

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
46th Legislative Day
Monday, April 8, 2002

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

Prayer by Honorable Ronald E. Usher of Westbrook.

Pledge of Allegiance.

The Journal of Saturday, April 6, 2002 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 833)

ORDERED, the House concurring, that the Joint Rules be amended in Part 3 by adding a new Subpart C to read:

Subpart C

Legislative Oversight of Government Agencies and Programs
Rule 371. Government Oversight Committee.

The Government Oversight Committee is established. The Government Oversight Committee consists of 6 members of the Senate and 6 members of the House of Representatives and must be evenly divided between the 2 largest political parties represented in each chamber. The President of the Senate appoints 3 members of the Senate to the Government Oversight Committee and the Senate Minority Leader appoints 3 members of the Senate to the committee. The majority party House members are appointed by the Speaker of the House and the minority party House members are appointed by the House Minority Leader. The terms of committee members coincide with the term of the Legislature in which they are appointed. Members shall elect cochairs, one of whom represents the majority party and one of whom represents the minority party. One cochair must be from the Senate and one cochair must be from the House of Representatives.

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

READ.

Representative O'NEIL of Saco moved that the Joint Order be **REFERRED** to the Joint Select Committee on **JOINT RULES**.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **REFERENCE** to the Joint Select Committee on **JOINT RULES** and later today assigned.

Non-Concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$31,150,000 to Stimulate Job Growth in Rural Maine" (S.P. 785) (L.D. 2130)

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-561) AS AMENDED BY HOUSE AMENDMENT "A" (H-1096)** thereto in the House on April 5, 2002.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Reports were **READ** and the Bill and accompanying papers were **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ASKED FOR A COMMITTEE OF CONFERENCE** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Promote the Fiscal Sustainability of the Highway Fund"

(H.P. 1516) (L.D. 2020)

Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on April 5, 2002.

Came from the Senate with the Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A" (H-1042)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

JOINT ORDER – Relative to Directing the Joint Standing Committee on Appropriations and Financial Affairs to report out a Bill transferring the Maine Learning Technology Endowment to the General Purpose Aid Cushion

(H.P. 1730)

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in the House on April 2, 2002.

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

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

Non-Concurrent Matter

Bill "An Act to Increase the Workers' Compensation Insurance Assessment to Fund a Hearing Officer Position"

(H.P. 1548) (L.D. 2051)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1036) in the House on April 2, 2002.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-589)** in **NON-CONCURRENCE**.

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

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

COMMUNICATIONS

The Following Communication: (S.C. 709)

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

April 4, 2002

The Honorable Michael V. Saxl

Speaker of the House

2 State House Station

Augusta, ME 04333

Dear Speaker Saxl:

In accordance with Joint Rule 506 of the 120th Legislature, please be advised that the Senate today has confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Legal and Veterans Affairs the nomination of Alan F. Harding of Presque Isle, for appointment to the Commission on Governmental Ethics and Election Practices.

Upon the recommendation of the Joint Standing Committee on Legal and Veterans Affairs the nomination of Honorable James O. Donnelly of Brewer, for appointment to the Commission on Governmental Ethics and Election Practices.

Upon the recommendation of the Joint Standing Committee on Legal and Veterans Affairs the nomination of Honorable David N. Ott of York, for appointment to the Commission on Governmental Ethics and Election Practices.

Upon the recommendation of the Joint Standing Committee on Legal and Veterans Affairs the nomination of Honorable Andrew Ketterer of Madison, for appointment to the Commission on Governmental Ethics and Election Practices.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 711)
**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

April 5, 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 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 Water 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)

The President appointed on the part of the Senate:
Senator Small of Sagadahoc
Senator Daggett of Kennebec
Senator Davis of Piscataquis

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 712)
**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

April 5, 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 Control Internet 'Spam.'" (H.P. 1538) (L.D. 2041)

The President appointed on the part of the Senate:

Senator Shorey of Washington
Senator Treat of Kennebec
Senator Small of Sagadahoc

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 714)
**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

April 5, 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 it Indefinitely Postponed Resolution, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Establish Classes of Property for Purposes of Taxation and to Exempt Personal Property from Taxation if there is an Excise Tax on Certain Personal Property. (H.P. 1582) (L.D. 2087)

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 716)
**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

April 5, 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 Create the Maine Rural Development Authority." (H.P. 1724) (L.D. 2212)

The President appointed on the part of the Senate:

Senator Shorey of Washington
Senator Bromley of Cumberland
Senator Youngblood of Penobscot

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 717)
SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003

April 5, 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 it Accepted the Minority Ought Not To Pass Report, in Non-Concurrence on Bill, "An Act to Implement the Recommendations of the Education Funding Reform Committee." (H.P. 1581) (L.D. 2086)

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

READ and ORDERED PLACED ON FILE.

ENACTORS
Acts

An Act to Amend the Motor Vehicle Laws
 (H.P. 1485) (L.D. 2018)
 (S. "A" S-593 to C. "A" H-1032)

An Act Relating to the Treatment of Persons with Mental Illness Who are Incarcerated
 (H.P. 1563) (L.D. 2068)
 (S. "A" S-579 to C. "A" H-1020)

An Act to Implement the Recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment
 (S.P. 767) (L.D. 2102)
 (S. "A" S-578 to C. "A" S-460)

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

Resolves

Resolve, to Reduce Pollution of Androscoggin Lake by Repairing and Altering the Existing State-owned Barrier on Dead River in Leeds
 (H.P. 1465) (L.D. 1962)
 (S. "A" S-580 to C. "A" H-902)

Resolve, to Require Agencies to Provide a List of Certain Paperwork Required of Maine Businesses
 (H.P. 1543) (L.D. 2044)
 (S. "A" S-592 to C. "A" H-1016)

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 Support Family Farms
 (S.P. 463) (L.D. 1516)
 (S. "A" S-581 to C. "A" S-424)

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

On motion of Representative WESTON of Montville, was **SET ASIDE**.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Durham, Representative Schneider.

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. Just to put everybody's mind at ease, I'd just like to remind everybody that items 10-1 through 10-7 are all tabled items that have been agreed to by all 4 caucuses in one version or another and will be part of the table. Thank you.

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

ROLL CALL NO. 645

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bull, Bumps, Bunker, Canavan, Carr, Chick, Clark, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Etnier, Fisher, Fuller, Gagne, Glynn, Green, Hall, Hatch, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Michael, Michaud, Mitchell, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Pineau, Pinkham, Povich, Richard, Richardson, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Bowles, Chase, Clough, Crabtree, Cressey, Duprey, Foster, Gooley, Haskell, Kasprzak, Ledwin, Lovett, MacDougall, McNeil, Morrison, Peavey, Shields, Snowe-Mello, Stedman, Trahan, Treadwell, Waterhouse, Weston, Winsor, Young.

ABSENT - Bagley, Berry DP, Bryant, Buck, Chizmar, Dugay, Duplessie, Estes, Gerzofsky, Goodwin, Hawes, Labrecque, Landry, Lemoine, Madore, Mendros, Murphy E, Perry, Quint, Rines, Smith, Tuttle.

Yes, 104; No, 25; Absent, 22; Excused, 0.

104 having voted in the affirmative and 25 voted in the negative, with 22 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, Appropriating Funds for the Seeds of Peace International Camp
 (H.P. 1434) (L.D. 1931)
 (S. "A" S-590 to C. "A" H-859)

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 **FINAL PASSAGE**.

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

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

ROLL CALL NO. 646

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Clark, Collins, Colwell, Cote, Cowger, Cressey, Cummings, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Fisher, Foster, Fuller, Gagne, Glynn, Gooley, Green, Hall, Haskell, Hatch, Heidrich, Hutton, Jacobs, Jones, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michael, Michaud, Mitchell, Morrison, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Bowles, Clough, Crabtree, Duprey, Honey, Jodrey, Kasprzak, MacDougall, Nutting, Pinkham, Shields, Stedman, Tobin J, Treadwell, Waterhouse.

ABSENT - Bagley, Berry DP, Bryant, Buck, Chizmar, Daigle, Dugay, Duplessie, Estes, Etnier, Gerzofsky, Goodwin, Hawes, Kane, Labrecque, Landry, Lemoine, Mendros, Murphy E, Perry, Rines, Smith, Tuttle.

Yes, 113; No, 15; Absent, 23; Excused, 0.

113 having voted in the affirmative and 15 voted in the negative, with 23 being absent, and accordingly the Resolve was **FINALLY PASSED**, 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.

JOINT ORDER - Relative to Establishing the Task Force to Study a Universal Special Retirement Plan for All Levels of Law Enforcement Officers

(S.P. 821)

- In Senate, **READ** and **PASSED**.

TABLED - March 25, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - **PASSAGE**.

On motion of Representative BUNKER of Kossuth Township, the Joint Order was **REFERRED** to the Committee on **LABOR** and sent for concurrence.

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

JOINT ORDER - Relative to amending the Joint Rules.

(S.P. 833)

Which was **TABLED** by Representative COLWELL of Gardiner pending the motion of Representative O'NEIL of Saco to **REFER** the Joint Order the Joint Select Committee on **JOINT RULES**.

Subsequently, the Joint Order was **REFERRED** to the Joint Select Committee on **JOINT RULES** in **NON-CONCURRENCE** and sent for 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:

UNFINISHED BUSINESS

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

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

(H.P. 1655) (L.D. 2162)

(S. "A" S-558 to C. "A" H-1055)

TABLED - April 4, 2002 (Till Later Today) by Speaker SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative SAXL of Portland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-1055)** was **ADOPTED**.

The same Representative presented **House Amendment "B" (H-1104)** to **Committee Amendment "A" (H-1055)** which was **READ** by the Clerk.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I'm not sure but I think this may be the last time I have a chance to sit in this corner and speak to you so I'm going to take a moment of liberty to talk to you about one of my favorite issues, which is access to higher education.

The piece of legislation that you have before you today, LD 2162, is the grandchild of the Senate President and myself and really might be the grandchild of the select committee that came together last year to study access to higher education. It was sub-recommendation No. 9, which looked at barriers to higher education and how to evolve issues around access to higher education.

In my mind the state can make no greater investment in its people than in their minds. I believe deeply that within each individual whether they be misplaced workers, people currently in the work force or whether they be high school seniors graduating, that every Maine person has a potential to do more for themselves, to do more for their families, to do more for their communities and ultimately and tangentially more for the entire State of Maine. The greatest deficient we have in the State of Maine today is in fulfilling the human potential of our citizens. Maine lags far behind the national average in the number of people we send on and graduate from places of higher learning, whether it be technical colleges or the University of Maine. Those people we send on don't go to school in Maine and when you look at the national statistics of the census is that 70 per cent of the people that graduate from places of higher learning go to work within 50 miles of the place they graduate. In Maine, at our technical colleges the success rate has even been much higher, it's over 90 percent of the people who graduate from our Maine

Technical Colleges go to work within 15 minutes, 15 minutes of the place they graduate. If you've been to Millinocket, if you've been to Baileyville, if you've been to Rumford, if you've been to any mill town in the State of Maine, the thing you'll learn is that the only thing that's going on there is the real estate market for houses and they're not moving very fast. In Millinocket in the last 10 years, the census tells us that people between the ages of 19 and 34 have left at a rate that is astounding. Over 50 percent of the young people have left. Over 50 percent of the potential for that community has left and Baileyville the number is 35, Rumford has probably numbers, as does every single mill town in our state. I believe that those of you who continue to serve in this body must find the collective will to tear down the barriers to higher education. LD 2162 is truly a bipartisan, outside the box, effort and I want to laud for a moment the Senate President, Senator Bennett, who spent a great deal of time working with me and with the Commission to try to find an answer that appealed to everybody and this would simply have done this. It would simply provide a tax credit to any individual, or to any business, who wants to give money to a charitable institution that helps Maine kids go to Maine schools, or helps Maine kids who go out of state to school, come home, by repaying their loans for college, by taking down what is considered one of the greatest barriers for Maine kids and it would have provided an economic incentive to Maine's businesses to use scholarships for its existing workforce, or its potential workforce to help them improve their own workforce.

We're at the last, hopefully the last, days of this session and we've done an awful lot for tax relief this year, we've done an awful lot to return money to higher education and in a year when you have a \$250 million shortfall and we have a stimulus and economic package that costs an additional \$47 million and other pressing needs, you can not do it all and I'm the first to admit that. Committee Amendment "B" simply states that the next Taxation Committee should review the opportunity to provide tax credits, to lower barriers, to incentive giving to lower barriers to higher education. We can do nothing else this session to help create Maine's economic future. We should continue to put the imprimatur of the 120th Legislature on our collective desire to lower barriers to education with whatever means we can. I'm delighted to have this amendment before you today and I ask for your indulgence as we adopt it so there's no fiscal implication for this or any other biennium. Thank you.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I agree with everything that the Speaker of the House has told us today. I served on that commission and almost every meeting we had a debate. It was like what comes first, the chicken or the egg and the debate was in order to turn things around in this state is education the catalyst or expanding opportunities. Can you do just education and not address the economy and what came out of that study was that Maine has always lost its young blood. It's always lost its graduates, but through the '60s, the '70s and '80s there was an inflow of college educated young people coming into the state, but what we saw in the census and what we saw in the reports, it almost as if a brick wall in the early 1990's dropped and our graduates continued to climb over that wall and leave the state but the inflow into the state ended. When you look at the projections of the work force that currently is college educated, the percentage and with that outflow and no inflow, 10, 15 years down the road we're going to have a very low percentage of people in the workforce that are college educated. This is a good first step, but it doesn't go far enough, because as we talk with young people they tell us

because of the low income of my parents, I have high college debt. If I stay in Maine, one, will the job be there that's in tune with my major and our workers receive 85 percent of the national rate, that we have the highest taxes in terms of burden within the country and when they graduate and they look at that ability to try to stay here, they make a decision that they can't because of the taxes or the economy hasn't expanded rapidly, or their debt is crushing. So even though it's not included in this amendment in terms of the Taxation Committee reporting out a bill, I would hope that they would take a look at an income tax credit for those graduates to stay in Maine and there's no real cost to it, because now they're leaving. They're in Massachusetts, Connecticut and other places. If they stay here and become a part of the new expanding Maine economy, then we forgive a percentage of that part of their debt. It's new money, but it's also new Maine educated blood staying in the economy, but there's also responsibility upon us, and there's still a variety of bills that are before us. Because if we don't change that tax burden, if we don't see an expanding economy that raises wages in this state then we'll continue to see houses in Millinocket boarded up and we'll continue to see the U-Haul trailers with University of Maine stickers on them crossing over the bridge and leaving the state forever. I congratulate the Speaker for his amendment, it just doesn't go far enough, but changing the situation where we're hemorrhaging young people rest with us and some positive things we can do to turn the economic promise around in this state.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. I truly miss not getting up this morning with everybody talking about my hometown. The Speaker has said it right, back in 1979 we had census done for the Town of Millinocket, back in 1979 we had 2 houses for sale in 1979. In 2001 we have over 200. I was fortunate enough to buy one this past fall for a reasonable price. We have houses for sale all up and down any street that you can think of in the Town of Millinocket, but there is one thing that people are overlooking here, ladies and gentlemen, it's jobs. If we do not have the jobs in the State of Maine, how in the world are we suppose to have our young kids, my age and even younger stay in the state. In my hometown we have one industry employer that employs about 700 people. If that industry ever goes out, you might as well board up the homes, board up the businesses and things like that in the Town of Millinocket. Back in the '50s and '60s when they graduated from high school, they just walked down over the hill and got a job from Great Northern Paper. Those aren't the cases nowadays.

Our second leading employer, which is the hospital is also downsizing. When you look at the jobs in the State of Maine and you look at the education that we give through the technical colleges and through the university of Maine system, they don't compare. You've got to have jobs in this state first to keep these kids here. I have a lot of friends that went to the University of Maine, that went to technical colleges, that went into the military and when they got out they either went to New Hampshire, Vermont, Texas, because they had the jobs. Thank you.

House Amendment "B" (H-1104) to Committee Amendment "A" (H-1055) was ADOPTED.

On further motion of the same Representative, the House RECONSIDERED its action whereby Senate Amendment "A" (S-558) to Committee Amendment "A" (H-1055) was ADOPTED.

On further motion of the same Representative, **Senate Amendment "A" (S-558) to Committee Amendment "A" (H-1055) was INDEFINITELY POSTPONED.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Senate Amendment "A" (S-558) to Committee Amendment "A" (H-1055) was INDEFINITELY POSTPONED.**

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

Representative **SAXL:** Mr. Speaker, Ladies and Gentlemen of the House. The result is I would like this to be Indefinite Postponed. I just wanted to make sure that members know that the only reason is because Senate Amendment "A" amended the original Committee Amendment. House Amendment "B" replaces the entire Committee Amendment with a much narrower focus. House Amendment "B" is in conflict with Senate Amendment "A." Thank you.

Subsequently, **Senate Amendment "A" (S-558) to Committee Amendment "A" (H-1055) was INDEFINITELY POSTPONED.**

Committee Amendment "A" (H-1055) as Amended by House Amendment "B" (H-1104) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1055) as Amended by House Amendment "B" (H-1104) thereto in NON-CONCURRENCE** and sent for concurrence.

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

Expression of Legislative Sentiment Recognizing Travis Magnusson, of Thomaston

(HLS 1145)

TABLED - April 4, 2002 (Till Later Today) by Representative SKOGLUND of St. George.

PENDING - PASSAGE.

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

ORDERS

On motion of Representative SKOGLUND of St. George, the following Joint Resolution: (H.P. 1734) (Cosponsored by Senator O'GARA of Cumberland and Representatives: BUCK of Yarmouth, DAVIS of Falmouth, USHER of Westbrook, Senator: BRENNAN of Cumberland)

JOINT RESOLUTION RECOGNIZING ALFRED R. PUGH, ONE OF THE LAST SURVIVING WORLD WAR I VETERANS

WHEREAS, in 1914 the assassination of Archduke Franz Ferdinand of Austria-Hungary touched off the Great War; and

WHEREAS, in 4 years of bloody slaughter, as many as one in 4 young men from Great Britain, Canada, France, Germany, Russia, Turkey, Austria-Hungary and other nations died in trench warfare, and countless others perished on fronts as far apart as the Italian Alps, African savannahs and Chinese ports; and

WHEREAS, the United States entered the war in 1917, tipping the balance of power in favor of the Allies, resulting in the armistice signed on November 11, 1918, ending World War I; and

WHEREAS, 518 Maine men gave their lives during World War I and thousands more Maine men were injured and disabled in this war; and

WHEREAS, it has come to the attention of the 120th Legislature that Mr. Alfred R. Pugh, who at the time of his enrollment was a resident of Westbrook, Maine, is a surviving veteran of the Great War, having fought at the great battle of Meuse-Argonne, and is among the handful of surviving veterans of the original 2,000,000 American men who served; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the Second Regular Session, take this opportunity to express our sincere appreciation to Mr. Alfred R. Pugh for his dedicated service to the State of Maine and to the United States of America during World War I; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Mr. Alfred R. Pugh with our best wishes and appreciation.

READ and ADOPTED.

Sent for concurrence.

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

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

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.

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

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

(S. "A" S-582 to C. "A" H-1046)

TABLED - April 6, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - FINAL PASSAGE.

On motion of Representative ETNIER of Harpswell, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-1046) was ADOPTED.**

The same Representative presented **House Amendment "B" (H-1103) to Committee Amendment "A" (H-1046) which was READ** by the Clerk.

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

Representative **ETNIER:** Mr. Speaker, Men and Women of the House. House Amendment "B" that I am proposing here, I'm sure you don't have it in front of you, but it's H-1103, and what it does, it changes the language from earlier actions that had been taken by the committee that used the Rainy Day Fund as a loan source for this printing of a poster and brochure related to dental amalgams. It changes the source from the Rainy Day Fund for the loan to the fund for Healthy Maine Fund. I was consulted about this awhile ago as perhaps and alternative source given

the concerns about the previous two methodologies that have been brought before you, the Rainy Day Fund and some nursing facility account. This uses the fund for Healthy Maine, it uses the same language as is in the committee amendment that specifies that this is a loan that will be repaid and that there will be costs charged to cover the cost of printing and distributing, their costs that will be charged for this distribution of these brochures and posters will be used to replenish the loan no later than June 30th, 2004.

I have been one of the folks here among the strongest proponents of leaving the fund for Healthy Maine alone and that's probably why I was asked about this and that's why actually I agreed to sponsor this amendment. There's approximately, I'd have to double check, there's about \$5 million in the reserve account now in the fund for Healthy Maine. I felt that this \$50,000 loan that's backed up by the costs that are being charged was a reasonable temporary use of this fund and specially given the nature of this program that certainly has to do with the health of individuals as well as environmental issues and therefore I could support it and I would urge you to please support adoption of House Amendment "B." Thank you.

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

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. I urge you to vote against this amendment. I have two very serious problems with this whole issue. The first being the brochure. When this first came about I visioned a brochure as kind of a simple trifold that we do with our campaign. My understanding at this point is that the brochure may actually be a sort of a booklet and could have as many as 14 or 15 pages to it. From that point of view I object to this enormously. My real objection here is touching funds for Healthy Maine.

The other day, the folk, I forget which group it was, it was downstairs, and they had a big poster and about 80 people in this Legislature signed an agreement that we would not touch funds for Healthy Maine. I think it's incredibly important that that fund be left alone to be used for the purposes that we had intended. I understand that this is "a loan," but you have to realize we've done all this work on dental access in this Legislature. We are asking dentists to take more Medicaid patients at a loss. They lose money every time they take Medicaid patients, but we're pressing them to take more patients and then we're going to turn around and say, please now pay back this loan and pay for the cost of this information. I couldn't think of any other pamphlet that this Legislature requires people receive that we then require someone else to pay for it. If you're a hunter, you get a booklet on hunting rules, do you pay for that, not really. You do buy a license, but you don't pay for that booklet, we give it to you because you need to understand the hunting rules. If you're a business, do you pay for the posters that tell your employees the rules of the workplace, no, we pay for those as a state. If this such an issue, if this is a health concern, then we need to pay for it the same way we do any other health concern. I urge you not to touch funds for Healthy Maine to print this pamphlet and to defeat this motion. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, concur with the previous speaker that this is an inappropriate use of the Healthy Maine fund, these dollars were not appropriated for these types of revolving loan programs. What we essentially have is we have the case of a legislative committee deciding to write a 15 page brochure and because they have decided to take that responsibility away from the administration, they need to find a way to pay for it. If this

amendment fails and this bill fails, things will go forward, a brochure will still happen, only instead this brochure will be done by the administration within their budget without legislative interference. Ladies and gentlemen of the House, I urge you to vote for the motion to Indefinitely Postpone.

Representative **GLYNN** of South Portland moved that **House Amendment "B" (H-1103)** to **Committee Amendment "A" (H-1046)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-1103)** to **Committee Amendment "A" (H-1046)**.

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

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. I hope you will join me and the other members of the committee and vote against the pending motion so we can go on and take action on these rules. Let me first stress a couple of things. The brochure that was developed by the Bureau of Health was not developed by the committee, these are major substantive rules that are coming back to our committee and we approved the brochure that was developed by the Bureau of Health. The brochure that exist today in a eight and a half by eleven format which is much larger then it will eventually appear is 11 pages and the reason it is 11 pages is because there are a couple of pages on prevention, just prevention and good oral health care and for those of you who want to see better oral health care around our State of Maine, this provides excellent information which the Bureau of Health, the dental program felt was very important to get out to patients. The brochure also is fairly lengthy, but certainly not 15 pages by any mean, because it goes on with the benefits, the advantages and the disadvantages of each filling material that is available today. It talks about mercury amalgams, composite resins, glass monomers, gold and gold alloys, and porcelain fillings. This brochure talks about the benefits and disadvantages of each of these materials and actually the good Representative from Belmont and I would agree on this. The brochure talks about the advantages of mercury amalgams and that these are very strong materials, very durable and very affordable and indeed this brochure is not meant to tell people that these are bad things. The brochure balances the good and the bad in each type of filling material. If you don't think the brochure is a good idea, the time for that debate is not today, it would have been a year ago. The existing law requires the brochures be provided at cost to dentist around the state so they can be provided to each dental patient. That is the current law, but before us today is rulemaking to create the language for that brochure and for a poster for dentist offices. The rulemaking was a unanimous report out of the Natural Resources Committee and I hope you'll support that.

Finally, if you signed the pledge not to touch the funds for Healthy Maine, as I did, I hope you still will vote against the pending motion and accept the rules, because this is a loan. This is a loan that will be paid back within two years as dentist purchase these brochures at cost. I have spoken personally with the Coalition on Smoking or Health, the Maine Public Health Association, and the American Lung Association. They feel because this is a loan that this is a very appropriate use of these funds and I hope you will support the bill as amended. Thank you.

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

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

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

Representative **MCKENNEY**: Mr. Speaker, Men and Women of the House. Could somebody please tell me the mechanics of distributing this brochure, how and when would it be given to the dental patient?

The **SPEAKER**: The Representative from Cumberland, Representative McKenney has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Men and Women of the House. To answer the question, that current law again requires dentists to provide this brochure to each of their patients. It's going to be up to each dentist to decide how they want to distribute it, whether its during an office visit or mail or whatever, we left the details of that up to each individual dentist.

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

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. Does that mean that if a dental patient receives the brochure after they've had the fillings put in and they sit down and read it, can they go back in and ask for them to be taken out.

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

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. I am delighted to learn today of the undying support of the sanctity of the Fund for a Healthy Maine from my colleagues on the other side of the aisle. Had we known this last year we wouldn't have taken the \$18 million out of there to dump into the general fund for unrelated purposes. I would urge the 121st Legislature to reflect carefully upon the comments made in the record when this fund comes under attack in the 121st, no doubt. Also, I just want to reiterate what the Representative from Hallowell, Representative Cowger, said relative to the pledge. I actually signed that pledge myself, I think it's the first pledge I've ever signed here, I usually avoid them like the plague, because I think they are unwise moves, but I signed it. I also conferred with those folks prior to going forward with this and got their okay that this was something they could live with given the loan nature of it, for one and also the health and environmental purposes of it for another. Thank you.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. In the 119th Legislature I had the pleasure of serving on the Business and Economic Development Committee and during that time we had a bill presented to us which dealt with mercury amalgam fillings. Despite the assurances from the good Representative from Hallowell, this bill very much was prompted by concerns about mercury amalgam fillings. Because I'm not a scientist and because I don't have the medical background, I was concerned with the testimony that was presented to the Business and Economic Development Committee, so I studied very carefully to the best of my ability the reams of information that were given to us concerning the potential or possible potential or reputed hazards of mercury amalgam fillings and because I'm not a scientist and because I don't have the medical background, frankly, I probably fail to understand some of the information. We had some very detailed studies prepared by a number of major universities, Syracuse

University I recall was one, Tufts University School of Dentistry was another one and I came to the conclusion with my limited understanding and knowledge that there was in fact no scientifically proved connection between any reported physical ailment and mercury amalgam fillings. However, because of my limited knowledge I may very well have missed something, so Mr. Speaker I would like to pose a question through the Chair.

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

Representative **BOWLES**: Thank you Mr. Speaker. Would anyone in this chamber who has medical training, a medical or scientific background, be willing to enlighten this House as to whether or not there have ever been to the best of their knowledge a scientific study that has shown a clear convincing link between any reported medical ailment and the use of mercury amalgam fillings.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the question from the good Representative from Sanford, to the best of my knowledge there is no scientific evidence that amalgam fillings cause any particular problem, particularly the mercury in them. Anything reported as science is probably in the category of junk science and can not be confirmed by any accepted scientific authority and can be repudiated easily, so I hope that if this is the issue about mercury and amalgam fillings it's a moot point and any hysterical testimony that was heard, I hope would not be necessarily believed as the gospel.

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

Representative **MARRACHÉ**: Mr. Speaker, Men and Women of the House. I rise too, to say the same thing as Representative Shields from Auburn, there is no documented information that has been given to me as a health care provided that this is a hazard. If I may I would like to ask a question through the Chair.

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

Representative **MARRACHÉ**: Thank you Mr. Speaker. If we loan this money out, how is it getting paid back and by whom and if they don't get the money back what happens next?

The **SPEAKER**: The Representative from Waterville, Representative Marraché has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Men and Women of the House. To answer the question, dentist are required by law, current law, nothing that is before us today, to provide these brochures to their patients at cost. So when the dentists purchase the brochures, after they are printed in bulk by the State they will reimburse the fund.

This debate is very interesting and I would agree there are not scientific papers out there linking dental amalgam to health affects. That's not what's before us today. You can look at the language in the brochures, it does not say there are adverse health affects from mercury fillings, that's not what's before us today. The brochure says that there have been some cases, limited cases, of allergic reactions perhaps and it talks about possible affects of mercury fillings, but it's very balanced. This brochure was put together by our state toxicologist who has a wealth of experience and is very respected amongst everybody in the State of Maine and this brochure has been prepared with the up most of scientific balance. It was not something that we altered in committee whatsoever, this has a great deal of balance to it and I urge anybody who has concerns to take a look at the

language in the brochure before they vote. Again I hope you will oppose the pending motion.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I just heard a statement made that I'm very concerned about and that these are going to be provided at cost by the dentist. Does that mean that the customer is going to be charged for these at cost and then the money is going to be transferred back to the fund or are the dentists themselves going to pay for them?

The **SPEAKER**: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. The answer to that question is no, that cost is to the dentist, to the State Bureau of Health, to recoup the money that the State Bureau of Health, or this Legislature, should put forward, so the mass numbers of those brochures and pamphlets, and posters can be printed. The dentist will pay at cost the reimbursement of these. If I may continue, Mr. Speaker?

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

Representative **DUPLESSIE**: Thank you Mr. Speaker. We've heard a great deal this morning about the health affects or lack of scientific evidence to this, but I would challenge anyone in this chamber to go through the volumes, and I mean volumes of material that this committee has gone through over the past two years. Much of the testimony, yes, there was some that was on emotions, but there was also other testimony that was more than just emotion, that there is possibly a link to autism and many other problems that people have related to mercury. It depends upon the person and their body composition. The Maine Dental Association worked on this bill, they worked on this compromise that was passed last year. The Maine Dental Association is in support of this brochure and the poster to be posted in their offices, just to let patients know when they go to the dentist that the brochure is available. When they go in before they have any fillings done, the dentist will go over the brochure and discuss the pros and cons with the patient, not after the filling is done. Thank you.

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

Representative **ETNIER** of Harpswell **REQUESTED** that the Clerk **READ** the Committee Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

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

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

Representative **SHERMAN**: Mr. Speaker, Men and Women of the House. If a dentist hands these brochures out sanctioned by the State, I just heard he has to go over the pros and cons, if the dentist himself believes this is a mess of hooley, to use a scientific word. Is he in violation of law if he so expresses that opinion.

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

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. I apologize for rising again, Representative Berry can write that down. I can't answer the Representative's question,

although I think it's a real concern. Again I have to question the effectiveness of an eleven page brochure, that's a booklet, 8 1/2 x 11. The dentist is supposedly going to sit down and go through that with each patient prior to putting in the filling. You're going to make an on the spot decision of which type of material to use and let's not forget the cost of each of those materials. That's a big issue in terms of the total materials issue, is the cost. People use the mercury amalgam because its affordable, so number one, I truly question the effectiveness of this pamphlet that people are getting, but the bottom line here in terms of this amendment is who pays for that pamphlet.

We received at our desks the other day a nice little tri-fold about mercury in fish. It was very well done, told us what fish we should eat and how often we should eat it. Who paid for that pamphlet? Did we pay for it, no, did fishermen pay for it, no, the Department paid for it, because it was a health issue, so if this is truly a health issue then we should be taking the funds from the Department because we have mandated it. We should not be asking dentists to pay even at cost. I have no idea what an 11 page booklet costs, but if you handed that out to every single one of your patients, or if you run a clinic and you handed it out to every single one of your low-income patients, that you're already losing money on each person who walks in, it's just wrong to be asking dentists to cover that cost. I urge you to vote against this amendment.

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

Representative **BLISS**: Mr. Speaker, Men and Women of the House. Like so many other people over the course of the last 2 years, let me start by saying I hadn't planned to speak on this issue. I'm sure our friends from Bar Harbor are interested in listening to a discussion about teeth, mercury and dentists. I actually think the brochure is a great idea. I love the idea that we are sharing health information with dentists and their patients. My concern is the same concern that the good Representative from Woolwich and my colleague from South Portland expressed earlier in this debate and that is the protection of the Fund for a Healthy Maine. It seems to me that if we have created the Fund for a Healthy Maine and we have made this money available to a group of organizations and then we go individually to them and say, you really wouldn't mind if we took some of this money and offered it as a loan so we could print some brochures, would you. My guess is that they would say, well okay it's all right with me because frankly they don't have any choice. I am truly gratified to hear my colleagues from across the aisle speaking in defense of the Fund for a Healthy Maine. I don't think we should do anything except protect that fund and I urge my colleagues on this side of the aisle to be equally observant of that protection and indefinitely Postpone this amendment. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Fryeburg, Representative Muse.

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

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. Could someone tell me, please, how many of these brochures we plan to print and what size they are?

The **SPEAKER**: The Chair recognizes the Representative from Fryeburg, Representative Muse.

Representative **MUSE**: Mr. Speaker, Men and Women of the House. Apparently we can't get an answer to that. I can just say to you factually that in my world I am able to produce an 8 1/2 x 11, 60-page magazine for about fifty cents a copy and I think

probably that should be factored in when we look at 50,000 for this piece.

The **SPEAKER**: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative KOFFMAN: Mr. Speaker, Ladies and Gentlemen of the House. I feel obliged as one of those who is part of the unanimous report to speak on this issue. I must say I was a skeptic of the whole question of the connection between human health and mercury amalgam, very skeptical. I'm still a skeptic of the connection between mercury amalgams and health, because I was a skeptic I urged committee chairs and my fellow committee members that we would get as many of the peer reviewed scientific studies on this question from around the world that were available to us. We had at least two work sessions on this question. We did a good deal of reading, none of the peer reviewed documents that I recall, it's been several months now, considered mercury amalgams the smoking gun in relationship to some verified pattern of health problems. Nevertheless a number of questions that were posed to the state epidemiologist resulted in his confirming that it was entirely possible that for some of our citizens mercury amalgams push those people over a threshold at which bodily harm can be done, because they've accumulated mercury from other sources, perhaps they're eating too many Maine fresh water fish. I don't know, but it was pretty clear to me as a skeptic that we ought to do something.

Now the brochure, we were very sensitive about the language in it. It points out and I'm quoting, current studies cannot confirm whether or not this mercury is a significant health hazard. This is not an alarmist brochure and I don't believe it's based on bogus science. Otherwise our Department of Health and State Epidemiologist would not have supported doing this and as I recall, a number of the dentist and their association were supportive of this brochure. I urge you to support the unanimous report of the Committee.

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

Representative BAKER: Mr. Speaker, Men and Women of the House. I speak as a member of the Natural Resources Committee. Two years ago one of my constituents kept calling needing to have all her mercury fillings removed. She was one of those people whose body could not handle, for whom the mercury was toxic. She didn't have the funds to pay for the removal of those fillings. I asked my dentist up in Bangor about the dangers of mercury fillings. He assured me that the American Dental Association assured dentists repeatedly that there is no problem. How interesting that 2 years later this same dentist has moved to either no mercury filling, or almost no mercury fillings.

Over the course of the weeks we heard a lot of testimony in the Committee, last year and at the end it was clear to me that there are enough people whose bodies have an allergic response to mercury and that this information needs to be out there. I have been absent from this body for a number of weeks and what it all has come down to is that this person very dear to me nearly lost his life because of an allergic reaction to multiple drugs but primarily to heparin. It wasn't that the medical people weren't doing their very best to find what the problem was, but he happens to be one of those half of one percent of the population with an allergic reaction to the very drugs that were used as interventions to save his life. I think of half of one percent, that doesn't sound like much, but out of millions of people, it means those people are very dear to someone else. There are questions about mercury. We know mercury causes neurological damage. There are questions about autism. There are

questions about Alzheimer's. This one really scares me. I don't want to be one of those people who just might have this kind of response in my body to mercury and there are days when I'm wondering if maybe it's already happening to me.

I want to make one last point and that has to do with the Fund for Healthy Maine. There is no fund more dear to my heart and I would not ever advocate touching that fund unless I truly believe that this was in the best interest of the health of Maine people. I understand that this money is to be paid back in a timely fashion. When I pay my dental bills, I assure you I trust that there is enough small change in there to pay for these brochures, so I want to urge you to support the hard work of the Natural Resources Committee in connection with the dentist and really all the stack holders to pass this and to help our people be informed so that they can attempt to make the wisest decision about the way they fill their teeth. Thank you very much.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. I really didn't have any concern over this but as I've sat and listened to the debate, I've started to kind of wonder about it now and I'm also concerned, I guess when I heard Representative Muse question the printing cost and we got no answer on that. I'm not a big fisherman and I don't follow his magazine too closely, but I know the closest I come to fishing is scanning through the fishing channel on TV, but I know that he can print about 145,000 copies for \$65,000 which includes freight to ship them to 49 different states and it's a decent magazine, glossy pages and a beautiful magazine of about 60 to 70 pages. I'm kind of curious why we are spending the amount of money that we are. Mr. Speaker, May I pose a question through the Chair?

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

Representative MUSE: Mr. Speaker, Men and Women of the House. Is that money exclusively for printing of this brochure, or is there something else included in that money that will include shipping, freight, are they being shipped air freight, first class, special delivery, is there money for training, is that money being used for anything else, Mr. Speaker?

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

Representative COWGER: Mr. Speaker, Men and Women of the House. To answer those questions, I'm looking through our testimony trying to come up with an exact number of the brochures and I don't have it right in front of me. But it's going to get in the hands of every dental patient in the State of Maine, so that's an awful lot of brochures. I think when they are printed in great quantity the cost is going to be quite minimal per patient, but the funding is for the cost of the printing and distribution of these brochures. I don't think they will be air freighted anywhere, perhaps they'll be mailed to the dentist and it's also for the cost and distribution of a poster that will be in each dental office letting people know that there's a brochure available. That's what the money is for. Thank you.

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

Representative QUINT: Mr. Speaker, Men and Women of the House. I just want to go on record as saying that I do support the Committee, I think it's an important issue and that's not what we are debating. That's not what I'm concerned about. This truly appears to me to be a public health issue and it's something that's very important and it's something that we're requiring to have be done, so I guess that is the sort of thing that I've honed

in on is that it has nothing to do with the Committee's decision about this as a matter of policy, because that's what they voted on. The unanimous report was a vote on the policy of this committee and not the funding, unless they met afterwards when all of these considerations were being taken and of that I'm not aware of and it is true there are all sorts of valuable health related issues that the Fund for Healthy Maine is there. I remember when we first had that option there were a lot of very good closely related issues that we could have used to fund it and we didn't, because we decided to be very focused and use that money for very specific reasons. And it's the precedent that I see being set here by having that fund make a loan to a very reasonable and perhaps vital informational piece. We took great care in making sure in our decisions with using that money that we didn't set unnecessary precedence and I don't want it to be seen as a fund where we can borrow money for very reasonable and necessary costs particularly if both departments refuse to pay for it. Now, if in fact, it is a loan, I cannot understand and maybe somebody can explain it to me why the Bureau of Health in its revolving money, in its surplus, can't in fact do that themselves, or the DEP. So I will be supporting the indefinite postponement of this amendment.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I'm a little upset this morning, Mr. Speaker and Men and Women of the House, because this seems to be getting derailed and it's upsetting to me because of the process. We listened very carefully for a very long time and I didn't hear any of the concerns that I'm hearing today and I would like to remind this body that we were all set to fund this out of the rainy day account until a scare tactic was put on all of us that we were going to be hitting up nursing homes. Now Funds for a Healthy Maine is sacred to me and I did have concerns myself. I'm going to be honest with you, I went and spoke to the people for the Funds for Healthy Maine, and I said, you know this is sacred to me and I want you to know that you're getting my guarantee and my promise that this fund will be paid back. Now I'll be glad to go back to the Rainy Day Fund if you want to support that, but my biggest fear is if we don't support it at all, what is the cost if we don't support it at all because the studies that we did in our committee left me telling my in-laws, my grandchildren that they will not be getting mercury fillings. I am convinced, I saw enough evidence and enough proof and all I had to do was hear a mother who came before us with a picture of her child with autism and the fact that she had mercury fillings during her pregnancy and had that child tested and had high levels of mercury. That was enough proof, so while we banter about the cost I can appreciate that, but the cost if we do nothing is even greater. Thank you.

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

Representative MARRACHÉ: Mr. Speaker, Men and Women of the House. I am going to be in support of indefinite postponement of this bill and I would ask that you do too. There should be no money taken out of the Fund for Healthy Maine for a brochure. If this is that important to people that they don't get mercury fillings then why aren't we putting money into getting rid of mercury fillings and actually doing something. The brochure does nothing and the last I recall, when I tell patients whether or not a procedure should be done I have to give the pros and cons beforehand no matter what anyways, that should be done to every patient regardless of a brochure. Thank you.

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

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I feel compelled to stand this morning and mention something that has taken place in this debate. I had the privilege of serving on Inland Fisheries and also on Marine Resources and I definitely heard the statement that objectionable elements maybe have been ingested by freshwater fish and I can assure you that I'm in possession of material that indicates that these objectionable elements exist in the fish from the sea as well as the fish from the freshwater ponds and lakes. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-1103) to Committee Amendment "A" (H-1046). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 647

YEA - Andrews, Annis, Ash, Belanger, Blanchette, Bliss, Bouffard, Bowles, Bruno, Buck, Bumps, Canavan, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Daigle, Dorr, Dugay, Duncan, Duprey, Fisher, Foster, Fuller, Gagne, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Hutton, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, Marrache, Matthews, Mayo, McGlocklin, McGowan, McKenney, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Perry, Pineau, Pinkham, Quint, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Baker, Berry RL, Brannigan, Brooks, Bryant, Bull, Bunker, Clark, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dudley, Dunlap, Duplessie, Etnier, Gerzofsky, Green, Hall, Hatch, Hawes, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lessard, Lundeen, Mailhot, Marley, McDonough, McKee, McLaughlin, McNeil, Michaud, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Thomas, Twomey, Watson, Mr. Speaker.

ABSENT - Bagley, Berry DP, Chizmar, Estes, Landry, Lemoine, Tuttle, Volenik.

Yes, 83; No, 60; Absent, 8; Excused, 0.

83 having voted in the affirmative and 60 voted in the negative, with 8 being absent, and accordingly **House Amendment "B" (H-1103) to Committee Amendment "A" (H-1046) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-1046) as Amended by Senate Amendment "A" (S-582) thereto was ADOPTED.**

On motion of Representative KASPRZAK of Newport, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-1046) as Amended by Senate Amendment "A" (S-582) thereto was ADOPTED.**

The same Representative **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-1046) as Amended by Senate Amendment "A" (S-582) thereto.**

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

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

Representative GLYNN: Mr. Speaker, I rise with an inquiry? What is the posture of the House on this bill?

The SPEAKER: Current posture is adoption of Committee Amendment "A" as amended by Senate Amendment "A" thereto.

The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. As I understand it Senate Amendment "A" takes the money from the nursing home fund and I urge you to take that in account as you vote on this. Thank you.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. So many of you said during the last debate that the State should pay for this brochure. Well, that's exactly what Senate Amendment "A" does. We pony up the funds to pay for the brochure. We don't make our dentist do it, we're up front about it. The fund, I don't have the name of the exact fund in front of me, but it does have nursing facilities in it. I can assure you that this is money that is not being taken away from nursing homes. It's a very esoteric fund that I have trouble understanding myself, but the Bureau of Health came up with it. It is money that deals differentials in depreciation of nursing homes once they are sold. It is money that is paid back to the State and is sitting in this fund and I believe it would be an appropriate use, if you think the State should pay up front. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-1046) as Amended by Senate Amendment "A" (S-582) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 648

YEA - Baker, Berry RL, Bliss, Brannigan, Bryant, Bull, Canavan, Chick, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Hatch, Hutton, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lessard, Lundeen, Mailhot, Matthews, McDonough, McKee, McLaughlin, Michaud, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Quint, Richard, Richardson, Rines, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Twomey, Usher, Watson, Mr. Speaker.

NAY - Andrews, Annis, Ash, Belanger, Blanchette, Bouffard, Bowles, Brooks, Bruno, Buck, Bumps, Carr, Chase, Clark, Clough, Collins, Crabtree, Cresse, Daigle, Dugay, Duncan, Duprey, Foster, Gagne, Glynn, Gooley, Haskell, Hawes, Heidrich, Honey, Jacobs, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, Marley, Marrache, Mayo, McGlocklin, McGowan, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Savage, Schneider, Sherman, Shields, Smith, Snowe-Mello, Stedman, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Berry DP, Bunker, Chizmar, Estes, Goodwin, Landry, Lemoine, Perry, Tuttle, Volenik.

Yes, 61; No, 79; Absent, 11; Excused, 0.

61 having voted in the affirmative and 79 voted in the negative, with 11 being absent, and accordingly the motion to **ADOPT Committee Amendment "A" (H-1046) as Amended by Senate Amendment "A" (S-582) FAILED.**

Representative BRUNO of Raymond moved that the Resolve and all accompanying papers be **INDEFINITELY POSTPONED.**

Representative STEDMAN of Hartland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers.

Subsequently, the same Representative **WITHDREW** his **REQUEST** for a roll call.

Representative HAWES of Standish **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers.

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

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

ROLL CALL NO. 649

YEA - Andrews, Annis, Belanger, Blanchette, Bouffard, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cresse, Daigle, Dugay, Duncan, Duprey, Foster, Gagne, Glynn, Gooley, Haskell, Heidrich, Honey, Jacobs, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, Marrache, Mayo, McGlocklin, McGowan, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, O'Brien LL, Peavey, Perkins, Pinkham, Rosen, Savage, Schneider, Sherman, Shields, Smith, Snowe-Mello, Stedman, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Ash, Baker, Berry RL, Bliss, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Clark, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lessard, Lundeen, Mailhot, Marley, Matthews, McDonough, McKee, McLaughlin, Michaud, Mitchell, Norbert, Norton, O'Neil, Paradis, Patrick, Pineau, Povich, Quint, Richard, Richardson, Rines, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Thomas, Twomey, Usher, Watson, Mr. Speaker.

ABSENT - Bagley, Berry DP, Chizmar, Estes, Goodwin, Landry, Lemoine, Perry, Tuttle, Volenik.

Yes, 74; No, 67; Absent, 10; Excused, 0.

74 having voted in the affirmative and 67 voted in the negative, with 10 being absent, and accordingly the Resolve and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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

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

**ENACTORS
Emergency Measure**

An Act to Support a Continuum of Quality Long-term Care Services

(S.P. 722) (L.D. 1924)

(H. "B" H-1102 to C. "A" S-523)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The House recessed until 1:30 p.m.

(After Recess)

The House was called to order by the Speaker.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative JONES from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, to Establish and Fund the Task Force on Rail Transportation (EMERGENCY)

(H.P. 1735) (L.D. 2214)

Reporting **Ought to Pass** pursuant to Joint Order 2001, H.P. 1727.

Report was **READ** and **ACCEPTED**. The Resolve was **READ ONCE**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

An Act to Fund the Endowment Incentive Fund

(H.P. 33) (L.D. 42)

PASSED TO BE ENACTED in the House on March 18, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-782) AS AMENDED BY HOUSE AMENDMENT "B" (H-891)** thereto)

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 Promote Equity Among Health Care Clinics

(S.P. 128) (L.D. 404)

PASSED TO BE ENACTED in the House on March 14, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-403)**)

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 Enhance the Quality and Accessibility of HIV Services and Prevention Services

(H.P. 779) (L.D. 1023)

PASSED TO BE ENACTED in the House on March 7, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-785)**)

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 Update the Property Tax Exemption for Pollution Control Facilities to Promote Clean Production through Pollution Prevention and Toxics Use Reduction

(H.P. 1170) (L.D. 1570)

PASSED TO BE ENACTED in the House on April 2, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1029)**)

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 Promote the Health of Maine Women and Girls (EMERGENCY)

(H.P. 1510) (L.D. 2013)

PASSED TO BE ENACTED in the House on March 18, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-875)**)

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 Create the Adult Education Outreach Grant Program

(H.P. 1530) (L.D. 2033)

PASSED TO BE ENACTED in the House on March 6, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774)**)

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 Fairly Assess Sales Tax on Vehicles

(H.P. 1620) (L.D. 2122)

PASSED TO BE ENACTED in the House on March 26, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1013)**)

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

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

(H.P. 1655) (L.D. 2162)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1055) AS AMENDED BY HOUSE AMENDMENT "B" (H-1104) thereto in the House on April 8, 2002.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1055) AS AMENDED BY SENATE AMENDMENT "A" (S-558)** thereto and **ASKED FOR A COMMITTEE OF CONFERENCE** in **NON-CONCURRENCE**.

On motion of Representative GREEN of Monmouth, the House voted to **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE** in concurrence.

Reference was made to Bill "An Act to Supplement Maine's Academic Attainment and to Retain Talent"

(H.P. 1655) (L.D. 2162)

In reference to the action of the House on April 8, 2002, whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

- Representative GREEN of Monmouth
- Representative McLAUGHLIN of Cape Elizabeth
- Representative MURPHY of Kennebunk

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

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment Recognizing Nick Scaccia, of Sanford

(HLS 1157)

TABLED - April 5, 2002 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - **PASSAGE**.

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

JOINT ORDER - Relative to Recalling L.D. 1439 from Legislative Files

(S.P. 778)

- In Senate, **READ** and **PASSED**.

TABLED - February 20, 2002 (Till Later Today) by Representative BERRY of Livermore.

PENDING - **PASSAGE**. (2/3 Vote Required)

On motion of Representative ETNIER of Harpswell, the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED** 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 Create the Maine Rural Development Authority
(H.P. 1724) (L.D. 2212)
(S. "A" S-559; H. "B" H-1086)

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
Non-Concurrent Matter**

An Act to Implement the Recommendations of the Commission to Develop a Plan to Implement the Closure of State Liquor Stores

(H.P. 1623) (L.D. 2123)

PASSED TO BE ENACTED in the House on April 3, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1049)**)

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

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

ORDERS

On motion of Representative BRUNO of Raymond, the following Joint Order: (H.P. 1736)

ORDERED, the Senate concurring, that Bill, "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," H.P. 1629, L.D. 2129, and all its accompanying papers, be recalled from the legislative files to the House.

READ.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. In discussions on the bond package we said that we want to put out the correctional facilities in a bond, well we need a vehicle to do it and this order just recalls the bill from the files in order to do a correctional package. Thank you.

Pursuant to Joint Rule 404, this Joint Order required the affirmative vote of two-thirds of those present for passage. 110 having voted in the affirmative and 15 in the negative, 110 being more than two-thirds of the membership present, the Joint Order was **PASSED** 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:

An Act to Implement the Recommendations of the Commission to Develop a Plan to Implement the Closure of State Liquor Stores

(H.P. 1623) (L.D. 2123)

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

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

The House recessed until 6:40 p.m.

(After Recess)

The House was called to order by the Speaker.

**REPORTS OF COMMITTEE
Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Control Internet 'Spam'"

(H.P. 1538) (L.D. 2041)

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

That they are **UNABLE TO AGREE.**

Signed:

Representatives:

GOODWIN of Pembroke

LaVERDIERE of Wilton

BERRY of Belmont

Senators:

SHOREY of Washington

TREAT of Kennebec

SMALL of Sagadahoc

Report was **READ**

The **SPEAKER:** The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative **GOODWIN:** Mr. Speaker, Men and Women of the House. As Chair of the Conference Committee I had to put in this report that we could not come to agreement. This was an excellent consumer bill. It was a people bill and it was also a committee bill, 13 to nothing, ought to pass, over the last month it was clear that this body several times went under the hammer. I can't be any prouder of the committee. Representative from Belmont, Representative Berry, Representative from Bristol, Representative Hall, Representative from Hope, Representative Crabtree, Representative from Embden, Representative McGlocklin, Representative from Presque Isle, Representative Duncan, Representative from South Portland, Representative Bliss, Representative from Penobscot, Representative Perkins, the Representative from Wiscasset, Representative Rines, and our great chair the Representative from Buxton, Representative Savage. We worked this extensively in committee, we heard from everyone, all the sides, we all agreed 13 to nothing to bring it forward and its only in the last couple of weeks that we had problem with folks.

Six months ago I was asked, Al Goodwin, who's going to come and speak against SPAM, and I said the SPAMers and the SPAMers did in fact come. Just in the last 2 weeks when I had to come in with this report that I have in my hand. As you all know I'm unopposed, I'm already elected for the 121st and I have in my hands an Act to Control Internet Spam, which within 10 minutes with our going sine a die this will be submitted and in January we will lose SPAM. I want to thank once again the entire committee. I'm very proud of this House for the action that they took, we will win the day, but it will come in another time.

Report was **ACCEPTED.**

Sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

An Act to Clarify that the Sales Tax Exemption for Purchase of Manufacturing Equipment Applies Equitably

(S.P. 133) (L.D. 457)

PASSED TO BE ENACTED in the House on March 5, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-412)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-412) AS**

AMENDED BY SENATE AMENDMENT "A" (S-598) thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act to Continue the Sales Tax Exemption on Vehicles Sold and Leased and Removed from the State

(H.P. 916) (L.D. 1230)

PASSED TO BE ENACTED in the House on March 7, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-784)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-784) AS AMENDED BY SENATE AMENDMENT "A" (S-599)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

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

(H.P. 1432) (L.D. 1929)

PASSED TO BE ENACTED in the House on April 4, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1021) AS AMENDED BY HOUSE AMENDMENT "A" (H-1061)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1021) AS AMENDED BY HOUSE AMENDMENT "A" (H-1061) and SENATE AMENDMENT "A" (S-600)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Portions of Chapter 126: Immunization Requirements for School Children, a Rule of the Department of Human Services, and Portions of Chapter 261: Immunization Requirements for School Children, a Rule of the Department of Education, Major Substantive Rules Jointly Adopted by the Department of Human Services and the Department of Education (EMERGENCY)

(H.P. 1624) (L.D. 2124)

FINALLY PASSED in the House on April 1, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1026)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1026) AS AMENDED BY SENATE AMENDMENT "A" (S-601)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act to Amend the County Jail Prisoner Support and Community Corrections Fund

(S.P. 810) (L.D. 2175)

PASSED TO BE ENACTED in the House on March 20, 2002. Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-602)** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act to Implement the Recommendations of the Secretary of State and the University of Maine System to Develop a Comprehensive Plan for Preserving and Protecting Historical Records and Access to Those Records

(H.P. 1721) (L.D. 2209)

PASSED TO BE ENACTED in the House on April 2, 2002.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-603)** in **NON-CONCURRENCE**.

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

ENACTORS

Emergency Measure

Resolve, to Establish and Fund the Task Force on Rail Transportation

(H.P. 1735) (L.D. 2214)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 17 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Non-Concurrent Matter

An Act to Reduce Medical Errors and Improve Patient Health

(S.P. 419) (L.D. 1363)

PASSED TO BE ENACTED in the House on April 3, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-527)** AS **AMENDED BY SENATE AMENDMENT "A" (S-532)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-527)** AS **AMENDED BY SENATE AMENDMENT "B" (S-604)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Establish the Maine Consumer Choice Health Plan

(S.P. 793) (L.D. 2146)

PASSED TO BE ENACTED in the House on April 5, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-530)** AS **AMENDED BY SENATE AMENDMENT "A" (S-548)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-530)** AS **AMENDED BY SENATE AMENDMENTS "A" (S-548)** and **"B" (S-606)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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)

FINALLY PASSED in the House on April 4, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1035)** AS **AMENDED BY SENATE AMENDMENT "B" (S-560)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1035)** AS **AMENDED BY SENATE AMENDMENT "D" (S-605)** thereto in **NON-CONCURRENCE**.

Representative SAXL of Portland moved that the House **RECEDE AND CONCUR**.

Representative KASPRZAK of Newport **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. 650

YEA - Annis, Ash, Belanger, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Clark, Collins, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dugay, Duncan, Dunlap, Duplessie, Duprey, Fisher, Fuller, Gerzofsky, Goodwin, Green, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jodrey, Kane, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Morrison, Murphy E, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Smith, Stanley, Sullivan, Tarazewich, Tessier, Tobin J, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Berry RL, Buck, Chase, Clough, Crabtree, Cressey, Daigle, Davis, Dudley, Etnier, Foster, Gagne, Glynn, Gooley, Honey, Kasprzak, Koffman, Labrecque, Lemoine, Lovett, MacDougall, McKenney, McNeil, Mendros, Michael, Murphy T, Nass, Peavey, Perkins, Skoglund, Snowe-Mello, Stedman, Tobin D, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Baker, Berry DP, Chizmar, Estes, Hall, Haskell, Jones, Landry, Matthews, Muse C, Muse K, Pinkham, Povich, Thomas.

Yes, 94; No, 42; Absent, 15; Excused, 0.

94 having voted in the affirmative and 42 voted in the negative, with 15 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

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

Bill "An Act to Promote the Fiscal Sustainability of the Highway Fund"

(H.P. 1516) (L.D. 2020)

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

Representative SAXL of Portland moved that the House **RECEDE AND CONCUR**.

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

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

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. We're back again to talk about the future of the Maine Highway system. I spoke on the issue last week, let me refresh you for just a moment what was said last week about the position we're in as a committee and then continue on with a few thoughts about the sustainability of our highway funds. As you may remember last week, I spoke about the thoughts of the committee as we went through this process. The understanding that the committee had that it was a major responsibility in our hands to make sure that the highways and bridges in the State of Maine were in good repair for our families, our neighbors and people across the state and those who come visit our state. That we were in unanimity on this issue. That our one big problem was that we weren't quite unanimous on how we should do it. We had a pretty solid 10 to 3 report.

Let me talk now a little bit about what this report does. It establishes a mechanism to enable the Commissioner of the Department of Transportation to build a budget for the next biennium. Without this mechanism, the budget he builds next fall, a budget that needs to be balanced, will have to go without this money. What essentially it means for all of us is that that budget will not include any new alignments, not a one. That will be the first to go. There are those who will look at what I'm going to say as a threat. I don't mean it as a threat. It's just the way it's got to be, bridges in Calais, here in Augusta, Skowhegan bypass, and we talk a lot about this East, West highway business. One of the things to make that a more seamless trip across the State of Maine is the bridge that we're talking about building in the Calais area. New alignments, such as the 295 alignment in the Portland area, 395 connectors in Brewer, the Wiscasset bypass, the long, long awaited Gorham bypass. Planning for improvements in Aroostook County, all of those would go by the boards, the next on the chopping block the reconstruction of those throughout the State of Maine and I'm not talking about the, I refer to it as rather thick paint that they put on the roads, I'm talking about rebuilding roads, some of which haven't been rebuild in 50 or 60 years, those that cannot handle the heavy trucks that we have going across the State of Maine today. Roads that have to be closed for 2, or 3, or 4 months of the year and feeding the economic growth of some of our rural areas, they won't be done. About all that we're going to be able to do with the budget that the Governor proposes next fall if we do not have this mechanism in place will be patchwork and bridgework. Bridgework because nothing will move across the State of Maine if the bridges are not in good repair and many, many of our bridges were built in the 1930s, built to last 50 to 75 years, that time period is about to an end.

I live in Brewer and until just recently we had a bridge that you couldn't go across if you were in a truck, if you were in an ambulance you had to go way out of the way because the bridge was not safe to drive something as heavy as an ambulance on it. There are a lot of bridges in the State of Maine that are about in the same shape. This mechanism indexes the motor fuel taxes through inflation, the CPI, beginning in the year 2000, it does not kick in until the year 2003. The mechanism would raise in that biennium \$45.7 million. When we started this proposal it was pure indexing, it was an idea that had been floating around for several years, 3 of the years that I have been on the Committee, we felt it was time to put that proposal on the table and see how it felt. It was not universally accepted, people didn't like the idea of an automatic increase, but we tweaked it a bit, the tweaking includes the fact that it can be repealed by the next Legislature, if

we don't like what we see, we may, or you may repeal it. You have an opportunity to see what you'd be missing if you repeal it too. The auto pilot is out. The Commissioner must come to the Legislature with a bill in the first session to have that repealed. If we don't give him this mechanism, if we wait until the next Legislature to give direction, what happens, first thing major delays. In fact, it pretty much cut out the entire construction season and there is no guarantee or that the 121st Legislature will meet the needs of the people. I don't think that's a show of responsibility to our public.

There's a great concern about the public and how the public will receive this idea of a tax increase. My answer to that is, is this any more of an increase than the hidden increase that we get when we pay for new tires, when you pay for new rims, front end alignments, McPherson Struts, and as I said to my caucus last week, at some point when I get out of here I've got to take my wife's car into the shop. We were on our way down to Pittsfield over the holidays and it was not a pleasant ride. I have no clue as to how much this is going to cost me, but bad roads provide us with a hidden tax, those who have to repair their cars. What about increased insurance costs from accidents caused by bad roads, roads that do not have good pull off areas.

I've been here for 8 years, I've watched our highways improve dramatically over the last 8 years sometimes it doesn't seem that. I hear people talking about potholes all the time, all of us get that pothole question, but I've been pleased in the last couple of years to hear folks say, you know it seems like the roads are better. We've got a good start. Our highway reconstruction program has gone through 30 miles in the 94 year, this year it will be 200 plus miles, sounds like quite a change, it is, but at this rate we will reconstruct our major arteries and our connector roads in 28 years. Think about it, if we don't do this, if we lose a construction season this puts it off a little bit longer. I would hope that you would all accept the motion to recede and concur. I would hope that you would be able to go home, be proud of what you have done, be proud of the fact that you protected our families, our friends and our visitors by providing them with good highways and good bridges. Thank you very much.

On motion of Representative BRYANT of Dixfield, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "A" (H-1105)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. I'd like to explain House Amendment 1105 to my good friend from Brewer, Representative Fisher. I want to help him build some of those roads and I want to help him fill some of the potholes in my district and everybody else's district in the state. I think that is a priority, it's a higher priority then where this money is going to come from, we have a hole in the transportation budget. I do believe that the road in my area from Dixfield to Wilton needs repair, the road outside of Rumford up to Rangeley needs repair, there are a lot of roads that need repair and there's a lot of work that needs to be done. There's no question about that. I think that when you look at the priorities that we have, over the last few days as things have developed, the more I thought about the priorities around education funding that we have as a priority, roads are a priority and the technology endowment doesn't reach to that priority level. So what I'm asking here today is to take \$25 million that has been set aside in the lap top fund and put it in the transportation budget that will help everybody and everybody's district within this state and get a lot of these jobs jump started, jobs that are pending because we don't have funds.

Every Representative in the House has roads in their districts that need to be fixed and we have an opportunity to go a long way, \$25 million is better bonding, it's money that's already there. We can put that amount of money directly into cost, immediately, so I would ask you to join me in voting for this amendment to help strengthen the transportation budget, infuse some money to get a lot of this road work done and the bridge work done. Thank you, Mr. Speaker.

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

Representative FISHER: Mr. Speaker, Men and Women of the House. I am just thrilled to death, my friend from Dixfield has introduced this amendment, not because I particularly like the idea but it gives me an opportunity to speak about the technology fund. I've kept my mouth shut for a long time. I don't think this is the proper place to spend it. I didn't vote on a couple of occasions when the opportunity arose when we were dealing with the budget out of respect for the members of the Appropriations Committee and in fear that it might be a budget buster.

Technology fund could be much better spent elsewhere. School construction, maybe slip a buck or two of it into GPA under a cushion but not on this. I'm not sure it's a whole lot of a legacy for the Executive. I wish he had chosen another horse to ride to fame. Mr. Speaker, I move to Indefinitely Postpone this amendment. Thank you.

Representative FISHER of Brewer moved that **House Amendment "A" (H-1105)** be **INDEFINITELY POSTPONED**.

Representative MENDROS of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1105)**.

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

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

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

The SPEAKER: The Representative may pose his question.

Representative MENDROS: Mr. Speaker, Men and Women of the House. How much money would the automatic increase in the gas tax be if it were to pass in the next fiscal year?

The SPEAKER: The Representative from Lewiston, Representative Mendros has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rockland, Representative McNeil.

Representative MCNEIL: Mr. Speaker, Ladies and Gentlemen of the House. I believe it will raise roughly \$48 million, not quite in the next biennium.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative BRYANT: Mr. Speaker, Ladies and Gentlemen of the House. My good friend from Brewer, Representative Fisher, I have to disagree, I think it's a beautiful vehicle, it's a vehicle which we need to put money in, it's a vehicle that is desperately under funded and so if you have to look at the priorities, whether you're going to get your roads fixed, whether you're going to get your bridges fixed, whether you're going to get your potholes filled, you set the priorities. I would say it's a good vehicle and it's a good way to spend that amount of money. You don't have to bond it, it's money that can be put right into projects that are existing and we can get them done, so I would encourage you to vote against the pending motion. Thank you

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

Representative RICHARD: Mr. Speaker, Men and Women of the House. I was going to make this motion. I have a speech written and I know that you have heard all you want to hear on this topic, but I would urge you to remember that this is a piece of legislation that we passed in past terms and we have set aside \$50 million, some of that was used last year. I would like to think that you might think of this as an innovative educational plan rather than as a legacy for the current chief executive. I urge you to vote for this indefinite postponement of this amendment which totally destroys the program which has already been applauded in some school systems.

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

Representative GERZOFSKY: Mr. Speaker, Ladies and Gentlemen of the House. It seems to me to make a lot more sense to send children to school on safe highways and going across safe bridges then sending them to school on some of the rutty old roads we have now and give up the lap top for the safety of our children. I think it would be wiser. Thank you very much.

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

Representative BOUFFARD: Mr. Speaker, Men and Women of the House. Let me put it to you this way, this gas indexing proposal that was presented before us is just a mechanism as Representative Fisher has eluded to. The bill, come 121st Legislature, the commissioner must put in a bill to abolish the indexing as well as his biennial report and that Legislature can decide as to whether to get a ten cent gas increase, or index it, or do away with it, cut out some programs, or whatever they wish to do. I'll also tell you that the technology fund will still be there in the 121st Legislature and if they want to use that money in the 121st Legislature and give it to the highway fund then that would be the proper time for them to do it. Right now all that this bill does, it gives the commissioner an opportunity to work out his budget for the next biennium and present it to the next Legislature, that's all it does. If they want to use the technology fund at that time, that would be the time to do it.

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

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. In response to the good Representative from Skowhegan who gave us a reminder about the laptop fund, I would remind this body that the laptop plan never had a public hearing of its own, so I have no personal allegiance to it and neither do my constituents. I can tell you one thing, men and women of the House, the people of Fayette, Maine have thanked me for six years for Commissioner Melrose and the Department of Transportation repairing Route 17. Thank you.

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

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

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

Representative MENDROS: Mr. Speaker, Men and Women of the House. To anyone on the Transportation Committee or anyone; how much money in the past has been raided out of the highway fund and put into the general Fund? Why wasn't that

money paid back when we had a surplus before it was put into the technology fund?

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Mendros has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Mr. Speaker, Men and Women of the House. In answer to that question, over the years there has been a little juggling back and forth. Over the years, in times of crisis, the general fund has received some support from the highway fund and vice versa. About a year or a year and a half ago as the committee wondered about the status of that balance, it was figured that we, in fact, have caught up and with the last couple of general fund bond issues that the Legislature has been very generous with, we may, in fact, be a little ahead of the game.

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

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House. I would like to say there was a public hearing in that committee who had reviewed this and presented this back to our committee. There was a public hearing on this particular laptop fund. We had quite a bit of discussion on this that was all open to anybody else that wanted to come and listen to it.

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

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

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

Representative LESSARD: Mr. Speaker, Ladies and Gentlemen of the House. I understand the Department of Public Safety relies on transportation funds for the makeup of the budget within Public Safety. Without adequate funding will this jeopardize public safety?

The SPEAKER PRO TEM: The Representative from Topsham, Representative Lessard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Mr. Speaker, Ladies and Gentlemen of the House. Being that the transportation highway fund funds 60 percent of Public Safety, I would say that it would be jeopardizing Public Safety's budget.

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

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. If I understand this amendment correctly, \$25 million will be transferred out of the computer technology fund into the highway fund. If \$25 million is transferred out of the Maine Learning Technology Endowment, how much is going to be left in there? Is that enough to do the job?

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

Representative RICHARD: Mr. Speaker, Men and Women of the House. If \$25 million is taken out of the fund, it destroys the fund completely and it would leave us in debt. We have started this because we have a law on the books that says we will do this. We have started it and from somewhere or another we

would have to find money to pay for what we have already done. This would completely obliterate the program.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House. I won't belabor the point. I think as far as computers, the technology fund, I thought it was a foregone conclusion. We have voted on it many times. We have voted to restrict it from \$50 million to \$25 million. I don't think it would be a good idea, with all due respect to my friend from Dixfield. One-time money does not do the job. I think there is a future in the fund. I have talked to a lot of students. I went to a demonstration of this. I think it will work. I think we should defeat this amendment and go back to the business at hand, which is funding the highway fund the way it should be. Thank you.

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

Representative MCNEIL: Mr. Speaker, Ladies and Gentlemen of the House. Although it would be very nice to have the \$25 million, I believe that this vehicle would only come with one tank of gas. It is one-time money and the highway fund is really needing a long-term fix here. I would urge you to vote Ought Not to Pass. I also believe at this point in this next biennium, the Public Safety portion would not be affected. It would be in the long range that would be affected, not for the short term.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Levant, Representative Chase.

Representative CHASE: Mr. Speaker, Ladies and Gentlemen of the House. I won't be coming back so this is my last time to speak. I need to make a couple of observations. I guess this is as good a place as any prompted by this particular item under discussion tonight. I guess my thoughts on taking the money from the laptops doesn't have anything to do with laptops. It has a lot to do with my theory on trust. A previous Legislature appropriated money for the laptop fund. Whether we agree with that or not, it was done for a specific purpose. It bothers me a lot that when something is set for a specific purpose, you whittle away a little at a time from it. If you don't want something like the laptop fund or any fund you set aside for a particular purpose, I feel the proper thing for the Legislature to do is to vote whether we want to keep that fund or whether you want to lapse it into the general fund where everybody can compete for it. I don't like the idea of picking it apart assigning it to different functions.

The second thing that bothers me a little bit about this bill is the indexing. I don't mind so much a penny or two increase, but indexing it bothers me. It bothers me particularly in the way it is presented in the wording. It requires the commissioner to submit a bill, as I understand it, that would repeal the CPI increase each year. Wouldn't it be more honest to make the commissioner submit a bill to see each year if he wanted to increase that tax. You get the same thing. The repeal thing kind of skirts the issue and makes it less sounding like you are going to increase the tax. Those two things bother me a little bit. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative BRYANT: Mr. Speaker, Ladies and Gentlemen of the House. I just want to take this time to follow up on a couple comments that were made. Number one, we do put one-time money into the transportation budget. We do it with bonding. We do it with all sorts of things. It goes to a lot of projects. It also allows us to get our work done. There is no, in my opinion, better way to fill that gap. If we are going to the other point about chipping away at it, I don't think this chips away at it anymore, this takes it. It is done. There is no more chipping

away at it. I think that solves that issue. We can have a lot of money that we are going to have to raise next year. This can be a start to fixing some of the bridges that have been waiting for the funding. Some of the roads in my district have been waiting for funding for two or three or four years. I think it is a win, win situation. I think we ought to vote against the pending motion.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. I apologize for rising, but the good Representative just brought up a very good point, what the Transportation Committee has been trying to get across the desk all session long. What he has proposed in this amendment is a band aide approach, which for the six years I have been on Transportation we have done. We have gone to the general fund every year. We have done pretty well for as high ranking or as low ranking as the highway fund has in this building. With the support of the Chief Executive we have done really well as far as general fund money. The time has come to try to get fiscal sustainability with our highway fund. That is what the title of the bill is. That is what we are trying to do. We are not trying to put in one-time monies or band aids or hide behind rocks or just throw some money at us. What we are trying to do with this amendment, I have no idea. What the Transportation Committee has done all session is work hard and we hope you will follow us and help the State of Maine become a better place and a better infrastructure state.

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

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House. From the information that I have received this spring in our discussions about the Learning Technology Fund, I am under the impression that there is still about \$10 million left in that fund if this \$25 million is taken. Nine million dollars was transferred from the School and Library Network, the Gates Foundation donated \$1 million and there is also \$200,000 commitment annually from the MBNA Organization to help support the program. It would not totally deplete the system. It would slow it down considerably, but it would not deplete it. Thank you.

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

Representative SAVAGE: Mr. Speaker, Men and Women of the House. I think this may be the first time I have ever spoken on the laptops. I generally have kept myself out of it. I think I have to comment at this time. Most, if not all of us, had some problem with the way the laptops came to us from the Chief Executive. I was not alone in that I am sure. I didn't like it. Not because I didn't think it was a good idea, but I didn't like the way it came here. I think it is time for us to get over that. I think it is a good idea. I think when we invested \$20 million back in 1995 that that was a good idea to bring the internet to every school and library in the state. The \$9 million that the previous speaker mentioned was what was left over after we connected every school and library to the internet. That \$9 million is not available to keep the laptop fund running. That \$9 million is only available if the laptop fund is functioning on its current funding to work with the connectivity. In other words, that \$9 million will not come from the Schools and Library's Fund to the laptop fund until the laptop fund needs it and they already have the computers, the laptops to work with. The \$9 million will not be used to buy the laptops. We were very careful to make sure that that \$9 million was not to be used for the principle purpose of the fund, which was to purchase the laptops. I think it is time that rather than cut off our nose to spite our face on this one, that we keep that money in the laptop fund. We use it to move forward in our state

to a position where we can compete or lead instead of a position where we are always following and wishing.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1105). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 651

YEA - Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bull, Bunker, Canavan, Carr, Chase, Chick, Clough, Cote, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Etnier, Fisher, Fuller, Glynn, Gooley, Hawes, Heidrich, Honey, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGowan, McLaughlin, McNeil, Mitchell, Murphy E, Muse K, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Peavey, Perkins, Perry, Quint, Richard, Rines, Rosen, Savage, Sherman, Shields, Simpson, Skoglund, Tessier, Thomas, Tobin D, Trahan, Treadwell, Tuttle, Usher, Volenik, Weston, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Andrews, Annis, Ash, Bowles, Brooks, Bryant, Buck, Bumps, Clark, Collins, Cowger, Duplessie, Duprey, Foster, Gagne, Gerzofsky, Green, Hatch, Hutton, Jacobs, Kasprzak, Labrecque, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, McGlocklin, McKee, McKenney, Mendros, Michael, Michaud, Morrison, Murphy T, Muse C, Nass, Nutting, O'Brien JA, Patrick, Pineau, Richardson, Schneider, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tobin J, Tracy, Twomey, Waterhouse, Watson, Wheeler EM.

ABSENT - Bagley, Baker, Berry DP, Chizmar, Colwell, Estes, Goodwin, Hall, Haskell, Landry, Pinkham, Povich.

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

83 having voted in the affirmative and 56 voted in the negative, with 12 being absent, and accordingly **House Amendment "A" (H-1105) was INDEFINITELY POSTPONED.**

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative TRAHAN: Mr. Speaker, Ladies and Gentlemen of the House. I find it very painful to stand up today and speak against this legislation, but I feel I must. Like many of you, I have roads in my district that desperately need to be rebuilt, Route 32, Route 126, it goes on and on. Many of us need our roads fixed. The reason I stand is philosophically, I am against a pre-tax, indexing. I wonder if our founding fathers envisioned indexing when they wrote into our Constitution the power to tax. I don't believe they did. I ask you to think about what we are doing when we pass an indexing. What we are doing is we are robbing a future Legislature and people in the future from saying no. I know that some say this has a built in mechanism within this legislation to repeal the tax, but I suggest to you that that would have to come from the committee of jurisdiction, which is usually financially starved. I doubt that you would see a report to do that. Philosophically I cannot support and I will not ever support indexing a tax. It is the only way that the people have in the future to say no through their representation, that is you and I. I don't believe it is good policy. I believe that the highway fund needs money, but I believe that the highway fund needs an overhaul. We need legislation to come before this body to comprehensively overhaul the highway

fund. There is many mechanisms that we can use, but this is not one of them. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. Like my good friend from Waldoboro, Representative Trahan, it would be profoundly simple for me to vote against this bill. In our work in our committee we had actually a similar premise before us in a bill that I sponsored, which also dealt with indexing. With a huff and a puff and a hi ho silver, we amended that right out. However, our financial problems were comparatively light compared to those of the Transportation Department. I agree with my good friend from Waldoboro that the systemic problems that face the Department of Transportation in funding highway repair are acute to say the least. I don't believe that unless we were to completely restructure how we fund everything in state government, that would include a series of Constitutional Amendments, that we could ever really address that problem. In the meantime if you don't maintain your highways and you don't repair your bridges, then you are only speaking tongue in cheek when you talk about economic development on any scale whatsoever. Without good roads there was no Roman Empire and there will be no prosperity in the State of Maine. That is how everything moves, our roads and highways. I would urge you to support this motion. It is very, very important to my district, your district and for the future of the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. After 20 years of experience in local government, I believe it is imperative that we maintain our infrastructure. Inflation and cost of living increases have cheapened our money and made it worth less. Highway projects are costing more for many different reasons. It doesn't take a space scientist to realize with these two opposing actions, we are on the road to disaster.

As far as indexing, we already index our sales tax to inflation and our income tax to inflation. I believe we may have stumbled onto the perfect way to funding our Transportation Department. I urge you to vote for this motion. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

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

The SPEAKER: The Representative may pose his question.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. Apparently only a handful of states have implemented this indexing for highways. From information I got from our Maine DOT, six of those states have rescinded the indexing laws. Could any of the proponents explain what happened in those states if anyone knows?

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. I can't tell you about all of them, but I believe five of them repealed their indexing because they didn't raise enough money. One of them repealed an indexing on a sales tax, as I recall, and that was unsatisfactory also. They have gone to other means.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I would disagree with my good friend from Old Town. The simplest thing to do is to do what you are told without thinking outside the box. You should let government run on autopilot. This is bad tax policy. I have been driving around the state for my own reasons quite a bit. We certainly do need roads. We certainly do need to rebuild our infrastructure. As we saw in the five states that rescinded this policy, it doesn't work with a mechanism like this. We need a real overhaul. An offer that was presented in this Legislature that we saw and then vanished was to take a percentage of the sales tax on new cars and put that into the highway fund. The same Executive who needs this mechanism to come up with a plan was the executive that killed that plan. This is never going to work because cars are always going to become more fuel-efficient. Roads are always going to be more expensive. This little increase isn't going to work. We need another plan. We need a better plan. We are the highest taxed state in the nation. Putting it on autopilot to constantly increase that tax is not the solution. We need to find another funding stream, another mechanism to fix our roads because this is not going to work. We are still going to have potholes. We could raise the gas tax a quarter tonight and we are still going to have potholes and people are still going to call us up and complain about them.

I think back to the late '70s when the price of gas went over a dollar. I remember riding in the car with my father and I asked if it would ever go below a dollar again? He said that once prices go up, they never come down. The price of gas did come down below a dollar. It came down in the '80s. It came down a few years ago. It came down earlier this year under a dollar. If the Legislature in the early '70s had had our wisdom and put this autopilot in place, it never would have dropped below a dollar. If we put this in place and 25 years from now when we are driving around and we have by far the most expensive gas in the country and we are no longer in the Legislature, every time we go to the pump we will say it was my fault because I didn't want to come up with a different plan to fund the highway fund. I urge you to defeat the pending motion.

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

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. Some said once that there was nothing new under the sun. It is just packaged differently. I think maybe we are dealing with this today. Historically roads have always been very important. The Romans were known not only for their expertise in architecture, but their expertise in road building. The system covered the whole empire and guaranteed the Roman peace. One of the roads they built are still being used today is the Apian Way. On our trips to Europe we have ridden on that road. It is still very good. In that day it was the super highway of the time. It extended all the way to southern Italy. It certainly was a commercial as well as a tourist road. The Germans also were very well know. They still are for great roads. Their interstate system, the Audubon, is probably second to none. General Eisenhower, later president, certainly saw the value of this and when he was elected president, it was certainly on his mind to do something about this. He implemented it, the interstate program connecting every state to every border of this country. Maine voters know this. They have spoken loudly about improving the roads on bond issue after bond issue and will continue to do so. For those who fear raising taxes, I don't see it as raising taxes so much as it is an investment in the future. That is what it is. We do have to fund this to keep great progress as we have done in the last eight years. The Maine voters understand this and for those of you who are afraid of raising taxes in an election year.

This is focused on a project in your district that will be funded by better funding. I think you are all set. Certainly in the rural areas you are very conscious of the need of good roads. The proposed alignment or new highway in Aroostook are finally bringing four lanes all the way to the St. John Valley and would certainly be derailed if this is not funded.

I would like to use a medial analogy maybe with the indulgence of our good doctor and residence in the first row here. Our super highways really are probably the aorta of the system, the bloodline. The arteries are certainly the arterials. The veins become the collectors. The capillaries would be the connector roads. I think the blood system is important to the survival of the body. I think the transportation system is also very important, not only for the survival of the state, but for any progress that we want to make. It is definitely an investment in Maine's future. Again, I commend the DOT for a superb job over the last eight years. I hope that we give them the tools to continue this. Thank you Mr. Speaker.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. My good friend from Lewiston, Representative Mendros, points out accurately that fuel efficiency has improved greatly in vehicles. I give you as an example of that the Dodge Durango or the Chevy Avalanche, the mileage of which surpasses even that of the Saturn 5 Lunar Rocket. Using that as an example, I am sure that we should have no shortage of gas tax revenues well into the future if efficiency proceeds the way it does. However, I think it is important to point out that the key word here is sustainability. If you are going to have sustainable funding, then you need to have some mechanism put into place that does not require the Legislature to reinvent the wheel every time it faces any type of funding gap within the highway fund or any other fund. While the mechanism that is in this bill, which some people seem to find argument with about the commissioner coming forward with repeal legislation dealing with indexing, I would remind my colleagues that no one in this chamber or the other body is prohibited from bringing forward such legislation on their own for full consideration before the Legislature. Absent any other plan, what is our option, solicit charitable organizations to maintain the highways, perhaps wait for a friendly dragon, which has a penchant for laying pavement as a hobby. I am being funny, but the fact of the matter is unless you address the situation face on, toe to toe, you are not going to solve the problem, which is deteriorating highways.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. It is a beautiful spring evening if you have looked out the window. It is warming up. It feels like spring is in the air. A little dose of reality, I come from a very economically deprived area right now. We have 500 families who have lost their jobs in my district who are living on about 40 percent of their normal income. Fifteen months ago we had a \$300 million surplus. If roads were so important, and I believe they are, why didn't we put some of the that surplus money into the roads. We just spent \$100 million out of the Rainy Day Fund. If roads are so important, why didn't we put some money out of the Rainy Day Fund into the roads? We are all talking about timing here. Where were we 15 months ago? We are talking about something that won't take affect until next year. In my area, 160 families right now are going on to further their education and are driving from Dexter to Bangor to try to get an education to get a job. There is no way I can go home and tell my constituents that I voted for a gas tax. There is no way. Thank you Mr. Speaker.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. Just a quick point like I have said before during this debate, you are not voting for a tax increase this year. If you read the bill, you would see where it states that this is a tool that will be in line for the next Legislature to vote on when the commissioner puts his projects together. If the next Legislature does not want a gas indexing, then they vote no and nobody gets a gas indexing. It isn't going to take affect like this. It does allow the commissioner to keep going forward in the infrastructure rebuilding of this state, which is desperately needed. Thank you.

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

Representative MARLEY: Mr. Speaker, Ladies and Gentlemen of the House. Just a few points have been made tonight, it is not particularly rare in state government. Social security benefits are currently indexed with the annual cost of living adjustments to make sure that inflation doesn't slowly erode the buying power. Maine State Retirement benefits are similarly adjusted to CPI. The Maine Legislature, ironically has itself acknowledged the need to keep pace with inflation by making our legislative salaries and expense checks track the CPI. This is not unheard of, first of all.

The highway fund revenues have been flat unfortunately and we have discussed some of those reasons why. When you compare them to the incomes, sales and property taxes, those taxes are effectively indexed themselves because they rise with the income and the valuation of the goods and the property. Indexing is, in effect, there as well.

The good Representative from Eliot discussed that this is not a gas tax. I wanted to address that as well. The good Representative from Levant asked a very sincere question, which I wanted to get back to. To stay within the departments constitutional requirement for a balanced budget, that is why we had to put forth this to have it repealed rather than to enact it. It is simply a mechanism. We are truly making this a much more difficult argument than it is. This simply allows the Department of Transportation to build a budget for the next biennium. Those are the reconstruction projects that we have heard about, the 295 connector in my area, 395, the Aroostook study and all the things we have discussed. It affects every district and every community in this state.

The real vote will be next session when you will have to come in here. You will have to look your constituents in the eyes because they will know what projects are in that biennium and you will have to tell them that you either supported the budget and those projects or you opposed those projects for the community. While I feel for the citizens we have talked about, the Representative from Old Town hit it on the head. You can't talk about economic development if we don't have the infrastructure to support it. I certainly hope you will vote green and Recede and Concur. Thank you.

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

Representative FISHER: Mr. Speaker, Men and Women of the House. My first two terms I don't think I spoke once a month and here I am the third time on the same bill tonight. In my scatter gun approach to things, I have been listening to comments and I want to respond to them. First of all, some comments about the economic situation in the Dexter area and certainly it is like that all over the state. I don't know if there is a region in Maine that hadn't had some economic problems in the last year or two. This is a tremendous economic stimulus tool. The money we are going to generate, \$47.7 million, will be

matched almost two to one by federal dollars. We don't have these dollars. If we don't apply for these dollars, we don't get them and somebody else does. That means people that work for various companies all across the State of Maine will have money coming into their pocket. It means that the companies that are building our roads and working on our bridges will be able to hire more folks rather than lay them off. This is a great economic stimulus package.

The comment about thinking outside the box, well, I believe the department has. We have always taken the same approach for raising funds. We are raising them from the same source. We are using a different tool this time. While I am on that subject, let me remind you that 25 percent of these dollars are brought in from out of states who use our highways. The good Representative from Lewiston talked about the out of the box thinking with the sales tax on automobiles being diverted. The plan was for 25 percent of those dollars going into the highway fund. Maine people buy Maine cars. Those taxes are all out of Maine people's pockets, unlike the gasoline tax, like I said comes out of people's pockets, not only from Maine, but people from away. Twenty-five percent of the sales tax from automobiles comes out of the general fund. It is a lot of money. Some of which comes from education or GPA, which could very well mean a greater shift to the property tax paid by Maine residents instead of the gasoline tax, 25 percent of which is paid by out of states. Do we want to give a tax break to Maine people or to people from Massachusetts?

My friend from Old Town talked about the high fuel, gas-guzzling vehicles that are being produced. We also have on the horizon some cars that will be getting tremendous gas mileage. One of our members in here is driving a gas/electric car that gets upwards of 65 miles to a gallon. At the auto show in Detroit back in January they were talking about fuel cell cars that will get considerably better than that. I am going to suggest to you that what we are seeing today may not last terribly long. This indexing idea may have to go out the window as we look for different sources of revenue for the highway fund.

One last thing to say, if you worry about what the public is going to say, I believe the public has sent us a very strong signal over the last many years, go back, dig through the newspaper files on election day, look at what happened with the bonds. Which bond gets the greatest public support? The public wants good roads. They want good roads a lot more than they want a lot of other things. Perhaps we ought to keep that in mind. Thank you.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. Do we have a problem? Yes we have a problem. I think we have reached almost that point that we saw with the Fish and Game Committee where we can no longer continue to function with a dedicated source of revenues. Have we reached a crisis in the fish and game area? General fund dollars have been brought as part of that solution. They understood the impact of solely using dedicated revenues, the impact, in terms of diminishing returns. When I look at this bill, I see a department or program that has a flat tire, but I see a proposal that just proposes to go to the trunk and get that doughnut out of the back and call that a solution. Maybe we have moved up from the band aide or taken that can that pumps some air into the flat tire, but a doughnut is a doughnut.

As we look at highway support, I have always supported bonds. I supported a straightforward gas tax four years ago. I supported the widening of the turnpike, not only in the 1990s, but in the 1980s, twice. I supported them two different times in the

decades. What we have got before us this evening is a fraud. There is no other way of terming it. Even someone who practices the traditional smoke and mirrors would be embarrassed by this proposal. Even members of Congress would be embarrassed by the type of fraud that we see in this proposal in the indexing. What you are being asked to do is to vote for a tax, but it is a stealth tax. You are not going to know about it until after the election and after you are safely re-elected, then seven or eight months after that you get hit with the tax, surprise. It isn't just a brand new tax starting out from that day, it is a stealth one, because it goes back retroactive to 1999. We leave here and there is nothing about a tax increase because it doesn't go into affect. You get safely past your election and then there it is. It is one year, two years, three years retroactive. What a trick to play on Maine drivers. What a trick to play on Maine motorists.

What is even more of a dereliction of our duty, the concept of indexing, we say that when we come back the commissioner will put in a bill. When did you delegate your responsibility to a commissioner of Transportation to put in a bill to repeal a tax? Think about that long session. That long session runs to June or July. This tax goes into affect July 1, 2003. Do you know your rules? What kind of vote will it take to repeal that tax which goes into affect July 1, 2003? It will take a two-thirds vote. Surprise! Do you think that is going to happen when all the goodies are laid out in that budget? Do you think that two-thirds to repeal it will take place? I think we are beginning to look at some of the issues that need to be addressed. The agenda is beginning to develop in the 121st Legislature. All throughout our state gas prices are starting to tickle \$1.40 and they are climbing. It is just the beginning. We have a crisis in the Middle East. If you pass this tonight, you are putting into affect the potential for a dramatic increase in that tax, not the half cent or three-quarter of a cent every year. If things explode in the Middle East, fuel either going into your house or your tank or part of that market basket that makes up the CPA, if those prices explode, then you have created a heck of a present next July in 2003. This is a doughnut fire.

The times are changing. We may hear jokes about what is driving down the road and the sucking up of the fuel, but in reality when we look at those revenues, the gas tax is not going to solve our problem. The technology is changing. As we begin to look at what is coming, possibly with the Middle Eastern crisis, we will see a pull back in the number of trips, people consolidating their trips and looking for more fuel efficient vehicles. The revenue pattern we see dependent upon a dedicated revenue is only going to worsen. What you have been asked here is instead of a straight up forward yes or no on a gas tax, before you stand for re-election, shhhhh, we have a stealth proposal. That is a fraud. We can do better than that. If you support a gas tax, then do it up front and then go to the voters and make your case. Seven months from now we are going to elect a new Chief Executive, a new House and a new Senate. The dialog and the debate needs to begin now. This issue is too close to that committee. It needs to broaden and look for solutions and not just moving the State Police to the general fund. If you did that, that would solve this problem. It wasn't a high of enough priority when we had the surplus and when we just recently did this budget. This bill should have been discussed at the time we were doing the budget. They shouldn't travel separately, they should be decided at the same time. You have a choice tonight. If you vote for this bill, you are committing a fraud. You are also delegating your responsibility to a future commissioner of Transportation. You don't even know who that will be. You are delegating a responsibility that you don't even know who it is going to be. That is not responsible. That is not solving the problem.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to take a few seconds to explain the Gorham Bypass which I feel I have been threatened by, not just this evening, but in the last few weeks. For the almost 40 years that I have lived in Gorham, we have studied a bypass. This is the third one. It has gotten a bit further than any of the previous two, but we are still trying to figure where we are going to put it. We still have public hearings. I, frankly, don't think I am going to ever live long enough to drive on it. It has a price tag of somewhere around \$20 million. Our town councilors realize that there is no way that they are ever going to be granted that amount of money. The project itself is going to have to be phased.

First of all, why aren't we bonding this? Why isn't this a part of the highway bond issue? Second, if we don't need the money this year, why do we have to discuss it this year? Why can't the next Legislature take care of this? Thank you.

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 Portland, Representative Marley.

Representative **MARLEY**: Mr. Speaker, Ladies and Gentlemen of the House. I will do my best to answer the questions. Some of the speakers tonight have discussed this as a proactive approach. Bonding it alone will not do it. It is a one-time money and it is not addressing the issue of sustainability. We are trying to look at a sustainable fund for the highway fund. This is the first step in that direction. No one is trying to delude you to say this is the first and only step. It is going to be a long-term approach.

I wanted to get back to the issue that Representative Murphy said. I am pleased that he agreed with us that this is not a gas tax vote. That is what people were saying. While I can't believe there is anything that would embarrass Congress, this certainly does not embarrass me as a member of this committee. The reason we are not waiting until next year is we needed a mechanism in place to constitutionally meet the department's requirement to have a balanced budget. If we wait until the next Legislative session, they will lose that planning time. I have heard people say that I have had this project threatened or that project threatened. Personally, I apologize if that is how you feel, but to be honest, we are trying to make sure you have full disclosure and that you understand the ramifications of this vote. We don't want anyone coming up next session saying I need this road repaved or this project, why isn't this being funded, why isn't it in the V-tip? The reason why is this vote tonight. It has been a difficult thing trying to make sure that we educate everybody and understand the ramifications of this vote. That is why it has taken this mechanism at this time to come forth and hopefully start that process of creating a sustainability for the highway fund. Thank you.

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. Why is the answer always raising taxes? With all due respect to previous speakers, it is a tax. Of course it is a tax. You can call it anything you want, but it is a tax. A tax is simply the confiscation of a citizen's hard earned income and giving it to the government. We know how to spend it better, of course. Businesses that have left the state haven't said that the roads are the reason they are leaving. They say that it is the taxes. It is environment here that makes it incredibly burdensome from them

to remain here. A great economic stimulus package would occur naturally if we would lower taxes, lower fees and allow people to operate their businesses. Don't fool yourselves. This is a tax. This is an automatic tax with no more public input. Frankly, I am a bit tired of being threatened by this one department. On many occasions it has happened, not only to myself, but to other members. I will not be held hostage to a department. I hope that you will do the same. Thank you.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. First of all, listening to the other Representatives talk about indexing as a benefit. Those benefits are indexed to go up, not to go down. If we talk about the sales tax that once had a trigger on it, that we did away with a few sessions ago, that was meant for the sales tax to go down, not up. I really need to clarify that. The proposal we have today will come before us next session. You know darn well it is going to increase the gas tax. Where else are you going to go? We are heading into a budget cycle of approximately \$600 million shortfall. Please remember the good Representative from Kennebunk said, remember the state of the world and where we are. The future is very uncertain. Let us not vote to Recede and Concur on an uncertain future. Let the legislative body make that decision then. Let's hold tight and do the right thing. The people of this state cannot afford another gas tax increase. Let's take it step by step. I urge you to please vote no on Recede and Concur.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I am rising now to defend the Department of Transportation. There have been a few speakers that have spoken about being threatened or being held hostage. Ladies and gentlemen of the House, it is a fact that if we don't have the money, you can't do the projects. There is no threat or no being held hostage involved at all. If we don't have the money to fund those projects, we cannot go to the contractors and ask them to do it for free. There is no threats, folks. It is up to us to decide what we want to do.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. It was said that we are not voting for a tax increase this year. That is right, we are voting for a tax increase for eternity. Why is the Maine taxpayer always the path of least resistance? There is an analogy. Things will move to the path of least resistance. It is always the Maine taxpayer. In the 119th Legislature we had a huge surplus and we still pushed to raise the gas tax 5 cents, because out of staters are going to pay it, even though they only pay 6 percent of the sales tax, somehow they are going to pay a huge percentage of the gas tax. The compromise was we will only charge them a 3 cent increase and we will put the other \$2 on registering your car, which only Maine citizens do.

I was threatened in the last session. A person from the department came up and said, "What if no money goes to the City of Lewiston for improvements?" I said, "Fine, if the Lewiston gas stations don't have to charge a gas tax." I want you to think about something. The rate of inflation is about 2 percent. That means the only funding you are not going to get is 2 percent of that huge package. All the other goodies are still in there. It is only 2 percent of that V-tip that isn't going to happen.

I want to talk to you not about the businesses in Maine that are leaving, but about the workers of Maine who have their health

insurance going up and are having to pay a higher share of it. Every union worker I have talked to is making less money this year than they did last year because they have to pay a bigger portion of their health insurance. They are losing money. They are making less money. Their income is declining and we are going to take a little piece out of it even more. They have to balance their budgets. I am not talking about the businesses. I am talking about the workers, the people that elect us.

I heard about the great roads that the Romans had and the great roads that the Germans have and the great roads that Eisenhower built. They did it with general fund money. They didn't charge people based on how many droplets of sweat fell off them on the Roman roads. They had the soldiers out building them. That was general fund money, the equivalent. The bonds that the people of Maine vote for are general fund bonds. They are willing to spend general fund money on roads. They want us to spend general fund money on roads. That is the proper solution.

Finally, if we say this is a use tax and only people who use it, well every time I go to the grocery store in Lewiston and there is food there, I benefited from good roads, because the trucks got the food to the grocery store. Every time somebody who has a shop on Route 1 and sells antiques and some out of stater comes by and stops at their store, that person benefits from good roads. They don't pay a use tax for it. The general fund should fund a portion of our roads. It is a priority for economic development and everybody benefits from economic development, not just the people that drive a lot.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I know the debate has gone on quite a while, but I would like to try to bring it back to the problem that the Committee on Transportation had to grapple with and what we had to do. Please don't think that all the discussion you have heard up to this point hadn't been kicked around more than once and up and down and sideways within the committee of jurisdiction. We all know the parameters that we have to work in. You either have a dedicated tax coming from gasoline to assist and support transportation or you take it out of general fund or special revenue. Give me a break. That is all we have to discuss here. That is the good issues that have been brought forward. I am very, very pleased to hear all the people that are standing up saying that the general fund is the proper place to get this because we believe that is more than likely the proper avenue to take.

If we do nothing here tonight by current rules and procedures, the commissioner of Transportation cannot go out and project that we are going to do any good things for any of us in the next V-tip. The only discretionary spending he has within putting bridges first and the other priorities that we, as the Legislature, have already passed as priorities, his only dedicated spending abilities is within the V-tip area. We are short \$43 million or \$48 million, besides what we normally bond out for projects. Like the general fund in the next biennium having a \$500 million deficit or structural gap or whatever you want to say, we currently have a structural gap that is fairly large in comparison for such a small fund. We have a \$48 million structural gap. The committee had to wrestle with different ways. Let's go forward and bring that up to the floor. I heard many people saying do it the right way. We would have jumped on board and we would have voted for that. I disagree by hearing the people on this floor that this would not have happened.

We had other options. When we struggled with all the options that you people are bringing up in various ways from different

ends of this body, but the only way we could get a bill out of committee and to allow the commissioner of Transportation to put together the proper good work and planning and pre-work necessary for us next year to make the proper decisions or the predecessors next year to make the proper decisions for funding is to use the mechanism that we have before you. We think it is a very appropriate mechanism to allow the commissioner to fully do the good works that we asked them to do, the prep work. The problem we have is we never got to the end result of deciding whether it belongs in the general fund. Should we really dip in there and get the money like we should be out of the general fund or should it come from the 1 cent or 3 cent gas tax, that is still an option or do we go to indexing. All those options, ladies and gentlemen, are still on the table with the mechanism we have before you. I got to tell you that my heart of hearts, the reason why I supported this compromise was because I know it is going to set the stage of the debate that we just heard here tonight. Do we throw this thing in the trash as the Inland Fisheries folks did and go into the general fund or do we go to some kind of real gas tax and increase it dramatically to get it to the proper funding or do we go to a combination of all of those? Ladies and gentlemen, let's move on. Let's vote. Let's give our commissioner the tools he has necessary to deal with the project and get it up and running and next year let's really debate the merits of which funding source we want to make sure gets applied to the projects we all want to have done next year. Thank you.

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

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. This all seems very anti-climatic at this point. As the lone Republican on the Majority Report of indexing, I would just like to take a minute to explain why I felt that I needed to vote for this. This committee has worked very hard with the commissioner and many of the lobby groups that represent the different groups that come before our committee, it became very apparent that we do have a huge structural gap that we are facing next year. Whoever the next Governor is going to be, whoever will set in this chamber and the chamber at the other end of the hall is going to have some huge decisions to make. I felt for my part that this was something that would bridge the gap to get us there. It would allow the commissioner to bring before us a balanced budget. It would allow the next Governor to come in, perhaps with a greater steam than any of us here on the floor could think of tonight. It would allow a new commissioner to get his feet under him as he starts his new job. This will not be solved quickly in the next Legislature if we do not pass this. It probably won't be passed next year. It will probably be passed the following year when we have all set down and hammered it down again and again. I feel that for my vote I did the responsible thing. I do not believe and that I have frauded anybody in my community back home. I feel that I can go home and explain to them like I have with every other issue why I supported the indexing bill. I hope that all of you as you make your decisions to do this will consider what it might have been like for you if you all had to go and hunt to fill holes in each of your budgets and it would all right to just cut out all of these great programs that have been started. It would be all right just to cut them out and delay them all for a couple of years until we made a decision in a year or two. Again, I would like to say that I think this is a responsible thing to do to fill in the gaps until we get a new Governor in and a new House and Senate to look at the long-term sustainability of the highway fund. I think this is just the very beginning for all of us. Thank you.

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

Representative **MICHAEL**: Mr. Speaker, Ladies and Gentlemen of the House. This is a Doctor Strange Love bill. This is a weird, weird way of doing business. It creates an automatic tax increase each and every year. It is like we are not even here. It is so cool that all future tax gas increases will not have our fingerprints on it. We will be taking the ultimate tax increase vote tonight. What a historical event.

This kind of action is unprecedented in my memory. I can never remember the State of Maine doing something like this before. As my seatmate remarked, the sales tax is not indexed. We indexed it downward for a few years, but we have never indexed it upward. To make things even worse, I think the only other thing we index is our salary. I cannot believe that people in this room who have developed a reputation and a career based on being thrifty and even tax cutters are going to vote for this automatic tax increase, this is government by machine. Are we so dysfunctional that we have to turn everything over to a taxing formula, government by formula?

I remind everyone as I have reminded people so many times on so many issues that we will not be able to repeal this automatic Dr. Strange Love machine tax increase next session or any other session unless we can get the vote of this body. We don't know who is going to be here and unless we can get the vote of the other body and we don't know who is going to be in the other body. We don't know what body is going to be in control. Unless we can get the support of the Chief Executive, we don't know who that is going to be. Maine is not only the highest taxed state in the country, we far outdo Taxachusetts now. It is not like an Olympic event where we beat out the next step by one-hundredth of a percentage point, not a bit. We are at least 10 percent higher than any other state. We are way out ahead of the pack. Nobody is even close to us. This is one of the worst bills that I have ever seen come here and I am begging you to please defeat this and go back to responsible government where the Legislature makes the decisions and we don't surrender ourselves to bizarre governments by formula. I urge you to vote against the Recede and Concur motion.

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

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

The SPEAKER: The Representative may pose his question.

Representative **LESSARD**: Mr. Speaker, Men and Women of the House. My question is, in the event that this is passed, what takes place at the next Legislature if no considerable funding is given this? Will the money be wasted? How will the transportation people carry on with an old study two or three years from now? Are these monies going to be used up to accomplish what must be done and the next Legislature comes in and not sufficient monies are afforded for all that? Is this money going to be wasted?

The SPEAKER: The Representative from Topsham, Representative Lessard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to that question, the money just won't be there. The department will have to take its list of projects that the commissioner, the commissioner that is there will be the present commissioner if he chooses to stay around until the next Executive takes their place. He will make up the budget and then either he or the commissioner who is appointed

by the next Executive, if the increase is rejected, they will have to start chipping away at what is in the budget. The V-tip will be severely curtailed. Let me remind you that that is a two-year plan. The six-year plan will be set back. Let me remind you that this is a commissioner thinking out of the box. I don't know if earlier commissioners have ever had six-year plans. The 20-year plan will be set back. That is the result of not putting this mechanism in place and then not supporting the mechanism. The option is there to reject.

There is a lot of comment about taxes. There is a lot of comment about the cost of things. I guess maybe the solution to this whole problem, I have said this in the past and I sound like some kind of old curmudgeon when I do it, but maybe the solution is to stop asking. Maybe you have to put up with potholes in the road. Maybe you have to put up with roads that are closed for three or four months in the wintertime and spring or maybe longer. Just stop asking. Stop asking for the new bridges. Stop asking for the new highway to Aroostook County or four-lane highway from Newport to the Canadian border. Maybe that is the solution.

To answer one of the questions that was rhetorically asked or maybe it was just a statement about general funding bonding, the last couple of bonds have been general fund bond as my good friend from Lewiston said. One of the reasons we asked for general fund bonding was that our debt service was up over 13 percent, 13 cents out of every dollar was in debt service five years ago. We have that figured down to less than 7 cents on a dollar, which brings us considerably closer to the debt service on general fund bonds. We much appreciate that. That frees up money for us. Thank you.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. We have heard a number of compelling reasons why we should be looking at new methods of funding the Highway Department. We have also heard that the money that we have raised through this method could disappear if we elected to introduce a bill next year and pass it that made this particular bill null and void. I think it makes sense to me that we defeat this bill that is before us today and that we let those several people who are looking to be here next year as our new Chief Executive address this situation during their campaign and come to us after the election with a plan that they have put in place that they can work with their commissioner of Transportation that we can pass in the early part of the session and have ready to go by the time the money is needed. Thank you.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. It would remiss of me not to stand up this evening. I have heard various statements about the Roman Empire and all this. I am truly the Maine native and I do reside in the Town of Rome where all roads lead to Rome and we no longer have the Pope in Rome because when he left Rome, the roads were bad enough that he couldn't get back. I am going to stand here and tell you this evening, for those of you who have known me over the years that I have been here, that I have adamantly opposed any increases on gas taxes, registration increases. I may be standing here perpetrating a fraud to some of you and the people back home, but I would submit to you tonight that I have heard over this last week how great the number one issue was, property tax relief. Work is calm. I am going to submit to you tonight the infrastructure of this state is just as important as the other two previously I said. As a matter of fact, I am going to put

them into a category. A third, a third and a third, ladies and gentlemen, that equals a whole. Without all three, the state will not function. Ladies and gentlemen, you may do as you choose tonight and say as you please, but the Representative from Rome is going to Recede and Concur and I will let the chips from my chainsaw back home, the back 40, fall where they fall and I will take the blunt from my constituents. Thank you.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. I have no problem standing up tonight and putting on record how I feel about this tax. I think this is a gimmick, a smoke screen, some way that we can stand up here and say that we are not voting for a tax. I don't understand. Friday we voted to Indefinitely Postpone and just over the weekend it is a good bill. Then it wasn't the time to raise taxes, but now it is. I can't fathom that. I am not going to vote for it because the people back home can't afford it right now. Gas is going out of sight. We don't know where gas is going. Have you been to the pumps lately and gassed up? Have you been to Aroostook County and gassed up? That is where the gas is hitting the road heavy. This is a short-term fix. I think we need to let the commissioner of Transportation and others go back this summer and research this thing and find another way to fund the highway. It is not going to sustain this for very long. The Minority Report would have done some of that. I guess we are not willing to look at that. We need to look at things in the general fund that are highway related such as sales tax. I think it is only proper. Our budget is balanced this year. Why in the world should we be sitting here raising taxes when our budget is balanced? I don't understand that. Maybe I haven't been here long enough. I guess I am not going to be here long enough either because my term is up. I hope this is the last time I will be speaking. I would ask you to defeat this motion. Thank you.

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

ROLL CALL NO. 652

YEA - Ash, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Clark, Cowger, Cummings, Daigle, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gooley, Green, Hatch, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Madore, Marley, Marrache, Matthews, Mayo, McDonough, McGowan, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Norbert, Norton, O'Brien JA, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Rines, Savage, Skoglund, Sullivan, Tessier, Thomas, Tobin D, Tracy, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Bliss, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Cote, Crabtree, Cressey, Davis, Dorr, Duncan, Duprey, Foster, Gerzofsky, Glynn, Hawes, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Mailhot, McGlocklin, McKenney, Mendros, Michael, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien LL, Peavey, Perkins, Richardson, Rosen, Schneider, Sherman, Shields, Simpson, Smith, Snowe-Mello, Stanley, Stedman, Tarazewich, Tobin J, Trahan, Treadwell, Twomey, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Baker, Berry DP, Chizmar, Colwell, Estes, Goodwin, Hall, Haskell, Landry, McKee, Pinkham, Povich.

Yes, 71; No, 67; Absent, 13; Excused, 0.

71 having voted in the affirmative and 67 voted in the negative, with 13 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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:

**REPORTS OF COMMITTEE
Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Authorize 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)

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

That the Senate **RECEDE** from Passage to be Engrossed as Amended by Committee Amendment "C" (S-566). That the Senate **RECEDE** from Adoption of Committee Amendment "C" (S-566) and **INDEFINITELY POSTPONE** same. That Committee of Conference Amendment "A" (S-607) be **READ** and **ADOPTED**, and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-607)**.

That the House **RECEDE** from Passage to be Engrossed as Amended by Committee Amendment "A" (S-564) and **CONCUR** with the Senate.

Signed:

Senators:

SMALL of Sagadahoc
DAGGETT of Kennebec
DAVIS of Piscataquis

Representatives:

BERRY of Livermore
JONES of Greenville
ROSEN of Bucksport

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-607)**.

Report was **READ** and **ACCEPTED**. House **RECEDED** from Passage to be Engrossed as Amended by Committee Amendment "A" (S-564) and **CONCURRED** with the Senate. **ORDERED SENT FORTHWITH**.

COMMUNICATIONS

The Following Communication: (S.C. 734)

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

April 8, 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 Supplement Maine's Academic Attainment and to Retain Talent."(H.P. 1655) (L.D. 2162)

The President appointed on the part of the Senate:

Senator Bennett of Oxford
 Senator Gagnon of Kennebec
 Senator Mitchell of Penobscot

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ENACTORS

Acts

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

(S. "B" S-604 to C. "A" S-527)

An Act to Establish the Maine Consumer Choice Health Plan
 (S.P. 793) (L.D. 2146)

(S. "A" S-548 and S. "B" S-606 to C. "A" S-530)

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

Resolves

Resolve, to 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. "D" S-605 to C. "A" H-1035)

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

On motion of Representative LABRECQUE of Gorham, was **SET ASIDE**.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. We have discussed casino studies for some time. If you have had an opportunity, however, to look at the last amendment that has been added to this bill, you will notice that there will only be four meetings and there may, not necessarily, be a public hearing. That public hearing will have to be held somewhere here in the Augusta area. I would submit to you that the very guts of this study has been taken out of it. I suggest that perhaps we not pass this. Thank you.

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

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. When we had the public hearing on this bill one of my main objections was the fact that there was no public input. I was assured at that time with the set up of the four meetings around the state that the public would have a chance to comment on this. This is a contentious issue. It is very argumentative and the people who are going to be most impacted are going to have no say in this study. Thank you.

Representative **SNOWE-MELLO** of Poland moved that the Resolve and all accompanying papers be **INDEFINITELY POSTPONED**.

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

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

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

Representative **SNOWE-MELLO**: Mr. Speaker, Men and Women of the House. I believe that if we can't go down to York to have one of these hearings, then we shouldn't have the bill at all. I ask you to please support this Indefinite Postponement motion. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinitely Postpone the Resolve and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 653

YEA - Andrews, Buck, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dudley, Etnier, Foster, Gagne, Glynn, Gooley, Kasprzak, Koffman, Labrecque, Ledwin, Lemoine, MacDougall, Madore, McKenney, McNeil, Mendros, Michael, Murphy E, Murphy T, Nass, Peavey, Perkins, Sherman, Skoglund, Snowe-Mello, Stedman, Tobin D, Trahan, Treadwell, Twomey, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Annis, Ash, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Clark, Cote, Cowger, Cummings, Desmond, Dorr, Dugay, Duncan, Dunlap, Duplessie, Duprey, Fisher, Fuller, Gerzofsky, Green, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McLaughlin, Michaud, Mitchell, Morrison, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Simpson, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tracy, Tuttle, Usher, Volenik, Watson, Mr. Speaker.

ABSENT - Bagley, Baker, Berry DP, Chizmar, Colwell, Estes, Goodwin, Hall, Haskell, Landry, Lovett, McKee, Pinkham, Povich.
 Yes, 45; No, 92; Absent, 14; Excused, 0.

45 having voted in the affirmative and 92 voted in the negative, with 14 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers **FAILED**.

The **SPEAKER**: A roll call having been previously 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. 654

YEA - Annis, Ash, Belanger, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Clark, Cote, Cowger, Cummings, Desmond, Dorr, Dugay, Duncan, Dunlap, Duplessie, Duprey, Fisher, Fuller, Gerzofsky, Gooley, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McLaughlin, Michaud, Mitchell, Morrison, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Smith,

Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Berry RL, Buck, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dudley, Etnier, Foster, Gagne, Glynn, Green, Kasprzak, Koffman, Labrecque, Ledwin, Lemoine, MacDougall, McKenney, McNeil, Mendros, Michael, Murphy E, Murphy T, Nass, Peavey, Perkins, Skoglund, Snowe-Mello, Stedman, Tobin D, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Baker, Berry DP, Chizmar, Colwell, Estes, Goodwin, Hall, Haskell, Landry, Lovett, McKee, Pinkham, Povich.

Yes, 94; No, 43; Absent, 14; Excused, 0.

94 having voted in the affirmative and 43 voted in the negative, with 14 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

On motion of Representative O'BRIEN of Augusta, the House adjourned at 11:55 p.m., until 9:30 a.m., Tuesday, April 9, 2002 in honor and lasting tribute to Raymond "Pat" MacFarland, of Augusta.