide money back to a business and maybe they can locate some jobs without us having to pay \$100 million. Under this proposal right here I think there was \$11 million that we would be paying for the BETR Program instead of \$100 million. That is only one-third of the companies that are eligible for the BETR Program in the State of Maine. We are talking about the change of a \$300 million bill for the BETR Program if 100 percent was covered.

We have a situation and I understand where the flaws are. I will say one thing, we cannot avoid the issue much longer. Look at the unemployment in the State of Maine. We are hurting businesses. When you are hurting businesses, you are hurting jobs. When you are hurting jobs, you are hurting income tax.

You are hurting the sales tax. You are also hurting the property tax. What are we doing? We are going to go just like we said and leave it alone and don't touch it. I think it is time that we take a good hard look at it. Maybe this is not the answer, but the answer is the people. The people want some kind of tax relief here. When you are saying you are number one or fiftieth, it makes no difference. That is all you are hearing. We as representatives of the people should be doing what they want. One thing that they should be doing is looking at property tax and sales tax and income tax.

Today we had an issue where we gave a tax credit for education. I think they are a great idea. I didn't vote for it and the reason I didn't vote for that particular issue is because I see what is going on right now. Here we have \$5 million. Maybe we gave a \$5 million incentive to somebody to create some jobs and put a few people to work instead of laying people off, maybe we would be better off. This is a subject that is really dear to my heart. I am sitting in an area that is losing population. I have a school funding problem because people are moving into my area. People are moving out and driving property taxes up everywhere. By sitting here and not creating jobs and by not addressing the issue that should be addressed is a crying shame. I know the party thing and I am willing to go to work with anybody on this issue. This is a State of Maine issue. This is for the people of Maine. This is what this is about. It is not rural Maine or urban Maine. It is for Maine. For us to be able to not sit here and here address this issue, I think as a bunch of mature adults here that we can cure the problem that has arisen because of this. To sit back and not do anything is absolutely wrong. We already got a situation where we sat back for 10 or 11 years and did nothing and that is coming all unglued, the same as, I think this is going to bite us here pretty quick unless we do something. In order to really do something, we ought to be creating some jobs. I will tell you that the best thing for property tax relief is jobs.

You have probably heard enough from me, but I want to commend this committee and Representative McGowan for all the good work that everybody has done. If nothing is done out of this, at least I hope that it is on the burner for next time around. We have to do something. Thank you.

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

Representative **MORRISON**: Mr. Speaker, Ladies and Gentlemen of the House. I have a little experience in tax business, I guess. I work in education so I probably was part of the problem, 30 years of it. I worked on the town council in Baileyville and dealt with taxes at the local level. Now I am in Augusta and I will let that speak for itself. Here I am. I will compliment the Representative from Pittsfield, Representative McGowan, for the passion he has for such an important issue. The state has been guilty for years, in my opinion, as has already been stated here, handing taxes back to the local people. We have done it already this year. We have discussed that earlier. We pushed things back on the local people to make decisions on either cuts or raising taxes or whatever. It is in the area of education. I do have a problem with the state having too much of a direct control over the local property tax, that I have a problem with. I don't like the state to dictate there. I think it ought to work the other way around and I think maybe there is something to be said about capping state spending as was stated in our caucus the other day. I think there is something to be said to that. That could be a help on our taxes all the way around.

I guess the bottom line is that I came down to Augusta as a fiscal conservative, but you get wrapped up in spending down here. There is this idea every idea that comes across the books here is a great idea. It is hard to say no. There is always a good

purpose for it. Somehow we just go ahead and raise the thing and then decide how we are going to go out and get the money for it. I think this is part of what swings the taxes and problems back onto the local property taxes.

One last thing, somebody mentioned New Hampshire. New Hampshire is a state that we all can compare with because we are right next door to a similar population. For years they have been able to not have any sales tax and not have any income tax. I talked to somebody this morning and said that New Hampshire is going to be pressured into doing something soon. They can't keep doing it. They have been saying this for 20 years and yet they have been able to hold the line. I think that is something that we have to do here at all levels. I am not sure. I would like to vote for this all the way, but I am not sure if this is the exact way to go yet. There is one more step and I think the good Representative from Cape Elizabeth said it. We are putting the cart before the horse. I think the education reform act, the essential programs and services hopefully will set the standard. How much will it cost to put behind every student to educate them in the State of Maine? I think this is where we have got to go. Once we get the handle on that, then we go in the other direction saying now we know. This is what the state will do. If the local people decide that they want to go over and beyond that, that is up to the local people to make that decision. That is where you ought to get involved at your local level. That state does have to get control of that. I made that same point in our House caucus the other day. I thought it was a great point. I think that is probably where I am standing at this point. I think we have to take that step first. We need to find out if they can come up with that magic figure, the Department of Education, I guess, what that figure will be that we should be supporting behind every student throughout the State of Maine from Fort Kent to Kittery and then go on with this one. Thank you.

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

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. It is late. I will be brief. I want to tell you that two years ago I went to a Democratic caucus as we began to outline what our priorities would be for this session. At that caucus I met the person that is now my seatmate, Representative McGowan. In talking with him, he told me that he had a vision. The vision was that we would have a state that had a tax system that had some semblance of order to it and some semblance of logic to it that would tax people in the right way and make a real difference to the people of the State of Maine and cure some of the problems that we have been hearing from both sides of the aisle for years and years and years and years.

I told him at that time that I thought that that was a great idea. In fact, I had never met a Representative that didn't agree that that was something that we needed to do. He said to me, I am going to do something about that. I kind of chuckled and I said don't get too ambitious here. It is your first term. Don't think you can do more than you can. Let me tell you that I have been impressed beyond words with the amount of work, hard work, that the Representative from Pittsfield has put in on this issue. He has been like a pit bull. He sunk his teeth right into this issue and he hasn't let go. You know what, I am glad of that. I am glad of that because it is about time we change our tax system. It is about time that we start making some sense about the way that we generate revenue in the State of Maine. At some point in time we need to do some real examination of whether or not we can have 493 separate communities in the State of Maine, each with their own fire department, each with their own town office, each with their own expenses where they expended under the guise of home rule and asked the state to generate the money.

This is a first step in looking at our entire tax system and determining where the money should be raised, where it should be spent and how it should be spent and who should govern the terms of those expenditures.

I compliment the Representative from Pittsfield. I think he has done a great start. I don't know that I agree with every part of this bill. There are some parts that I am concerned about. Like all of you, there are always parts of bills that we are concerned about and we are worried about. You look at the entire bill and you say, does it on balance begin the process of analysis of where the money should be raised, how the money should be spent? The answer in this case is yes. I am going to vote in favor of the majority opinion. I hope that you will too.

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House. I agree with the accolades that have been given to the sponsor and to his committee and the 12 people who were sponsoring it and behind it. It has been criticized because it is a concept. Let me tell you that we need that concept to get started. We need the people of this state to say something to us that puts some steam behind reform. I put these kinds of bills in in the '80s. One of the centerpieces of this is you have to broaden the sales tax. Broadening the sales tax means you have to take over the people who do services. I put in bills to do that and got slammed. We will get slammed next year, but we are going to have to have some courage because we are going to have to go up against lawyers, accountants, architects, wealth service managers and you can go on. The people who have more money use these the most. They will come here and they will tell us that we cannot do it and we won't do it unless we have something behind us that gives us the courage to do it. I believe a concept endorsed by the people will give us that theme, the backbone to do it. We shouldn't wait for some felon from Topsham, Maine, where I grew up, to make us do it.

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

Representative SAVAGE: Mr. Speaker, Men and Women of the House. As one of those shy lawyers, I waited until the room was kind of kind of empty to talk. I agree with most of everything I have heard tonight right up to and including Representative Bruno's concession that his party will be in the minority next time. I am very concerned about the process here. I think it is very true that this kind of reform will not occur without a gun to the head of the next Legislature. I can't in good conscience throw that bomb into the future without knowing where it is going to land, without knowing who our Chief Executive will be, without knowing what our fiscal situation will be. It appears to me that if there is anything worse than the fact that we can't do it without that sort of gun to our head, it is that we are considering putting the gun to someone else's head. That is the reason I am going to vote against this. Thank you.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House. Listening to this long debate, I am very disappointed. We are not listening to the voters who are crying for property tax reform. They have for years. If not us, who will do it? If not now, when? Are we going to use the excuse it is an election year? Guess what? Every other year is. There is widespread cynicism in the voters. It is no wonder. If we don't do anything now, we are ripe for a proposition 13 type revolt. California learned a very bitter lesson many years ago. Let's not repeat that sad mistake. It is time for courage, as was just mentioned by the previous speaker. Let's show some courage tonight by showing the voters

that we have heard them and are doing something about it. What is wrong with supporting a good idea from the other party? There is one coming up from the other party that I will support and that is to establish a committee for oversight. I talked to my good friend at the beginning of the last session and I agreed with the idea and I still do. I will fight for it. Thank you.

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

Representative **BROOKS**: Mr. Speaker, May I pose two questions through the Chair?

The SPEAKER: The Representative may pose his questions.

Representative **BROOKS**: Mr. Speaker, Men and Women of the House. Can anyone tell me the text of the question that will be put out to referendum and whether or not the services that will be affected are currently identified or will be identified?

The SPEAKER: The Representative from Winterport, Representative Brooks has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Monmouth, Representative Green.

Representative **GREEN**: Mr. Speaker, Men and Women of the House. Probably. We all did get a copy of LD 2086, Committee Amendment "A." Most of you probably lost it somewhere. I am looking very quickly to give you the question. The question is here. "If an amendment to the Constitution of Maine is approved permitting the Legislature to establish different maximum property tax rates for different classes of property, do you favor ratifying the action of the 120th Legislature whereby it passed an act establishing a maximum property tax rate of 12 mils for secondary residential property and 6 mils for all other property, based on equalized state valuation, for the purpose of supporting public education from kindergarten to grade 12 and directing the Taxation Committee of the 121st Legislature to report out legislation to increase the sales tax on meals and lodging to 8 percent, expand the sales tax base to include services for the purpose of adequately funding education from kindergarten to grade 12 and address the progressivity of the income tax." That is the question.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I just wanted to get up to give my brief perspective on the bill. I am going to support this bill because I think there are just two ways now for us to create revenue here in this state and that is to tax or to grow. I think that this is an opportunity for us to add an economic incentive for businesses to come into the State of Maine and to stay here. For that reason, I think it is important to support this idea. To not support this idea, essentially, means the idea will stall and be further removed from people's minds in the future. I think this is an attempt, at the very least, whether you have problems with the bill or not, to keep that ball moving, to keep that rock moving up that hill. I think that we need to do this in order to move this debate forward. Thank you.

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

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. The hour is late. I had to respond to the Representative from Brunswick. I really feel this is going to hurt business. Representative McGowan has a good concept here. I would vote for this in a second if it put 6 mils on education, 12 mils on secondary property, if it did not include the sales tax increase. If we could just say we would stop spending \$200 million extra a year, we would cut these stupid programs, programs that are unessential. If we could cut programs by \$200 million, I would vote for this in a second. A \$400 million tax increase on business, because when we increase services taxes,

we are increasing it on business because business can afford it. Businesses will pay those services. What are those businesses going to do? They are going to turn around and pass it on to the consumer. The consumer is the person who is getting property tax relief who is going to have to give it back to the State of Maine in sales tax revenue. It is a shell game that we have been playing for years. You will feel good going back to your constituents and telling them that you voted for property tax relief, but not telling them that you are taking the money in the back door through the increase in sales tax. I think this is going to hurt business. I think it will bring us from 48 in business down to 50 real quick. This will make sure that we are number one in tax burden for many years to come.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. Let me start by thanking those of you who have stuck through this debate. We all understand it is very late. The debate has been very long. There have been a lot of speakers, but this is, as a number of people have alluded to already, probably the most important debate that we will have in the House in this session. On behalf of your constituents, I thank you for sitting here and listening to it.

Some of you were in this Legislature in the decade of the 1980s. Many of you, like me, were here for at least part of the 1990s. Some of you have seen comprehensive tax reform proposals before. I doubt if any of you have seen one this comprehensive and I doubt if any one of you have seen one that has been worked as hard by so many people with such dedication and with such noble purpose as this bill.

A few moments ago the good Representative Savage was talking about a gun to the head. He is right. We had a gun to the head just a short time ago in the guise of a taxpayer initiated referendum petition and we dodged the bullet. Enough Maine citizens expressed their concern by signing that petition that it really should have been on the ballot this November, but for the actions of a couple of unscrupulous people. We dodged a bullet from that gun to the head. The good Representative is absolutely right. We are not going to dodge the next bullet, ladies and gentlemen. They will have that referendum, that citizen's initiated petition, as sure as we are all sitting here tonight, they will have that on a ballot coming up.

We have a choice. Sales tax as a percent of total state revenues are declining. They have been declining. They will continue to decline. There are some valid reasons for that. One of them is the internet sales. We all understand the problem. Most of us are probably guilty of contributing to the problem. There is another factor and that is as the population moves towards the border and into the southern counties, particularly, more and more people are escaping Maine sales tax by purchases that they make in New Hampshire. The sales tax as it exists today is going to become more and more a problem in terms of revenue because the revenues will continue as a percent to the decline.

What have we seen? We have seen because of rising education costs, because all of us want good schools and all of us vote for good schools, what we have seen is municipalities who have been forced to defer capital purchases, forced to eliminate services and made cuts in personnel. They have done all this to try and offset the escalating school costs. They cut the municipal side of the equation as fast as the school side of the equation can increase. They are falling behind. We, as a Legislature, in wanting to improve the quality of our schools and in wanting to give the best education possible to our children are considering seriously the passage of a new program called

essential programs and services. I support the concept of essential programs and services, but we are talking about a significant price tag. We have heard figures of \$160 million. We don't need to go over them. Essential programs and services, ladies and gentlemen, is going to be the needle in the balloon. It is going to burst the balloon of property taxes at the local level. The Legislature will not fund it adequately.

We have a bill before us, which nearly every speaker has agreed it is flawed. It would be easy to stand and argue against the bill. I would be happy to do that. There are lots of reasons to do it. I would remind all of you that it is much easier to criticize and find fault. The people on the Education Reform Commission who met during the fall and worked very hard, the people on the Education Funding Subcommittee worked very hard, the Taxation Committee worked very hard. They did all that to try to produce a piece of legislation that was as close to being perfect as possible. We probably failed. It is not perfect. It is not close to being perfect, but what bill has been brought in front of us that is even close to being perfect.

Representative Bouffard asked a question a little while ago and his question was, why are there so many tax exemptions? He didn't pose a question through the chair, but I am going to answer the question. I am not the best person to answer it. The best person to answer that question is sitting up in the gallery, Mr. Nebbs, the director of the Maine Revenue Services. He could answer that question. Here is what he would say to you. Why are there so many exemptions? Because, you and I and all of our colleagues come before the Taxation Committee every year with bills requesting yet another product to be exempted or another organization to be exempted. We are the problem. Pogo was right. We have met the enemy and the enemy is us. They are all good reasons. They are all perfectly valid why we would want to exempt a particular item or a particular organization. That is what has created this problem of multiple exemptions.

I am going to support this bill. It is flawed. I am going to vote for it. I voted for it in the committee. I am going to carry that vote forward here. I am going to vote for this because the alternative is to do nothing, once again, about comprehensive tax reform. Ladies and gentlemen, doing nothing is no longer acceptable.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House. I, too, serve on the Taxation Committee. I have for 10 years. I am also in my 18th year here. I served on the education subcommittee this summer and I have served on the subcommittee this winter on this bill, LD 2086 and LD 2087. The only thing that I would disagree with the good Representative from Pittsfield is, there was a Republican that was with him all the way and has never faulted on this bill. I started out on it. I am still with it. I believe in it. I am going to try to explain to you why I do.

When we talk of tax exemptions, I can remember back in the early '90s when everybody came in for an exemption, we gave it to them. Little did we know what we were doing. That is why a lot of the exemptions are on today. Also, over the years the municipalities have gone without and not said too much. Now they are screaming. Believe me, when one of the Representatives said that we had a gun to our head and we dodged the bullet, we did, I know in my municipality, sit down and we figured out what would happen if that had passed. Number one, we would have gotten rid of our police department. We could not have funded our fire department. We would have shut the doors of the town hall and we still would not have had enough tax dollars to pay for education. The SAD 60 would have done

some foreclosures on some of the property in the town in order to get their money. To me it is a disaster. Maybe this bill isn't perfect, but it is the only thing going. I say we have to pass it.

This winter we have gotten letters from different towns. Seventy municipalities in Aroostook County asked us to pass this bill. I didn't realize there were 70 municipalities in Aroostook County. I mentioned it to a former member of Aroostook County and he said that is exactly what we got. We have 29 in York County. That is the county I really know about. Here is one that I got from one town. It said with the passage of these two bills our tax rate would drop almost in half. I believe that is true in a lot of towns. When I hear that the municipalities will just raise their tax rate, it will never be a tax reduction, because we will do a lot of spending, I find it hard to believe that we don't have any more faith in our local legislative bodies than that. Most of us who know and who have served in legislative bodies and who are serving in our town governments, we know that that just doesn't happen. We are close to the people. When we do the budget down there, there are quite a few there watching us debate it back and forth, what we are putting in and taking out. They are not bashful. They are like me. They just butt right in and tell us just what they think. That is one thing.

Also in this letter we got it goes on to say that you have an opportunity to do some real good, some long overdue good to correct some serious tax shifts and injustices done to small communities and to every taxpayer. These bills will restore equity and balance to the tax system. Remember back in the '50s when the Sinclair Act was set in. That was in forming the school administrative districts. In the Sinclair Act, one of the goals was to have equal taxation for the taxation units. I took that to mean that for any district that the towns in that district would have almost equal taxation for education. One of the other goals was so that every child in this state would have the same education. I think that failed. It certainly failed in the school district that I represent and I live in. One of our towns has a mil rate for school for around \$10 and the other two towns have \$17 and \$18 mil rate for education. I don't call that equal taxation. One of these bills will balance that tax system. These bills will get rid of all the little tax rebate programs that have been developed over the years as band-aids for an engorged property tax system. They will decrease state revenue volatility, bring some restraint to educational spending without putting on a hard and fast cap, will get rid of the current educational funding formula, which discourages economic development or encourages TIF's hiding of value, will implement the Department of Education's essential program and service model, which otherwise will become another unfunded mandate on the municipalities of this state. LD 2086 protects the BETR Program, we didn't touch that, the personal property rebate system for businesses, and will reduce incentives for sprawl, encourage economic development and reduce the need to shelter new community value for the punishment we receive under the current education funding model.

I know the town that I serve on the board, our school district this year is talking about a \$2 million increase. We have come up with a town budget and we told our town manager he has to stay within 5 percent. We are having a hard time doing that, but we are doing it.

As I said, our district is looking at a \$2 million increase and we are losing money from the state. That is going to fall on those three towns. The biggest percentage of it falls on my town. I have no idea what our mil rate is going to increase because of education this year. I do know that the taxpayers in Berwick cannot afford it. We want economic development and it is

hindering it. There is no way anyone is going to come to that town with the mil rate that we are going to have.

I urge you to support this bill. It is true. For the 18 years I have been here we have talked about what we are going to do about taxes. I personally have mentioned many times that we need a comprehensive tax reform. It hasn't happened. This is one step. This is tax reform. Maybe it is a small one, but it is one step. I look at it as one giant step towards tax reform because it is a beginning. The people out there are telling us that we want something done. We can no longer afford to stay in our homes. Businesses can no longer afford to come to this state and pay high property tax and high personal property tax when just across the river from where I live there is no personal property tax. There are other taxes. Don't let New Hampshire fool you. They have taxes, but they aren't quite as blatant as the ones that we have. They hide them a little better than we do, I think.

If we do not want comprehensive tax reform in a citizen's initiative, we better do something. I think this is the answer. Put it out to the people. You can change it in the next Legislature. Please vote for LD 2086.

The SPEAKER: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Men and Women of the House. The citizens of Maine are watching us. They are watching us very carefully right now. The citizens of Maine are wondering if perhaps this Legislature will put its money where its mouth is. The citizens of Maine have been promised for a good many years that property tax relief would come. This bill is flawed. It is not perfect, but you have to take the first step. I sincerely believe that by taking this first step, we can put the feet of the future legislators to come here to the fire to come up with what we want them to do. It is time that we did something for the citizens of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Mr. Speaker, Men and Women of the House. I am sitting here chatting quietly with my seatmate, Representative Stanley, and he informs me that I am one of the only people that hasn't spoken this evening. I thought I would take a shot at it. About two years ago, give or take a few, I took out on the campaign trail like many of you. We all heard the same thing over and over again. We need tax reform in the State of Maine. My property taxes are too high. I get to Augusta and sit down in the Approps Room for orientation day and one of the first things I hear is that we have a shortfall. I go to the hallway with my new colleagues and I hear that we need tax reform and we need this and we need that, but the political will isn't there to do it. I believe that the political will is now here to do it and I believe we have the mechanism to do it with. I agree with most everybody else I have listened to this evening. It probably is not perfect and it will have to be tweaked in the future. I don't believe that this legislation will hold future legislators to the fire, but I believe it will give them a path to work from and work on. The political will is the answer. We are the answer. The gun is to our head. Now is the time. We can make a statement. We can set the path for ourselves and many of our future colleagues to come. I urge you to support this piece of legislation. Thank you Mr. Speaker.

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

ROLL CALL NO. 629

YEA - Andrews, Ash, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bryant, Buck, Bull, Bunker, Canavan, Chick,

Chizmar, Clark, Colwell, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Honey, Hutton, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McNeil, Michaud, Mitchell, Murphy E, Muse C, Norbert, O'Brien LL, O'Neil, Paradis, Patrick, Quint, Richard, Richardson, Rines, Sherman, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Usher, Volenik, Watson, Mr. Speaker.

NAY - Belanger, Berry DP, Berry RL, Bruno, Bumps, Carr, Chase, Clough, Collins, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Heidrich, Jacobs, Jodrey, Kasprzak, Labrecque, Ledwin, Lemoine, MacDougall, Madore, Mayo, McKenney, McLaughlin, Mendros, Michael, Morrison, Murphy T, Muse K, Nass, Norton, Nutting, O'Brien JA, Peavey, Perkins, Pineau, Pinkham, Rosen, Savage, Schneider, Shields, Simpson, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Twomey, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Annis, Bagley, Baker, Cote, Crabtree, Estes, Haskell, Landry, Lovett, Perry, Povich, Wheeler GJ, Young.

Yes, 80; No, 58; Absent, 13; Excused, 0.

80 having voted in the affirmative and 58 voted in the negative, with 13 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1068)** was **READ** by the Clerk.

Representative **BOWLES** of Sanford **PRESENTED House Amendment "A" (H-1087)** to **Committee Amendment "A" (H-1068)**, which was **READ** by the Clerk.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. You have before you House Amendment (H-1087). Earlier tonight the Majority Leader talked about friendship and trust. Well, the minority caucus members who voted for LD 2086 just exhibited trust. We made a giant leap of faith that we could partner with the majority party and accomplish something good for the people of Maine. I hope that is the case. In the words of a great US President, trust, but verify.

Ladies and gentlemen, (H-1087) is the verification. I am asking you to support me in the passage of this floor amendment. What does this amendment do? It clarifies our commitment to the people of Maine. It says very clearly in unambiguous language that any monies we raise through the collection of the taxes that we are proposing will be strictly revenue neutral. We will not make a raid on the pocketbooks of the people of Maine. I ask you to support me in this. Support this amendment. Thank you.

Representative **GREEN** of Monmouth moved that **House Amendment "A" (H-1087)** to **Committee Amendment "A" (H-1068)** be **INDEFINITELY POSTPONED**.

Representative **TRACY** of Rome **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1087)** to **Committee Amendment "A" (H-1068)**.

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 Pittsfield, Representative McGowan.

Representative **MCGOWAN**: Mr. Speaker, Men and Women of the House. I have got to speak on this. My fellow representative is presenting an amendment to this bill. I believe it is a good one. It tightens up some of the things in this bill that should be addressed. I feel that if we are going to take this thing

and go forward with it, then we should support this amendment. I thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1087) to Committee Amendment "A" (H-1068). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 630

YEA - Berry RL, Cummings, Davis, Desmond, Dudley, Dunlap, Gagne, Green, Lemoine, McLaughlin, Mitchell, Pineau, Shields, Simpson, Thomas.

NAY - Andrews, Ash, Belanger, Berry DP, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cowger, Cressey, Daigle, Dorr, Dugay, Duncan, Duplessie, Duprey, Etnier, Fisher, Foster, Fuller, Gerzofsky, Glynn, Gooley, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McNeil, Mendros, Michael, Michaud, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pinkham, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Winsor, Mr. Speaker.

ABSENT - Annis, Bagley, Baker, Cote, Crabtree, Estes, Goodwin, Haskell, Landry, Lovett, Perry, Povich, Wheeler GJ, Young.

Yes, 15; No, 122; Absent, 14; Excused, 0.

15 having voted in the affirmative and 122 voted in the negative, with 14 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1087) to Committee Amendment "A" (H-1068) FAILED.**

Subsequently, **House Amendment "A" (H-1087) to Committee Amendment "A" (H-1068) was ADOPTED.**

Representative LEMOINE of Old Orchard Beach **PRESENTED House Amendment "B" (H-1088) to Committee Amendment "A" (H-1068)**, which was **READ** by the Clerk.

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

Representative LEMOINE: Mr. Speaker, Men and Women of the House. We have, I think, pretty clearly decided that we wanted to ask the people of the State of Maine this question. Do you want to reform the Maine tax system to relieve the burden of school funding that now lies on local property taxpayers? That is the question. There is a lot of complicated language around it, but that is the issue. I suggest that if we want to do that, the way to do it is straight forward and to tell folks what we will tax to make it happen. They may choose to do it. They may choose not, but we will tell them in a straight forward and honest fashion what it is that they are asking this Legislature to do. The way to do that is to ask them to following question. Do you favor increasing the sales tax by 1 cent and returning those funds to the communities in which they were collected to be used for school funding for property tax relief. Everybody in the State of Maine will understand in 30 seconds what that question asks, what the tradeoff is and what will be taxed to make it happen. We can tell them we don't have to hide the ball. We don't know exactly what we are taxing. We are going back to where we were three years ago when we had a 6 percent tax rate. Everybody in

the state knows what that was and how it felt and whether or not they want to do it. I suggest that we should be honest and straight forward and find out exactly what it is that the people of this state want us to do. If we don't want to know, we can keep this a complicated question. We can keep hiding the ball. We can come back here next year and fight amongst ourselves, but if we want to have the word of the people of this state direct to this body, let's ask them straight up and find out. I hope you follow my light. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-1088) to Committee Amendment "A" (H-1068).**

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

Representative McGOWAN of Pittsfield moved that **House Amendment "B" (H-1088) to Committee Amendment "A" (H-1068) be INDEFINITELY POSTPONED.**

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-1088) to Committee Amendment "A" (H-1068).**

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

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

The SPEAKER: The Representative may pose her question.

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. Will we have two questions going out? Will this amendment put a second question on a referendum so there will be like question one and question two?

The SPEAKER: The Representative from Biddeford, Representative Sullivan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative LEMOINE: Mr. Speaker, Men and Women of the House. Yes. In fact, if this bill goes forward as amended, there will be three questions on the ballot. One will be the constitutional question required by Representative McGowan's original bill. The second would be the language that Representative Green read to us earlier asking us whether or not we want to take action to create district tax levels of the 6 mils and 12 mils rate. The third question would be the short language I just suggested, which is a straight up question about if you want to shift your tax burden from property tax to sales tax. The third option would be none of the above. We will find out what the people want us to do.

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

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

The SPEAKER: The Representative may pose his question.

Representative DAIGLE: Mr. Speaker, Men and Women of the House. As I understand this particular amendment properly that the scenario would be such in my community, for example, which has convenience stores and one gas station that if this would pass, that my revenues would only be that 1 cent on what is old at those convenience stores and gas stations whereas an adjacent community with a Wal-Mart where all my residents go to shop at that Wal-Mart that that community hosting the Wal-Mart gets all the money and my community gets none?

The **SPEAKER**: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. Neither bill deals with GPA and the funding formula. We are talking separate questions. I believe the question about what happens in each particular town with the funds that are held by the state and sent back through the GPA is a question for the formula, which is not anywhere before us.

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

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

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. The way I read this option "B" question, it sounds to me like this is a back door to a local option sales tax. Am I right or am I wrong?

The **SPEAKER**: The Representative from Lewiston, Representative Bouffard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. There is no option. The option is a single statewide question that will be settled by the answer to this question "B." It is much like the local option that we thought about earlier except that it will be a uniform increase across the state that will not be a conflict between one Maine community and another. It is a flat straightforward across-the-board increase with a rebate for the town of origin.

Representative **BUMPS** of China **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-1088) to Committee Amendment "A" (H-1068)**.

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 Buxton, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. If you think this was fun, the last couple minutes here asking a lot of questions and not getting any answers or knowing what the answer was when you asked the question, just imagine what kind of havoc is going to be wreaked in the first session of the 121st Legislature.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-1088) to Committee Amendment "A" (H-1068). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 631

YEA - Andrews, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Buck, Bumps, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cowger, Cressey, Daigle, Davis, Dorr, Dugay, Duncan, Dunlap, Duplessie, Duprey, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jodrey, Kasprzak, LaVerdiere, Ledwin, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marrache, Matthews, Mayo, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse K, Nass, Norton, Nutting, O'Brien JA, O'Brien LL, Peavey, Perkins, Pineau, Pinkham,

Richard, Rines, Rosen, Savage, Schneider, Sherman, Shields, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Tarazewich, Tessier, Thomas, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Usher, Waterhouse, Watson, Weston, Winsor.

NAY - Bliss, Bryant, Bull, Bunker, Cummings, Desmond, Dudley, Jacobs, Jones, Kane, Koffman, Labrecque, Laverriere-Boucher, Lemoine, Marley, McDonough, McNeil, Muse C, Norbert, O'Neil, Paradis, Patrick, Quint, Simpson, Sullivan, Tobin D, Twomey, Volenik.

ABSENT - Annis, Bagley, Baker, Cote, Crabtree, Estes, Goodwin, Haskell, Landry, Lovett, Perry, Povich, Richardson, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

Yes, 106; No, 28; Absent, 17; Excused, 0.

106 having voted in the affirmative and 28 voted in the negative, with 17 being absent, and accordingly **House Amendment "B" (H-1088) to Committee Amendment "A" (H-1068) was INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-1068) as Amended by House Amendment "A" (H-1087) 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**.

Representative **BRUNO** of Raymond **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1068) as Amended by House Amendment "A" (H-1087) thereto**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-1068) as Amended by House Amendment "A" (H-1087) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 632

YEA - Andrews, Ash, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bryant, Buck, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McNeil, Michaud, Mitchell, Murphy E, Muse C, Norbert, O'Brien LL, O'Neil, Paradis, Patrick, Quint, Richard, Rines, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Usher, Volenik, Watson, Mr. Speaker.

NAY - Belanger, Berry DP, Berry RL, Bruno, Bumps, Carr, Chase, Clough, Collins, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Jacobs, Jodrey, Kasprzak, Labrecque, Ledwin, Lemoine, MacDougall, Madore, Mayo, McKenney, McLaughlin, Mendros, Michael, Morrison, Murphy T, Muse K, Nass, Norton, Nutting, O'Brien JA, Peavey, Perkins, Pineau, Pinkham, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Waterhouse, Weston, Winsor.

ABSENT - Annis, Bagley, Baker, Cote, Crabtree, Estes, Goodwin, Haskell, Landry, Lovett, Perry, Povich, Richardson, Wheeler EM, Wheeler GJ, Young.

Yes, 79; No, 56; Absent, 16; Excused, 0.

79 having voted in the affirmative and 56 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1068) as Amended by House Amendment "A" (H-1087) thereto and sent for concurrence**.

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

Reference was made to Bill "An Act to Protect Children from Sexual Predators"

(H.P. 1482) (L.D. 1983)

In reference to the action of the House on April 4, 2002, whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

- Representative MITCHELL of Vassalboro
- Representative SAVAGE of Buxton
- Representative MENDROS of Lewiston

COMMUNICATIONS

The Following Communication: (S.C. 703)

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

April 4, 2002

Honorable Millicent M. MacFarland
Clerk of the House
120th Legislature
Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today Insisted and Joined in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Protect Children from Sexual Predators." (H.P. 1482) (L.D. 1983)

The President appointed on the part of the Senate:

- Senator McAlevee of York
- Senator O'Gara of Cumberland
- Senator Davis of Piscataquis

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

On motion of Representative BROOKS of Winterport, the House **RECONSIDERED** its action whereby Bill "An Act to Support a Continuum of Quality Long-term Care Services" (EMERGENCY)

(S.P. 722) (L.D. 1924)

Was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (S-523) as Amended by House Amendment "A" (H-1091) thereto.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED** as Amended by Committee Amendment "A" (S-523) as Amended by House Amendment "A" (H-1091) thereto and later today assigned.

On motion of Representative SAXL of Portland, the House **RECONSIDERED** its action whereby An Act to Supplement Maine's Academic Attainment and to Retain Talent

(H.P. 1655) (L.D. 2162)

(S. "A" S-558 to C. "A" H-1055)

Was **PASSED TO BE ENACTED**.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$19,300,000 to Construct and Upgrade Water Pollution Control Facilities, to Remove Discharges, to Clean up Tire Stockpiles, to Clean up Uncontrolled Hazardous Substance Sites, to Remediate Solid Waste Landfills, to Make Drinking Water System Improvements, to Address Household Hazardous Wastes and to Promote Standardization and Use of Public Geographic Data"

(S.P. 783) (L.D. 2120)

Report "A" (7) **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-564)** in the House on April 4, 2002.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "C" (2) **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 "C" (S-566)** and **ASKED FOR A COMMITTEE OF CONFERENCE** in **NON-CONCURRENCE**.

On motion of Representative BERRY of Livermore, the House voted to **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE** in concurrence.

On motion of Representative WATERHOUSE of Bridgton, the House adjourned at 10:06 p.m., until 9:00 a.m., Friday April 5, 2002.