

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-First Legislature**  
**State of Maine**

**Volume II**

**First Regular Session**

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**First Special Session**

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**Second Regular Session**

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Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
 FIRST REGULAR SESSION  
 68th Legislative Day  
 Wednesday, June 11, 2003

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

Prayer by Honorable Joseph E. Clark, Millinocket.  
 Pledge of Allegiance.

Pursuant to his authority under House Rule 401.1, the Chair temporarily assigned the Representative from Auburn, Representative SIMPSON to seat 143, and the Representative from Old Town, Representative DUNLAP to seat 96, effective June 11, 2003 and for the duration of the First Regular Session of the 121st Legislature.

The Journal of yesterday was read and approved.

**SENATE PAPERS**

The following Joint Order: (S.P. 552)

ORDERED, the House concurring, that the Committee to Study the Implementation of the Privatization of the State's Wholesale Liquor Business is established as follows.

**1. Committee established.** The Committee to Study the Implementation of the Privatization of the State's Wholesale Liquor Business, referred to in this order as "the committee," is established.

**2. Membership.** The committee consists of the following 9 members:

A. Four members of the Senate, appointed by the President of the Senate, one of whom serves on the Joint Standing Committee on Appropriations and Financial Affairs, one of whom serves on the Joint Standing Committee on Criminal Justice and Public Safety and 2 of whom serve on the Joint Standing Committee on Legal and Veterans Affairs; and

B. Five members of the House of Representatives, appointed by the Speaker of the House, 2 of whom serve on the Joint Standing Committee on Appropriations and Financial Affairs, one of whom serves on the Joint Standing Committee on Criminal Justice and Public Safety and 2 of whom serve on the Joint Standing Committee on Legal and Veterans Affairs.

**3. Committee chairs.** The first-named Senator is the Senate chair of the committee and the first-named member of the House is the House chair of the committee.

**4. Appointments; convening of committee.** All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee, which must be no later than August 15, 2003.

**5. Duties.** The committee shall hold its meetings at various locations in the State, to be determined by the chairs.

The committee shall gather information and request necessary data from public and private entities in order to review the progress of the implementation of the privatization of the State's

wholesale liquor business. In conducting its study, the committee shall specifically:

A. Review the bidding process by which the State will lease the wholesale liquor distribution rights to a private distributor; and

B. Explore issues associated with the responsibility for enforcement of the laws governing the manufacture, importation, storage and sale of all liquor and with administering the laws relating to licensing and the collection of taxes on malt liquor and wine.

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

**7. Compensation.** Members of the committee are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

**8. Report.** No later than December 3, 2003, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 121st Legislature. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 121st Legislature at the time of submission of its report.

**9. Extension.** If the committee requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the task force terminates.

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

Came from the Senate, **READ and PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-264).**

**READ. SENATE AMENDMENT "A" (S-264) READ** by the Clerk and **ADOPTED. PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-264)** in concurrence.

**Non-Concurrent Matter**

Joint Study Order Relative to Directing the Joint Standing Committee on Agriculture, Conservation and Forestry To Study New Payment Models for the Logging Industry

(H.P. 724)

**READ and PASSED** in the House on April 28, 2003.

Came from the Senate **READ and PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-263)** in **NON-CONCURRENCE.**

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

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

(HLS 709)

**Non-Concurrent Matter**

Resolve, Directing the Community Preservation Advisory Committee To Study Issues Pertaining to Barriers to Affordable Housing in the State (EMERGENCY)

(H.P. 364) (L.D. 472)

**FAILED OF FINAL PASSAGE** in the House on May 6, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-145)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-145) AS AMENDED BY SENATE AMENDMENT "A" (S-265)** thereto in **NON-CONCURRENCE**.

On motion of Representative SUSLOVIC of Portland, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "A" (H-273) to Committee Amendment "A" (H-145)** which was **READ** by the Clerk and **ADOPTED**.

**Senate Amendment "A" (S-265) to Committee Amendment "A" (H-145)** was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-145) as Amended by House Amendment "A" (H-273) and Senate Amendment "A" (S-265)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-145) as Amended by House Amendment "A" (H-273) and Senate Amendment "A" (S-265)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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**Non-Concurrent Matter**

Resolve, to Improve Community Safety and Sex Offender Accountability (EMERGENCY)

(H.P. 292) (L.D. 372)

**FINALLY PASSED** in the House on May 8, 2003. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158) AS AMENDED BY SENATE AMENDMENT "A" (S-267)** thereto in **NON-CONCURRENCE**.

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Retha Dunn, of Gray, who has been recognized by the People's Regional Opportunity Program, an organization that coordinates the foster grandparent program, for her 30 years of dedicated commitment as a foster grandparent helping generations of children in Gray. Mrs. Dunn and her husband raised 4 children and welcomed a number of foster children into their home. During the past several years, as part of the foster grandparent program, Mrs. Dunn has volunteered in the second grade class at the Russell Elementary School. Currently 94 years old and affectionately referred to as Grammy Dunn by all, she plans to continue volunteering. We send our thanks to Mrs. Dunn for her 30 years as a foster grandparent;

Presented by Representative AUSTIN of Gray.

Cosponsored by Senator TURNER of Cumberland.

On **OBJECTION** of Representative AUSTIN of Gray, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Gray, Representative Austin.

**Representative AUSTIN**: Mr. Speaker, Ladies and Gentlemen of the House. We have all heard the old saying that what goes around comes around. Grammy Dunn raised four natural children, took in 38 foster children for varying amounts of time into her time and has gone on in her golden years to be a foster grandparent at the Pineland Center and Russell School. Grammy Dunn also had one other credit to her model life of giving. Her son, the Honorable Burchard A. Dunn, who represented District 41 of Gray/New Gloucester eight years ago and sat in this very desk. Burch was instrumental in legislation that allowed the hospital on the Pineland Campus to become purchased by the Gray/New Gloucester school district and ultimately became the Dunn Elementary School, named in his honor after his death. Because of that school's conception and a Governor's conversion committee, the rest of that campus was highly marketed and sold. Here comes the full circle. On the evening that Mrs. Dunn was honored for 30 years of service, a new first-time award was given out. It was the Retha Dunn Community Service Award and it went to the Libra Foundation for its efforts in providing much needed housing to families.

As many of you are aware, it is the Libra Foundation that purchased the Pineland Campus and has turned the abandoned facility into one of a kind model campus in Maine and in the nation for its restorative abilities on state facilities. What happens on that campus nestled among rolling pastures and for profit businesses, many, many opportunities for children through a one of a kind contract with the YMCA there is a tremendous presence on that campus. The Fiddlehead Art Center for Creative Arts and Abilities, the Collaborative School, Hear me Know, a facility for cochlear implants and the adjacent property with the Dunn Elementary School. This one tiny woman through her love of children in her 94 years has sown seeds that have made a full circle with small, but strong and impacting ripples that have affected many in the Gray/New Gloucester communities. Thank you.

Subsequently, **PASSED** and sent for concurrence.

**Recognizing:**

Elizabeth Edgecomb, of Limestone, who has been crowned Miss Maine 2003. In addition to this honor, Elizabeth represented Maine as the Cherry Blossom Princess at the National Cherry Blossom Festival in Washington, D.C. in April. Despite her busy schedule, Elizabeth continues to pursue her degree in music education, with a piano concentration, at the University of Southern Maine. The new Miss Maine will travel to Washington, D.C. September 5, 2003 to lobby legislators for her platform, "Empowering Youth Through Music." She will also participate in the Miss America pageant on September 20, 2003. We send our congratulations and best wishes to Elizabeth on this occasion;

(HLS 710)

Presented by Representative YOUNG of Limestone.

Cosponsored by Senator KNEELAND of Aroostook.

On **OBJECTION** of Representative YOUNG of Limestone, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Young.

Representative **YOUNG**: Mr. Speaker, Men and Women of the House. I am pleased to rise this morning to introduce to the body Elizabeth Edgecomb of Limestone. This is not her first visit here. In the 120th she was here as the Potato Blossom Queen. Elizabeth or Beth as she is better known back home was crowned Miss Maine 2003 in Maine. In September she will represent all of Maine in the national Miss America pageant. I am sure I speak for all of us when I say we will be pulling for her. Anyone who has ever questioned the value of growing up on a farm ought to take a few moments to meet and talk with Beth. Like so many others from the county, she learned the value of hard work on the potato farm where she grew up. Beth gives her all to everything she does and it shows, whether it is her music education studies at the University of Southern Maine, competitions or her duties as Miss Maine, Beth does her best. Beth is certainly a good example of why the farm life is a good life. The lessons she learned about hard work and dedication are clearly serving her well. On the off chance that there is an impromptu tractor driving competition at the national pageant in Atlantic City, we can count on Beth to drive circles around the other girls. We are very proud of Beth in Limestone and throughout Aroostook County. I am pleased that she was able to join us today and wish her the very best for both her reign as Miss Maine and in the national competition in September. I knew that she was an accomplished pianist, but I didn't realize that she was also a singer. She promises to come back next session and sing the National Anthem for us. Thank you.

**PASSED** and sent for concurrence.

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

#### REPORTS OF COMMITTEE

##### Ought to Pass as Amended

Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Make Minor Technical Changes to the Maine Biomedical Research Program" (S.P. 436) (L.D. 1345)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-158)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-158) AS AMENDED BY SENATE AMENDMENT "A" (S-269)** thereto.

Report was **READ**.

On motion of Representative SULLIVAN of Biddeford, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

#### 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 Establish a Moratorium on Genetically Engineered Plants" (H.P. 893) (L.D. 1219)

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

That they are **UNABLE TO AGREE**.

Signed:

Representatives:

McKEE of Wayne

CARR of Lincoln

EDER of Portland

Senators:

BRYANT of Oxford

KNEELAND of Aroostook

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

Sent for concurrence.

#### ENACTORS

##### Emergency Measure

An Act To Simplify Calculation of Legal Interest

(H.P. 835) (L.D. 1132)

(S. "A" S-261)

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. 116 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**.

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

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

##### Emergency Measure

Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags

(S.P. 26) (L.D. 40)

(S. "A" S-266 to C. "A" S-4)

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. 113 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

##### Emergency Measure

Resolve, Approving the 2003 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution

(S.P. 585) (L.D. 1630)

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. 118 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

**Acts**

An Act to Promote Fairness and Opportunity for Working Amputees

(S.P. 48) (L.D. 125)  
(C. "A" S-259)

An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games

(S.P. 515) (L.D. 1536)  
(C. "A" S-147)

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. **ORDERED SENT FORTHWITH.**

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

**SENATE PAPERS**

Resolve, To Ratify the Endorsement of the Towns of Otisfield and Harrison in Renaming the Bolsters Mills Bridge

(S.P. 588) (L.D. 1632)

Committee on **TRANSPORTATION** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Resolve **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-270).**

Under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Resolve was **READ ONCE. SENATE AMENDMENT "A" (S-270) READ** by the Clerk and **ADOPTED.**

Under further suspension of the rules, the Resolve was given its **SECOND READING** without **REFERENCE** to the Committee on **BILLS IN THE SECOND READING** and was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-270)** in concurrence. **ORDERED SENT FORTHWITH.**

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-256)** on Bill "An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State"

(S.P. 449) (L.D. 1361)

Signed:

Senators:

GAGNON of Kennebec

MAYO of Sagadahoc

Representatives:

HOTHAM of Dixfield

BROWN of South Berwick

MOORE of Standish

CLARK of Millinocket

PATRICK of Rumford

BLANCHETTE of Bangor

CANAVAN of Waterville

JENNINGS of Leeds

LANDRY of Sanford

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

Signed:

Senator:

LEMONT of York

Representative:

GLYNN of South Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256).**

**READ.**

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

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

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

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

**ROLL CALL NO. 224**

**YEA** - Adams, Annis, Ash, Austin, Barstow, Bennett, Berry, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Courtney, Cowger, Craven, Cressey, Cummings, Davis, Dudley, Dugay, Dunlap, Duplessie, Earle, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Landry, Ledwin, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, McLaughlin, Millett, Mills J, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Richardson E, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Sykes, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Walcott, Watson, Wheeler, Wotton, Young, Mr. Speaker.

**NAY** - Berube, Bliss, Bull, Clough, Crosthwaite, Curley, Daigle, Duprey B, Eder, Glynn, Joy, Laverriere-Boucher, Lemoine, McKee, McNeil, Mills S, Peavey-Haskell, Rector, Suslovic, Twomey, Vaughan, Woodbury.

**ABSENT** - Andrews, Bryant-Deschenes, Duprey G, Faircloth, Goodwin, Ketterer, Koffman, Marraché, McKenney, Norton, O'Brien L, Perry J, Piotti, Richardson J, Simpson, Tardy, Usher.

Yes, 112; No, 22; Absent, 17; Excused, 0.

112 having voted in the affirmative and 22 voted in the negative, with 17 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-256)** was **READ** by the Clerk and **ADOPTED.**

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

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

Representative **MCKEE:** Mr. Speaker, Men and Women of the House. This came up very, very quickly before I realized it was LD 1361, which is why I voted red when I did see it.

I did want to say to the body that you don't see the Department of Agriculture supporting this bill. They have never supported the video terminal and they don't today. I just consulted with the Deputy Commissioner who was here. We have debated this before. It certainly got a lot more interest than it did today. I guess when we are in bad economic times we do turn to things such as this to generate more money. I certainly have sympathy with the great historic tradition of horse racing. My father was very fond of it in his day when he had a farm. Of

course there was no betting such as this, certainly no formalized betting. In my opinion, for what it is, and I realize the body does not agree, but I think it is in conflict with what the ethos of the Maine Agricultural Fairs are and I was somewhat offended by the beguiling list of revenues that we would have if we put in these. Just so we are reminded of what this is all about and the Department of Agriculture did not support it in the past, just to bring that to your attention. Thank you Mr. Speaker. A roll call, please, Mr. Speaker.

Representative McKEE of Wayne **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

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

**ROLL CALL NO. 225**

YEA - Adams, Annis, Ash, Austin, Barstow, Bennett, Berry, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Courtney, Cowger, Craven, Cressey, Cummings, Davis, Dugay, Dunlap, Duplessie, Earle, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Landry, Ledwin, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, McLaughlin, Millett, Mills J, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Richardson E, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Smith N, Smith W, Snowe-Mello, Sukeforth, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Walcott, Watson, Wheeler, Wotton, Young, Mr. Speaker.

NAY - Berube, Bliss, Bull, Clough, Crosthwaite, Curley, Daigle, Dudley, Duprey B, Eder, Glynn, Joy, Laverriere-Boucher, Lemoine, McKee, McNeil, Mills S, Peavey-Haskell, Pingree, Rector, Stone, Suslovic, Twomey, Vaughan, Woodbury.

ABSENT - Andrews, Bryant-Deschenes, Duprey G, Faircloth, Goodwin, Ketterer, Koffman, Marraché, McKenney, Norton, Perry J, Piotti, Richardson J, Simpson, Usher.

Yes, 111; No, 25; Absent, 15; Excused, 0.

111 having voted in the affirmative and 25 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-256)** in concurrence.

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

**CONSENT CALENDAR  
First Day**

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

(H.P. 1190) (L.D. 1614) Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-560)**

On motion of Representative BUNKER of Kossuth Township, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ.**

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

Representative **BUNKER:** Mr. Speaker, Men and Women of the House. I have never stood before this honorable chamber and asked you to vote red on a supplemental budget before. I have a lot to say. I am not going to say it at this moment. I think there is a couple of amendments that I have coming forward. I would ask you to vote red and send a very strong message to the second floor and our corners in both bodies that we, in the committees of jurisdiction and in the rank and file also should have input in budgets. Quite frankly I have been blocked out of this budgetary process at every step of the way, including amendments to just general language that was approved by the committee of jurisdiction when it comes to the budget, the study for corrections, for instance. There were seven or eight amendments that I was sitting in Appropriations listening to that we had already discussed in our committee of jurisdiction, like putting an inmate on the board with the Chief Justice to review corrections. We all felt that was inappropriate, but here is an amendment that is being discussed without the committee of jurisdiction knowing about it down in Appropriations. I happened to be there. Nobody offered to ask the committee chair of that committee whether that was a good idea or not. That was only one of five or six that I heard while I was there.

The Chair reminded Representative BUNKER of Kossuth Township to stay as close as possible to the pending question.

Representative **BUNKER:** Mr. Speaker, in reply, I am focusing the debate on the supplemental budget process and that is very germane to this discussion and germane to my comments. I ask the leave of this body to continue.

I have a lot more to say and I have a lot to explain how the Liquor Enforcement piece was never put back into the budget as requested by 95 percent of the people out there in the recent poll of Channel 7. Our first line of defense for substance abuse is now missing. We all talked about how much we pay in Medicare and health and insurance and all these other things and those are all the driving forces, at least for our side of the aisle to support a budget like this. Many of those things are in there. I applaud the committee of jurisdiction for that. You don't start off by eliminating the first line of defense for substance abuse so that we can continue to see the driving cost of treatment and the driving cost of medical care, free care that is given to these people that fall under the prey of these horrendous drugs. Washington County, as you well know, is the Oxycontin capital of the world right now. Each and every one of those young people said that alcohol was their first usage of drugs.

I am very committed to this project. I ask you to vote red on this. I have a couple amendments later that I will ask you to entertain. I fully expect that leadership has done its job and we will be able to pass this by a majority vote. I ask you to vote red and make sure it does not pass by a two-thirds so that we can continue to discuss and to do a little bit of horse trading, if you want to, before we endorse a two-thirds budget out of this body. Thank you.

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

Representative **BRANNIGAN:** Mr. Speaker, Men and Women of the House. You have just stolen my first word. This is a unanimous committee report. This is the fourth unanimous committee report from the Appropriations Committee. We began with a supplemental budget to correct and bring into the balance that was passed previously for this, the second year of a

biennium. We then went and passed a Part I budget for the next biennium. Thirdly, we worked on another and passed another supplemental budget to, again, bring into balance our present year. Now I present to you a fourth budget unanimously approved Part II of the biennial process. This budget adjusts revenue and expenses and rebalances the next two years. It does not raise taxes or fees. It does not cut GPA or state employees. It does put restraints and gives direction in state spending, providing a stabilization fund, but gives flexibility for this and other legislators and other executives to govern the state as it should be governed.

Finally, it sets underway the legislative Office of Program Evaluation and Government Accountability. It begins in action as OPEGA. The persistent and tireless work of Representative Trahan, Representative Dunlap, now put in his place I understand. They have worked tirelessly on this issue of responsibility and oversight and it has and it will begin under the dictates of this budget.

This budget restores certain areas that we did in the Part I. It prevents certain things that were going to happen in the Part II. It does cut program funding, but we were able to avoid cuts in community mental health and retardation services, substance abuse, clothing allowances for the foster care program and other cuts to very vulnerable people. We were able to restore areas of children's mental health that were done in the Part I budget, transportation cuts that were done in the Part I budget. The two cents that were going to be cut from the mileage allowance for volunteers who worked with elderly and disabled throughout our state, that will not be cut.

It has also restored copays, the elimination of copays should I say. This budget does pursue taxpayers who do not pay taxes who should. It beefs up the authority and the work of our Taxation administrators. It tackles the prison issue of our rising costs and rising numbers that are overcrowding our prisons. We are beginning to tackle that. In education we were able to restore retired teacher's health to the 40 percent that we didn't think we were going to be able to do. This came with the help of teachers themselves in their negotiations around their health insurance. We are able to give merit increases in the second year to our workers and to our community college system. We were able to slightly reduce the increases in the tuition that just went up in the University of Maine System.

I say we, the Appropriations Committee, are merely a hub in the wheel of negotiations that have been going on for the last several days, weeks. First of all, this committee has been tireless in its work. It is a great committee. I have been around and have led many committees. This is just one of the most terrific committees from the most experienced person, Representative Millett, to the youngest, Representative Pingree. I am very pleased to remark about our Republican lead, Representative Rosen and my seatmate, Representative Mailhot and all the members of the committee. I thank the leaders of both parties for appointing these people to this committee. Beyond that, the patience and dedication of the leaders of both parties in this House and boy do I mean patience. There were endless rounds of negotiations, especially last Thursday, Friday and into Saturday morning were admirable.

Last of all, I admire our Governor who has become a master as a leader and a negotiator. I ask you, and we will be talking about issues that were raised a few moments earlier. We will be talking about those if amendments are added or attempt to be added this afternoon. I urge you to support this budget, support our leadership and support our committee. Thank you Mr. Speaker.

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

Representative **ROSEN**: Mr. Speaker, Men and Women of the House. It is indeed an accomplishment that you have before you a Part II budget. I hope that you take the opportunity as we go through the day to look at the document and review it in anticipation of any expected amendments that may appear later and for your final vote this afternoon.

As you know, when we were working through the Part I budget and we received revenue reprojections from the Revenue Forecasting Committee that we would be facing a \$48 million shortfall during the '04-'05 fiscal years, there were some that felt that the appropriate way to handle that would be to delay dealing with the \$48 million problem until sometime in the '04-'05 year. Many of us thought that was not the way to deal with this and we were able to come to grips with the reality that we needed to present to you before we ended the session, the First Session of the 121st, as constitutionally required a balanced budget for the '04-'05 biennium. I want to applaud the administration for putting together its proposal and presenting it to us and the opportunity that this committee has had to work on it in a spirit of cooperation under the excellent leadership of our good chair from Portland, Representative Brannigan and come to a unanimous vote. There are many components in this that have already been outlined and pointed out to you. I won't repeat those. I will point out, however, that this budget does represent a 3.4 percent increase over the previous biennium. I think that is a commendable accomplishment to be able to hold increases in line at a 3.4 percent level, but it also highlights, if you look at the items that are included in the Part I and the Part II combined, and that all matters cannot be fully addressed to the satisfaction of everyone in this legislature in either body, compromises were made and I think you have an excellent document in front of you that keeps the state's budget in balance, preserves our credit rating, allows us to move forward on several issues, budget stabilization, the OPEGA funding. I want to point out to folks that the funding for the Maine Milk Commission and the dairy compromise is included in this budget and increased measures around accounts and control mechanisms internally.

It does deserve your support. I hope you will give it serious consideration. Thank you.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I hope in no way that any member of this body took any of my comments to heart that I wanted this measure defeated. We all know with a little more parliamentary procedure if there is not a two-thirds vote of both sides of the aisle to pass for enactment, which is a vote later down the road, this budget will be very short by millions and millions of dollars because you need an emergency enactment in order to do that. What I am asking is enough red lights to be shown up here to show the leadership in all four corners that there is an issue out there that needs to be addressed. I would respectfully request that you vote green on that two-thirds vote later on down the road once we rectify this as the good chair indicated if a certain amendment or two got approved. Please don't defeat this motion. Please make sure this motion passes.

The Chair ordered a division on the motion to **ACCEPT** the Committee Report.

A vote of the House was taken. 80 voted in favor of the same and 27 against, and accordingly the Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-560)** was **READ** by the Clerk.



On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-560)** and later today assigned.

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

An Act To Eliminate the Social Security Offset for Unemployment Benefits

(H.P. 657) (L.D. 880)  
(C. "A" H-146)

**PASSED TO BE ENACTED** in the House on May 19, 2003.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR** in **NON-CONCURRENCE**.

On motion of Representative SMITH of Van Buren, the House voted to **RECEDE AND CONCUR**.

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

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The House recessed until 3:00 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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

**CONSENT CALENDAR**  
**First Day**

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

(H.P. 152) (L.D. 193) Bill "An Act to Increase Funding for the Maine Dental Education Loan Program" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-560)** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005" (EMERGENCY)

(H.P. 1190) (L.D. 1614)

Which was **TABLED** by Representative DUPLESSIE of Westbrook pending **ADOPTION** of **Committee Amendment "A" (H-560)**.

Subsequently, **Committee Amendment "A" (H-560)** was **ADOPTED**.

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

On motion of Representative BUNKER of Kossuth Township, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-560)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-562)** to **Committee Amendment "A" (H-560)** which was **READ** by the Clerk.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I again regret to be standing here holding you folks up on such a good piece of work as the budget before you. Unfortunately in all good budgets and I have never ever had to do this before and quite frankly, I wish I would never have to do this again. There is a long story to tell about this amendment and how this proposal has come to you. I beg your indulgence to allow me to explain how this amendment came before you and how it was put together.

There is supplementary information that still hasn't been distributed. Again, in deference to you folks, I am not going to wait for that either. I think once you get it you can peruse it at your own leisure and we have two amendments here. You will see the makeup that we are discussing and see what the committee of jurisdiction had tried to do in conjunction with the Legal and Veterans Affairs Committee.

This current amendment before you is the last piece of joint work between the Legal and Vets Committee and the Joint Standing Committee on Criminal Justice, which had 20 members out of 26 agreeing to the footprint that you will eventually see, which is the reinstatement of the Bureau of Liquor Enforcement. The footprint there is of my genesis even though as we moved along in the process here and I will describe this lengthy process in detail because you need to hear this story, because I hope it never happens again.

The ending of the process then became part of the executive proposal that was being made at a later date to the Legal and Vets Committee and claimed consolidation and an efficient product. All of those phrases were ones that I had coined earlier on and then was absorbed as a reason to present some alternative proposals. If anybody has read the paper anytime in the last three or four months we all know the people are screaming for the reinstatement of liquor enforcement. Channel 7 did a news poll a couple of nights ago and they put the question out to the members and out to the public and said, do you think it is the people's will of this body to reinstate liquor enforcement. The results of that the next night showed 95 percent of the people that responded to their on-line poll said that liquor enforcement was an essential service that should be reinstated. I agree with them. I think that all of my committee members agree that liquor enforcement is essential. I think all of the Legal and Vets Committee agree that liquor enforcement is an essential component and a necessary enforcement tool to be the first line of our defense against substance abuse.

It is really a shame when you get into this because when you look at all of the total budget and the great things that the great chair of Appropriations talked about with health care, prescription cards and all the other great things we did in getting restored into the budget. The real sad part of all this is most of this, whether it is the 2,000 people we have in our correctional systems or the overcrowding we have in our jails is we all have the same basic underlying problem and that is the addiction of substance abuse

or drugs. Eighty-two percent of everybody in the prison system have that underlying drug or alcohol problem and as many doctors will tell you, at least down in our area, much of the drugs that are being prescribed are driving health care costs through the sky has to do with some kind of addiction, whether it is alcohol or drugs.

All these things are tied together. We can throw more money at treatment of the medical insurance payment or we can throw more money at trying to solve the problem and prevent the problem. I think prevention is the proper and most efficient use of state resources. I am just totally appalled and I think everybody in this body was when the first Part I budget came out that completely eliminated our first line of defense for substance abuse. Nobody had to answer the question. As a matter of fact, I will ask that question and somebody at the end of my quite lengthy presentation today can answer to me, maybe, why did they completely eliminate a whole department that was so highly respected, was efficient, was ensured that all the people played on a level playing field and heard that the owners of the various bars competed fairly and evenly, required and really checked very diligently to make sure that all revenues were collected at the border. If anybody has checked with any of the southern chiefs, you know that they are coming over the border hand and fist and those revenues are not going into our nickel and dime coffers.

I dare say that the proposal in itself that originally started in Part I, it is still there, unchanged. It has zero law enforcement assigned to liquor enforcement, zero. The current budget before us, because of the prior Part I budget, there is nothing changed in Part II, there is a zero state effort of law enforcement for liquor enforcement. I think that is untenable. I think it is improper. The question that then keeps going back to, why do we have not liquor enforcement?

Let me back up then. The committee of jurisdiction I am very proud of them. Each and every member on my committee and many of the folks that came from the other committees, Transportation and Legal and Vets helped in some subcommittee meetings where we tried to wrestle with this. In the beginning our committee insisted, being the Committee on Criminal Justice and Public Safety, we said we are going to review all nine bureaus because you have a pretty big outfit there under the commissioner that we approved in our committee of jurisdiction and we heard a lot of discussions of how the budget process went around.

I did some investigation and we did dig into all nine bureaus even though some of them overlapped and what most of you people don't know is what tied all three committees of jurisdiction's hands here, Transportation, Legal and Vets and the Criminal Justice Committee is the crazy funding mechanism we have for State Police, which is divided now 66/34, between the highway fund and the general fund. Every time you ask them to put a cut here or put up a cut there, they jump up and say you need to cut three state troopers to get one general fund position. You can see I was working against the tide when it came to doing our real job of reviewing fiscally each and every individual section of public safety. I want you to know some people like Representatives Sykes, Churchill, Lessard, they dug into this very deeply and asked three pointed and straightforward questions. I just can't commend them enough.

We started and the initial question from all of us was why? We sent a letter to the commissioner of Public Safety and asked them to answer the underlying question of why they decided that they were eliminating the whole department. We have yet to receive a response to that question even though it has been asked repeatedly and repeatedly. I think that rung a bell with me.

That bothers me as a private investigator by trade. It bothers me when you don't get an answer. If you read through responsibilities of your various committees, your job is to go out there and dig into their files and dig into their fiscal stuff and to dig into the way they do business and to seriously do the oversight that we are responsible ever since we lost the Audit and Program Review Committee. I take that and our committee took that seriously.

Eventually down the road I figured out that under Commissioner Kelly, the prior commissioner, there were three budgets that were proposed. In those proposed budgets the first two come through and basically it said we can't in the day of homeland security and the dangers that are upon us in this country, cut anything in law enforcement. Although they offered up quite a bit of cuts, it wasn't rubber meets the road law enforcement, if you know what I mean.

He asked for a waiver and asked for permission not to be part of this, I gotta cut this stuff one-third, but needless to say, the administration came back and said, no, you gotta go to the table and they have to target how much money they had to cut and they had to meet. Sure enough, in the third budget put out by Commissioner Kelly to the Chief Executive, liquor enforcement was in that third budget round. Liquor enforcement was given a target of a one-third reduction in their department. They came to the table and they came forward and made those reductions and presented that proposal back to the commissioner and that third budget proposal by Commissioner Kelly to the Chief Executive showed liquor enforcement with a one-third cut in reduction and they did that. They still felt they could go out there and do their work.

Now, comes the directive that you start to look at where the cuts were coming to meet the overall cut for all of public safety. Suddenly we had to cut 80 or 100 state police personnel in one fashion or another. Suddenly the world came to an end. Commissioner Kelly backed out and didn't want to play anymore. Now the budgeting responsibilities fell on the shoulders on the Chief of the Maine State Police. All nine of these bureaus that were sitting at the table and helping to put this budget together suddenly weren't allowed to play anymore. It was really frustrating. They came out on the 29th of January with their fourth revision of the Public Safety budget and in the fourth revision anybody in the Department of the State Police ever had a problem with, mainly management, every one of those bureaus was eliminated including all of liquor enforcement. It was completely eliminated in the fourth budget proposal. All of the State Police proposed cuts to some extent were reinstated. No law enforcement officer in the State Police area of the world was cut.

All of the females in all of the troops were cut all over the state, Troop A, B, C, D and right down the road. All the clerical folks were cut. In the Department of Liquor Enforcement is Public Safety's only sexual harassment officer, Lt. Polly Pomerleau. Of course, her job was cut as well as the chief. These two folks, Chief Kayford and Lt. Pomerleau has really, during the time of deregulating, getting out of the liquor business, my God, they are the only two people in the whole state that have a handle on what the liquor business is in this state, who the players are, who plays fair, who plays dirty, who is the guys you have to keep an eye on and there is so much to it. I can pick up the books and show you the books that liquor enforcement officers are required to enforce and just to say that you eliminate them and some local police officer can take over the responsibilities of all of those very detailed administrative and law enforcement functions just doesn't make any sense.

That made us continue to ask, why, why, with no response. To this day there is no response. Many discussions with the Chief Executive and with no response. Here we are. We went through a long process and then we started working a little bit together. We asked, first of all, a subcommittee of my committee with Representative Churchill and Representative Sykes and Representative Lessard was on it. We had a subcommittee set up and we asked Public Safety to provide Lt. Dyer from the Beano Licensing Bureau and we asked them to send one of the liquor enforcement people and their fiscal people to our subcommittee so we could try to figure out a creative fiscal solution that may be general fund neutral and we could still provide a modicum of liquor enforcement in the state.

Ladies and gentlemen, the Commissioner of Public Safety refused to send anybody to those meetings. It is first time in the history of the Legislature that anybody from the Executive Branch refused to provide fiscal and knowledge to the policy-making committees of the Legislature. If any of you guys want to open up your Constitution like Representative Waterhouse used to love to do and look under Article 4, Subsection 6, it basically says that no one can obstruct the Legislature in the performance of its duties. That man did and he did it without a problem. He refused to send them. Time after time he refused to answer the questions we asked of him. As time went on we dealt with the bill now. We had the gaming responsibilities on us because in Part I, as you know, we passed Part I, which totally eliminated liquor enforcement and shifted the gaming responsibilities somehow deep down within the State Police structure. Again, we all wondered why does it have to be there? Why does liquor enforcement have to be eliminated and then what money making, license hanging people that are left? Why are they the only ones that are saved? It is because of money. We wanted to hang a license on the wall, but we don't want anybody out there enforcing it or making sure people are collecting all the revenues or something. I don't know. Nobody could understand it. We continued on in our quest for knowledge and were completely stonewalled at every turn.

Suddenly we worked on a bill during the interim, which raised \$402,000 if I am not mistaken to support the beano, bingo and licensing division of the State Police. It is a special fund, not a general fund, all born on the backs of VFWs, American Legions, non-profits, churches, beano, bingo and some certain licensed categories within the state. They wanted our committee to raise fees and \$400,000 and then we looked at the people that were in that division and in that division there were six or seven clerical staff that helped really do the selling and the hanging of the licenses and there was \$516,000 worth of highly trained detectives, sergeants and lieutenants of the State Police that were their investigative arm of that agency.

Ladies and gentlemen in all of last year not one single criminal complaint has ever been filed against gray haired old ladies on beano and bingo, not one single for \$516,000, you got zero in return. They asked the committee of jurisdiction to support that \$400,000 increase. I want you to know that it didn't go over very well with the committee of jurisdiction. Representative Churchill got a little excited when they talked about agricultural fairs and what have you. It was quite an interesting process. We voted that bill down. Ladies and gentlemen, unbeknownst to us during that same course of the week, because they had to put Part II together really fast and the pressure was on the good commissioner to keep his department fully funded, he got supposedly positioned from the presiding officers of both chambers permission to circumvent the committee of jurisdiction and move that bill right into Part II. It came in the Governor's package down to Appropriations in Part II

submission. Needless to say, there were a lot of upset folks. I am very pleased to say that as I stand here today, Appropriations decided and agreed with us that that was inappropriate and that those fees are no longer in the current budget before us. I do thank them.

Unfortunately that \$400,000 really is the number of money that we are missing to make any kind of enforcement action in the licensing and the liquor area that is kind of the dollar amount that is missing here. We met together with the different committee chairs. The State Police obviously had a little bit of a say in transportation because they approved the highway fund and they approved the general fund side of the State Police. We kept them informed. Legal and Vets, Representative Clark and us and met with the commissioner over a period of time and we started putting together a nice little package that would basically reinstate in some fashion a proactive first line of defense for substance abuse out there. We were moving along and felt pretty good, except at every stage of the way the commissioner basically says that we can't do that. We won't allow that. We have to have it under the thumb of the State Police. It can't be a stand-alone agency.

It has been stand alone since 1935, ladies and gentlemen, and doing a very highly professional job. You know how you can tell a law enforcement agency does a highly professional job is when people voluntarily comply with the laws. I used to have a liquor license. I used to own a bar. I didn't break the rules because I didn't want to see one of them guys come see me. If he comes into any one of your towns, the first bar that somebody in green comes into, they call every other bar in town and they are all complying immediately. It is a great tool. It is not happening today. There is no mechanism for that to happen in the future.

We are putting this all together and suddenly we have some movement. Let me back up a little bit. All our committees of jurisdiction all kind of worked on that Part I budget. Everybody started to see that it didn't make a lot of sense to take all of the secretarial positions out of all these troops. It just didn't make sense why they would want to terminate all the clerical positions. We got them back in. It didn't make sense why they wanted to eliminate 9-1-1, the directors and those people in charge. Utilities got a hold of that and got them moved over there and somewhat protected. They couldn't understand why they wanted to get rid of the chiefs of traffic safety who set up a whole program and gets all the OUI money to your localities and does all the seatbelt and car safety stuff within the Department of Highway Safety. These people were essential highest-level people, but they are all eliminated for some reason.

Through the collective work of our committees of jurisdiction, we reinstated most, almost all, of those folks to their proper stature and their proper position and found other ways of doing things. I applaud all the other committees of jurisdiction for what they did. I feel very sorry as I stand here today that during Part I when they did those things that I wasn't down with Appropriations at 12, 2 or 3 in the morning like Inland Fisheries or Marine Resources were. They have fees coming out of their departments, coming from their consumers saying that they want these officers. I will pay more. I want this coverage because they are the people that keep the fishermen over there following the rules the way I have to because I am honest.

That is the same thing that all of liquor enforcement people that came to the Legal and Vets and came to Appropriations, that whole room was right full of people saying we will fully fund liquor enforcement, \$2.1 million, right out of fees. Somebody computed that and it came out somewhere around 41 percent, if I am not mistaken. The industry was willing to pay it because they knew

how much and how important this entity was to them as an industry, never mind our children and our first line for substance abuse.

Again, why? Where are we? Why? Nothing makes sense here. Being the bad guy that I am, I started going around and digging a little bit. I went over and I asked the State Police, because you know they did this thing behind closed doors and the other nine girls weren't in charge. I asked Lt. Colonel Harmon. Lt. Colonel Harmon, how in the fourth budget proposal did you get all your hundred State Troopers back in place? Let me back up, I asked, Lt. Colonel Harmon, did you have anything to do with eliminating liquor enforcement? He said, "No, the State Police did not." We had a target. We met it and that is the way it is. You met your target Colonel without eliminating liquor enforcement? Yes. How did you do it? His answer to me was we changed the transportation fund from 60/40 to 66/34 and that got them all out of hot water. Anybody in Transportation here can add and you know darn well that wasn't enough money to reinstate 100 positions to the State Police and the Department of Public Safety.

The man lied to me, ladies and gentlemen. When somebody lies to me face to face.

The SPEAKER: Would the Representative please defer? The Representative knows the rules of debate. It is not proper to assign motives to other members, either of this body or in implication. The Representative is doing a great job with the debate. I just want to make sure you stay on track. The Representative may proceed.

The Chair reminded Representative BUNKER of Kossuth Township that it was inappropriate to question the motives of the Chief Executive.

Representative BUNKER: Thank you Mr. Speaker. Just to be clear, I kind of reviewed the rules of the Constitution and I think I can refer to other members outside of this body as I feel necessary. It is against the rules to impugn the motives of anybody within this body or in the other chamber. I would certainly not want to do that.

The SPEAKER: Would the Representative defer? I believe the rules are members of this body or of the Executive as well, the motives of the Executive.

Representative BUNKER: Thank you Mr. Speaker, but

The SPEAKER: The Representative can continue to debate.

Representative BUNKER: Mr. Speaker, it is going to be difficult because there is a motive to why this budget came together. I would ask a little bit of allowance to be able to go through that.

The SPEAKER: The Chair will allow great leeway in this.

Representative BUNKER: Thank you Mr. Speaker. This is my one shot and my only shot I would guess.

I did some research, ladies and gentlemen, and this person misled me or misstated something. I don't know what word to use. I went and did some checking. I wanted to go out and defend the State Police. They are good friends of mine. I was Chair of Labor last year and we got them a 19 percent rate increase and that is why their budget was so inflated this year and that is why they had to go looking elsewhere to find money. I feel really guilty that I am part of the problem, but they got a reclass last year that came in and kicked in this fiscal budget and 19 percent of that huge department is a lot of money, let me tell you ladies and gentlemen.

I started with inquiring because I wanted to go out and defend these guys and tell the other nine public safety bureaus that the State Police were not the bad guys in this scenario. It was just the way cutting had to be. You heard the rumors about other places of people's motives. Rumors went all over the place.

Somebody down in the Chief Executive's Office and we didn't think that was true either, but unfortunately he went out and vocalized it to several members of this body and other people. That wasn't really smart on his behalf, but that just kept the rumor mill going that this was a vindictive and retaliatory action. I didn't want to believe any of this. I didn't want to believe any of this stuff. The State Police are our most respected law enforcement agency in the state and I am out there trying to defend these folks.

We came a little bit further down the road and they came into the committee of jurisdiction and we have the budget process and we are asking them about a whole bunch of things. Can you cut here? Can you cut there? We were running into roadblocks as they indicated because it is really controlled by another committee and if you take one of these, you lose three of those. We go through all of this stuff, but I think Representative Churchill was kind enough to ask the Chief of the State Police, can you at least stop and have your officers when they are running around the state to stop and check inspection stations once in a while. If I am not mistaken, I think he indicated to the Representative that they have so many overtime duties and they are stretched so thin that on any given day there might be only 17 troopers working on any shift at any one point in the state at any day. They could not do one more thing. We were kind of flabbergasted. Afterwards I learned that there are 337 troopers in the State Police and we were later told that there are only 147 of them out on the road doing the work that you and I think they are supposed to be doing, which is an admission. The rest are off filling administrative positions. I can give you one good example, the head of SBI used to be a lady, Dorothy Morang, that probably got paid \$50,000. Now there is a Lieutenant in charge and he gets \$120,000 plus benefits, plus other benefits. Representative Sykes started asking questions about where we visited many of these sights. We did tours.

This committee of jurisdiction did its work. I am very, very, very proud of them. I wish every committee would do it. We went up to the academy and found seven full-time positions sitting up there just waiting for the two troopers that are going to graduate out of the current academy, so they can give them five weeks of ongoing special training to make them something different than regular fully licensed police officers. It didn't make sense. We kept asking those kinds of questions, but we were stone walled. We couldn't do anything about it. We finally caved in and gave up on trying to cut any more positions. The next step was to do this combining.

I looked at the liquor enforcement thing. I looked at a \$402,000 increase on the backs of beanos and bingos and what have you. I then looked at the total money that came in through the licensure part and also how much money that the Governor already put into Part I for the existing, how do I want to say it, the clerical personnel that are hanging liquor licenses across the state as we speak, starting last Saturday. That is all they have funded within the State Police, are clerical revenue collecting people and a couple Public Safety ones that go out and make sure that the room is big enough and the doors are in the right place to hang the sign.

We worked on this and started to put together a pretty good package and found that we came up short. When you take \$829,000 in one hand and you take \$890,000 in the other hand without their \$400,000 increase and you put them together, we devised a system of cross training, believe it or not. God, what a novel thing. We are going to take \$120,000 worth of troopers and put them back out investigating murders, arsenic and whatever because these are all detectives, sergeants or lieutenants. They are former homicide detectives. We are going

to put them back over there in existing positions. They don't lose their job and then we are going to cross train the current liquor enforcement officers we have to do beano and bingo because they are in the same buildings anyhow. My God, what a simple solution to a very difficult problem.

We started walking down that road and we ran into roadblock after roadblock after roadblock. We gotta have this under the State Police. We have to have a Lieutenant in charge. We have to have it under the State Police. Why? We all know the architect that I talked about before. It eliminated EMS and eliminated the director of Highway Safety and tried to eliminate, tried to get all of that EMS database into the State Police because of the federal money coming down the road possibly. There is a whole bunch of things coming together here, but at every juncture the State Police had to be in charge and it didn't make any sense. Right now the Bureau of Liquor Enforcement in our proposal, the Bureau of Liquor Licensing and Gaming is under the Department of Public Safety and reports directly to the commissioner as it always has. It didn't seem like any reason to have to put them deep down inside of a hierarchy that only right now out of their 337 officers or whatever they have, there is only one assigned to drug enforcement in the whole State of Maine.

They can't handle drug enforcement and they can't handle inspection stations, how the heck are they going to handle liquor enforcement, ladies and gentlemen. This came out time after time after time in all the questioning. Nobody to this day has the answer.

We continued on and I thought there has to be more to this. It started to focus a little bit. I love Transportation. They have all those secretaries back in place and that troubled me. We can leave them troopers out there on the road doing their job and the rubber meets the road. When we started putting personnel and they started offering a little bit of license sworn Public Safety personnel, the commissioner was willing, if we could get wide partisan support from all four corners, they were willing to come up almost to eight sworn law enforcement personnel in the budget. Evidentially all four corners didn't come together and this Part II budget failed to get anything in. I know many folks tried, including myself.

It still insisted on the State Police being in charge. I went over and I did some checking and I hear all this stuff. All those liquor enforcement agents that were in the hall during Part I, they were all going crazy and spreading rumors. They all liked to tell me that stuff. They e-mailed me and told me all kinds of different scenarios. One of them was that they thought that they were targeting their department because their department has the only sexual harassment officer in the whole Department of Public Safety. If you are sitting here as a woman, you would probably wonder, why would the Department of Public Safety with over 638 personnel, not have one within the sworn ranks of the State Police when so many of those troopers are females. I would respectfully submit to you, folks, when and if I can get the materials being distributed, you will see that they probably don't dare to be a sexual harassment officer, I don't know. The internal workings of the State Police with their internal affairs mechanism, does all the work behind closed doors and it does not open up to the sunshine and the light of day.

When you get the materials being passed around, you will see on the beginning of it, the proposal and my diagram of what I think the stand-alone bureau outside of the State Police should look like. You will see a 14 percent funding mechanism and you will see another amendment there that talks about another funding mechanism. The one before us on this is the 14 percent increase in fees that both committees, 20 of us agreed on, generally speaking.

It kept bothering me so on vacation week, I know many of us stayed here, but I came down on Thursday and Friday during vacation week because I am just that kind of guy and I wandered around and I went in and told the Chief of Staff that I thought there was something more to this. It was really bothering me. You know that female intuition or that investigative intuition thing. Some people blew in my ear and told me different things that they are targeting their sexual harassment officer because of some involvement. I didn't know what was going on. I go down to the Human Rights Commission and I go in there and say let me see what you have on your books. Sure enough, that is public information, if you are not aware of it. We need to educate some people in Public Safety about that, but that is coming later.

I went through and pulled the whole list of Public Safety and the complaints that were filed against them at the Human Rights Commission. Sure enough, just recently, just adjudicated on March 1 of this year that was being fought from June of last year all the way through this budget process were two females that were filing complaints against a certain sergeant within the State Police. This certain sergeant happens to be very close and best friend of the colonel. You don't know what is going on. IA and the way Internal Affairs works, if you guys don't know, is they do the investigation and they find a finding, they give it to the light colonel and they make the decision on whether the person is disciplined in any way, shape or form or not. We have the chicken watching the hen house in this situation here. He is the architect of the budget, but he is also embroiled in this big battle right now that is really close to home and close to heart. I continue to investigate that.

You will have the documents on your desk shortly and you will be sickened when you read them. I tried to do all this stuff behind closed doors, people. I fixed eight of these similar situations behind closed doors in my eight years down here and never once had to speak on the floor or go to the press and tell them what is going on. This is one of the reasons why today is so difficult for me. It really is.

I read through that and there is not one person on my committee that did get a chance to read it that just went, I can't believe this. It starts at the academy with two senior supervisors saying, don't send this female there, because that guy is a sexual problem. What happens, the Lieutenant talks to the Lieutenant and they send him down there and from reading the complaint, you will find that the female complainant says I really think that Sergeant in particular lobbied to get me underneath him, personally as field training officer.

Many of you folks don't know, but when you come out of the academy as a male or a female, you are under direct supervision of a field training officer and they can fire you at any moment for any reason basically. You are on your sections probation period. It is a special probationary period for law enforcement folks. Her whole destiny was at the hands of this sergeant. Please read it when you get it. You will see what I mean. If you go down through there, you will see that a whole bunch of people in charge were warned not to allow this to happen and they all facilitated it. Here is this female putting up with months and months and months of stuff that I wouldn't speak about on the floor of various acts. She finally couldn't take it anymore and she reported it. They investigated it and at one point during this investigation evidentially this sergeant was suspended for a period of time. As it went on, this lady finally did graduate, by the way, at her graduation ceremony many of the high-level instructors were there and sergeants and there were people making comments like she pulled the woman card. She was just trying to get out of this thing that the sergeant was putting on her, disciplinary things, she did all these inappropriate things. She

was just getting even. She was all frustrated about that. She had a meeting with the Colonel and the Light Colonel and the Light Colonel said you just have to understand that that Sergeant really liked that Sergeant and those comments are going to happen and you have to learn to accept that. It is sickening, ladies and gentlemen. It is sickening in the way it was handled.

You read the second one. The second one is in the same place with the same individual. She, when you read down through this, it is really interesting because once the word got around that this one lady had filed a complaint, they were going to interview a whole bunch of females. That is rightfully so. I think it is only proper procedure. Well, the head of the Maine State Troopers Association goes in quietly, shuts the door to speak to one of the secretaries and says that if the Lieutenant comes in, pretend we are talking about something else. He goes on to basically tell her that she has a big mouth and that she will be investigated, interviewed. If he touched you in a place that was inappropriate, then say that it wasn't offensive.

The SPEAKER: Would the Representative please defer?

The Chair recognizes the Representative from Cherryfield, Representative Dugay. For what purpose does the Representative from Cherryfield rise?

Representative DUGAY: Point of order. I am not sure where this is going as it pertains to the supplemental budget. I would like to get on to the scope of the original intent of the amendment.

On **POINT OF ORDER**, Representative DUGAY of Cherryfield asked the Chair if the remarks of Representative BUNKER of Kossuth Township were germane to the pending question.

The SPEAKER: The Representative has expressed a point of order to the Chair. Although I have given great leeway, the Chair is perplexed at the germaneness of the Representative's testimony. I would please encourage the Representative to try to address the question at hand, which is adoption of the House Amendment, House Amendment "A." The Representative may proceed.

The Chair reminded Representative BUNKER of Kossuth Township to stay as close as possible to the pending question.

Representative BUNKER: Mr. Speaker, I will continue to explain how this House Amendment came before you and will explain to you the rational that I believe liquor enforcement was completely eliminated. It won't take very much longer to finish that if you would indulge me.

You have the documents on your desk on what really happened here, ladies and gentlemen, is after a short period of time this lady was interviewed and she told what she was told. No, she didn't say anything at all. She kept quiet. She was afraid and then she saw this certain individual being put back on the roster, the 28-day roster. After all this investigation, he was being put back to work. This lady came out, reported it and they had to go outside of the department, ladies and gentlemen. This couldn't be fixed within the department. They had to go to the Human Rights Commission to get this fixed. During that whole process, and you can read the documents, you will find that the only person that can put somebody back on the roster is the Light Colonel.

As things went along, I learned through gossip that this same architect of this budget that eliminated this whole department made some comments that made him the focus of an investigation. I slyly went to the Commissioner of Public Safety and said, I know Lt. Colonel so and so was being investigated and what are you doing about it? He didn't know it. He confirmed that he was being investigated for some facilitation of this kind of abuse. I asked him what he was going to do about it? He said, "It really didn't have anything to do with the budget, I'm

not going to do anything about it." I was quite concerned about that, very concerned about that.

I went on and continued to debate the merits of the budget and I felt that these were actions that systemically over all the various departments of jurisdiction that had to take corrective action to put their key people back in place, that this was just a huge systemic problem that was being facilitated upon and quite frankly rewarding the department that was causing the inequities.

I turned around and asked the Chief of Staff if they were going to fix it? No response. I went back and gave up on that, ladies and gentlemen. I just couldn't do anymore at this time. It is before you. I think it is the underlying problem here. Then I worked diligently in putting together this proposal that is before you in good effort knowing that I am running into roadblocks at every time. We did get to the proposal with 20 of 26 people agreeing to the footprint. Where we fell apart was a 14 percent fee increase. You all know that originally the industry in both the committees and in Appropriations said we will pay the whole nine yards. We are talking about \$400,000. I think the 14 percent increase is only appropriate. It just didn't seem to make it through the system for some reason, even with both committees of jurisdiction requesting support for it. That was bipartisan.

I have to talk about myself here for at least a second folks because there is something you all heard rumors about and I have to clear the air on the floor here. That document that you have in your hand that is being passed out in some fashion, I hope. Nobody has one yet? Mr. Speaker, there was some material that I asked to have passed out with my name on it. I am just inquiring if that has been passed out.

The SPEAKER: The Chair is actually looking at that to make sure it is pertinent or not. Material is distributed at the Chair's discretion. It is a lengthy document and I am trying to wade my way through it. The Representative may proceed.

Representative BUNKER: Yes sir, I did redact the victim's names, even though by law they are public, but I redacted them myself because I felt it was only appropriate. If that is the question at hand, I did have great concern.

There was one period, ladies and gentlemen, the night before we were reporting back to Appropriations with this proposal, we had a pretty lengthy hearing and we had to come up here to vote and we had to stop. At the last moment, I said, as our good Majority Leader asked me to do with Corrections and Appropriations, I asked Corrections for a million dollars. Show me where you find a million dollars and we will make a decision on where to take it. I asked for \$800,000 to make my old plan work. There was some concern that that meant 24 troopers were gone and all heck hit the floor the next morning. On Friday morning I was yelled at three or four times by various committees thinking I was trying to cut 24 troopers, which I would never do in a hundred years. I went down to speak in Appropriations and the next thing you know I am yarded out of Appropriations and up to the Speaker's Office. I was prevented to speak in Appropriations. The good Speaker relayed to me that the Commissioner of Public Safety was accusing me of criminal conduct of being in possession of criminal internal affairs documentation. Afterwards I took those documents up to the AG's Office immediately to prove to him that these documents were all available through freedom of access and they were all public documents. He should have known that. His major people should have known that, who I showed them too. The other folks should have known that, but they used that threat, the Speaker relayed to me, to intimidate me. That is against the Constitution, ladies and gentlemen. It is against the law. I think that is very inappropriate. In addition to that, as I researched for tonight's speech, his failure to provide people to us, fiscal people and the information to us

during those subcommittees is also against the law because when we request them, they must send them or they are in violation of Title 5, Section 22 through whatever. There is even a section of that law that says an employee may come and testify and help us make our decisions on their own time and they can't be retaliated against. The liquor enforcement people were told and ordered by the Commissioner of Public Safety not to respond and not to come into this building and not to provide us information. That is against the law, ladies and gentlemen.

I don't know how the committee of jurisdiction can do its job. I was threatened. I took it very seriously. I was threatened before in a prior job as a Sheriff by my head Sheriff. I know what it feels like. It hit me to the core. I took it very seriously. I laid low for two weeks worrying about what was happening.

One reporter came up to me the next week and said that I know you made a phone call to such and such on Friday night. How did he know? They are after three big fish and you are one of them. That is scary, ladies and gentlemen. I am trying to do my job and this is what happens. I think there is more to this story here. I ask you to vote in favor of this proposal. Let's not reward the folks that think that they are above the law. Let's put the professional enforcement people back in the positions that you and I and 95 percent of our constituents asked us to do. I thank you for your indulgence Mr. Speaker. I know it was way outside the latitude that normally is given, but this has been very difficult.

Representative BRANNIGAN of Portland moved that **House Amendment "A" (H-562) to Committee Amendment "A" (H-560) be INDEFINITELY POSTPONED.**

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House. When I spoke this morning introducing this budget, I neglected to mention the committee's of jurisdiction. I don't know at a time when the committee's of jurisdiction have been so involved in creating a budget. We appreciated that greatly and that was many of the committees. The committees that deal with public safety, there are three, worked diligently also. They didn't always reach, as many other committees did not always reach, what they wished to have happen. This has been an issue that has been very difficult for them. It has been very difficult for us, but I remind you, as was reminded by the previous speaker, that we have voted on this bill before, unanimously from the committee and we are voting on a unanimous committee report again.

We have agreed to the way that liquor enforcement will be done as presented in the budget and this budget is before you in a unanimous report. Anything we were given to change this would have required fees from 10 to 14 percent. That was not acceptable and other areas were not acceptable. I hope you will join me in the indefinite Postponement so we can on to pass the budget.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative BLANCHETTE: Mr. Speaker, Ladies and Gentlemen of the House. This is probably going to be the hardest thing that I have ever done in my political career. Having served on two of the committee's of jurisdiction that reviewed this whole process, having been involved with what has gone on, I don't believe there was anybody, including the good Representative from Kossuth Township, Representative Bunker, that fought any harder to retain liquor enforcement in the State of Maine than I did. I have talked one on one to the Chief Executive about this. This is a political body. Political decisions are made every day that we are not comfortable with, but there is a reason.

I apologize profusely to this body that this airing of dirty linen of the Chief Law Enforcement Agency that we have in the State of Maine, what I lovingly refer to as the cream of the crop, had to come before this body.

I don't believe it was necessary. I don't believe it is going to serve any good purpose, but to bring them down to a level that I don't believe wholeheartedly that they ever deserved. There are internal investigations that go on within the State Police Department that we don't know about and, quite frankly, is none of our business. That is why they are internal investigations. I have been told by the Chief Executive's Office that there is an investigation going on to some of these alleged charges. I am telling you they are alleged charges.

The Chief Executive has given permission for this investigation to go forth. Let's let them do their job as they are charged to do without a Legislature of a 180 odd individuals saying, let's get the State Police. They are not our enemies. There is nobody in that bureau that is our enemy. They are there to serve us and they will, at any given time, put their life on the line to save ours or any citizen in this state. I am very, very embarrassed at this dirty linen that should have remained in the basket until it could go to the washer and be cleaned. The bill that is before you that I am going to encourage you wholeheartedly to Indefinitely Postpone this amendment has a 14 percent increase that will not fly. We knew it wouldn't fly. This is an executive decision.

We can pass it and the other body can pass it and it will go to the Chief Executive on the second floor and he has line-item veto power. I would like this airing of dirty linen to stop in this House. It is not necessary that it go any further. It is not necessary that we degrade the thousands of people that are involved with the State Police in the State of Maine. Every time you throw a mud ball at any State Trooper, you are also throwing it at their family. They don't deserve this. They need to be proud and they are proud of the men and women that serve this state to the best of their ability, always have and always will.

This decision was made to eliminate, as we have known for many years, the Bureau of Liquor Enforcement. So be it. It is done. It is an executive decision. Change happens. We knew when we elected John Alias Baldacci as the Chief Executive of the State of Maine that the cuts were going to come and the cuts were going to be painful. This has to happen because the State of Maine government has continued to grow and mushroom to the point where the taxpayers that own the house on the street where you live can't afford to live there anymore, because their property taxes are running them out of town. The Chief Executive made a decision that we will curtail and we will condense and we will consolidate state government, not only to run better, but to run more efficiently. We are not asking people to work harder, we are asking them to work smarter. This is one of the many steps that the Chief Executive and his administration will be taking. I fully expect this Legislature and the next Legislature that comes after us to fully support this. The time for change is here. It is now. If we don't do it, who will? I am asking you please to vote to Indefinitely Postpone this amendment that is before you and all of its accompanying papers and let's bring some dignity back to this body that I feel has been very, very tainted by the previous testimony. Thank you Mr. Speaker.

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

Representative LESSARD: Mr. Speaker, Ladies and Gentlemen of the House. I am very, very concerned and upset that this has come to this. If you had sat on the Criminal Justice Committee, I think, to some extent you would feel the same. You ask any members of that committee how they feel. Dealing with

the Maine State Police, those are my idols. I come from the State Police for 24 years and respect them and respect the job that they have to do for our citizens. There is no question about it. There are times when things come up that have to be addressed. They have been addressed and we will leave it at that. I know the working intricacies of departments, especially that department. I hope they will be addressed.

Going back to the amendment and what is on the floor now, I don't intend to change anybody's mind. You know what, enforcement is the key here that we are talking about. We are talking about people who will be involved in the liquor business. There is a lot of money in the liquor business. The liquor industry takes pride in policing themselves with a little nudge here. They do a good job and they want that to continue. They know it is place. They know what to expect and they do it. There is some enforcement, local and State Police highly enforce the liquor laws unless they are called to a brawl or something of that nature and fines are put out and that is where the money has come in that you can see what the revenues have been.

I can tell you that we eliminate that, what we know as liquor enforcement. We are going to be blindsided in the future because the stability of that bureau, as we know it, is gone. I worked on the state issue side of these problems and also the municipal side, 18 years as chief in Topsham. I can tell you that what is going on now with the chiefs that have talked to me, what is happening in Kittery and across the border, what is coming into Maine, is not being taxed correctly, if you will. We will experience more of that in the future.

Getting back to the committee work, I was appalled and really, really upset with the information that we needed to work with, how we could compromise and work these things out. As for the revenues and the financing of certain programs that were within the Public Safety Division, that was not forthcoming. I left it up to chair, as well as all the committees. I am of the old school. You have a leader. You follow the leader and you hope they do well. You support that leader. Perhaps I would have used different tactics, different approaches, different people. I blame myself for that for not getting involved more so. I hope to keep some semblance of that enforcement we need out there. I am very disappointed and very discouraged. I will vote for this amendment. Hopefully it is not turned down. We need something in place. We need something to build on it in the future, also. Even with this amendment it is watered down to some extent. I can tell you the local police and your State Police that I have talked to are very disappointed.

I guess this is all I have to say in regards to that. I have listened to many speakers on the floor and I respect them. We have people that deal with chemistry and I respect Representative Berry when he speaks, the education people when they speak. They have the knowledge and the background. I hope somebody listens to me because I have kids and grandkids also. We need to address our adults in this liquor business as forcefully as we can through education enforcement so that those kids out there find a way to get the liquor. Sometimes you can't stop them, but you can educate and stop our grownups that are involved in this. That is what I am getting at. With all that said, Mr. Speaker, thank you.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Mr. Speaker, Men and Women of the House. This issue has been particularly difficult for me. It has been difficult because I have had to weigh a tax fee increase, which I oppose, against the need and the importance of the Bureau of Liquor Enforcement. I have come to the conclusion that there is a huge need for Liquor Enforcement. I have come to

that conclusion because of my professional experience for the past 36 or 37 years. I spent two years as the assistant principal at Cape Elizabeth High School and 12 years as principal at Lake Region High School in Bridgton and 15 years as the high school principal at Lewiston High School. In each of these assignments on a regular basis, the information came to me about the gravel pit Saturday night, the parent-enabled supported and even purchased drinking party on the weekend, where the young people could buy their beer for the weekend. We are not talking about a six-pack party. We are talking about hundreds of kids on a regular basis, keg parties. If your high school principal tells you there is not a drinking problem in your community, they have their blinders on. It is a huge problem. It is an every weekend problem.

When I got that information I first started to call the local police department and I got an okay response. What I got was a situation where they couldn't spend a lot of time dealing with the information that I gave them. They would get called away to a 10-55, a traffic accident, domestic abuse or some other violation that they got called away from. I then turned and called the Liquor Enforcement Bureau. I got what I would call a dedicated response, a very good response. I can give you a specific example. I remember finding out about a party at a person's house, sponsored by the parents. There were 200 kids to be involved. They were going to make it safe. They were going to take the keys away. They were going to make the kids stay there all night. I passed that on to the Liquor Bureau. They visited that house and those parents and explained to them what was going to happen if they did that. They then stationed two officers outside that house and checked every car that went in and out of that house. I don't think they ever found out who turned them in. The next week there was quite a fury in the community amongst the parents that I heard. They were never going to do something like that. It was a huge deterrent.

I am absolutely convinced that to eliminate the Bureau of Liquor Enforcement, the local police, as Representative Lessard has stated, and the State Police are just not going to be able to give that dedicated response.

Ladies and gentlemen of the House, I cannot let this elimination of the Bureau of Liquor Enforcement go by without expressing my sincere concern and my experiences as a professional educator, professional administrator over the past 30 years, approximately, that if you do this, this possibly will have some life or death consequences for our children. Quite frankly, the amendment doesn't go far enough. It gives us a limited response. It is a much reduced Bureau of Liquor Enforcement, but at least it is something. I am really concerned about the safety of our children with the elimination of the Bureau of Liquor Enforcement. I hope you are. Thank you.

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

Representative **ROSEN**: Mr. Speaker, Members of the House. I would ask that you support the motion that is before us, the motion to Indefinitely Postpone this amendment. I would ask you to do so for two reasons. The budget that is before you and the Part I budget that we have passed, both include several proposals that were advanced by the administration in consideration of the budget constraints that we faced. There were some creative proposals in a variety of different departments that involved consolidations, involved reorganizations and that do involve disruption of personnel, a couple come to mind. One, in this Part II budget are changes around the accounts and control mechanism in state government. It is very much needed, supported by the committee, even though it does involve some position elimination and some transfers of



other positions. We adopted the proposal in the Part I budget to merge the bureaus of Behavioral and Developmental Services and DHS. That certainly will result in a major reorganization that undoubtedly will have impact on personnel services and on positions currently in state government. The point is that we were willing to accept a proposal from this administration, this being one of them, to address the delivery of service within constrained budgets.

The Executive presented to the committee and the Commissioner of Public Safety provided us with a compelling argument of their rationale for proposing this and their conviction that it will, in fact, be successful. I think we owe them the opportunity to allow this plan to go forward.

The second reason is the funding mechanism that appears in this amendment. This amendment calls for a 14 percent increase in license fees. If you look at the current level of liquor license fees and the money that is generated, licensees already pay through current license levels, twice the amount of money necessary to fund the Liquor Enforcement Bureau. We are now proposing in this amendment another 14 percent increase on top of what they currently pay. I think that is unfair. I think it is too great a burden to expect the licensees to carry.

For those two reasons, I ask you to support the motion to Indefinitely Postpone this amendment.

Representative COLWELL of Gardiner **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-562) to Committee Amendment "A" (H-560)**.

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 House Amendment "A" (H-562) to Committee Amendment "A" (H-560). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 226**

YEA - Austin, Barstow, Bennett, Berry, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brown R, Browne W, Bruno, Bull, Campbell, Canavan, Carr, Churchill E, Clough, Collins, Cowger, Craven, Cressey, Cummings, Curley, Daigle, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Earle, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Honey, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lewin, Lundeen, Mailhot, Makas, Marraché, McCormick, McGlocklin, McGowan, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Peavey-Haskell, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rogers, Rosen, Saviello, Smith W, Snowe-Mello, Stone, Suslovic, Tardy, Thomas, Thompson, Tobin D, Trahan, Vaughan, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Adams, Andrews, Annis, Ash, Berube, Breault, Bryant-Deschenes, Bunker, Churchill J, Crosthwaite, Davis, Duprey G, Eder, Goodwin, Grose, Hatch, Heidrich, Hotham, Hutton, Jackson, Jacobsen, Lessard, Maietta, Marley, McKee, McNeil, Paradis, Patrick, Pellon, Percy, Rector, Richardson M, Rines, Sampson, Sherman, Shields, Simpson, Smith N, Sukeforth, Sullivan, Sykes, Tobin J, Treadwell, Twomey, Walcott, Watson, Wheeler.

ABSENT - Clark, Courtney, Faircloth, Greeley, Landry, Usher. Yes, 98; No, 47; Absent, 6; Excused, 0.

98 having voted in the affirmative and 47 voted in the negative, with 6 being absent, and accordingly **House Amendment "A" (H-562) to Committee Amendment "A" (H-560) was INDEFINITELY POSTPONED.**

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

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

The SPEAKER: The Representative may pose his question.

Representative **WATSON**: Mr. Speaker, Men and Women of the House. For anyone who might answer, please, perhaps a member of the committee can tell me, on Page 187, Part MM of this document, the Fund for a Healthy Maine is tapped for \$300,000. It is transferred to the general fund and on Page 247 of this document Part RR, the Fund for a Healthy Maine is again tapped for \$450,000, essentially for the purchase of adult vaccines. I would appreciate some explanation on how those funds are to be spent. Thank you.

The SPEAKER: The Representative from Bath, Representative Watson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Mr. Speaker, Men and Women of the House. I need to check on all the exact details, but the \$450,000 amount was an amount going for elderly flu vaccines, a regular expenditure of the Fund for a Healthy Maine was left out of the Part I budget by the Department of Health. The fund and a number of physicians came forward and asked us to put it back in so they can appropriate funds expenditures. The \$300,000 amount, I believe, has something to do with study measures. I need to check in on that, but I do know the Fund for Healthy Maine folks negotiated with the Governor's Office and did agree on that amount.

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

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. If I am remembering correctly and I missed the page number that was mentioned, but what I think the \$300,000 for the Fund for Healthy Maine was the home visiting program, home visitations to new parents and new mothers. Again, that is an approved expenditure from the Fund for a Healthy Maine.

Subsequently, **Committee Amendment "A" (H-560) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-560)** and sent for concurrence.

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

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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Under suspension of the rules, members were allowed to remove their jackets.

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**ENACTORS  
Emergency Measure**

Resolve, To Create the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals

(S.P. 134) (L.D. 397)  
(H. "A" H-551 to C. "A" S-40)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 13 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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**Emergency Measure**

Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents

(S.P. 193) (L.D. 553)  
(H. "A" H-553 to C. "A" S-182)

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

Representative DUPLESSIE of Westbrook **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.

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

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**Emergency Measure**

Resolve, To Establish a Task Force Concerning Speech-language Pathologists

(S.P. 330) (L.D. 989)  
(H. "A" H-552 to C. "A" S-185)

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

Representative PERCY of Phippsburg **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 Enactment. All those in favor will vote yes, those opposed will vote no.

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

**ROLL CALL NO. 227**

YEA - Adams, Annis, Ash, Austin, Barstow, Bennett, Blanchette, Bliss, Bowen, Brannigan, Breault, Brown R, Browne W, Bryant-Deschenes, Bull, Campbell, Canavan, Churchill E, Clark, Cowger, Craven, Cummings, Curley, Dudley, Dugay, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jackson, Jennings, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Millett, Mills S, Moore, Muse, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Rines, Rosen, Sampson, Saviello, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Tobin J, Twomey, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Berry, Berube, Bierman, Bowles, Bruno, Carr, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Daigle, Duprey B, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Lewin, Maietta, McCormick, McKenney, Murphy, Nutting, Peavey-Haskell, Richardson E, Richardson J, Richardson M, Rogers, Sherman, Shields, Snowe-Mello, Stone, Sykes, Tardy, Trahan, Treadwell, Vaughan.

ABSENT - Bunker, Davis, Duprey G, Fischer, Goodwin, Greeley, Mills J, Moody, O'Brien J, Usher, Walcott, Young.

Yes, 96; No, 43; Absent, 12; Excused, 0.

96 having voted in the affirmative and 43 voted in the negative, with 12 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE**.

On motion of Representative RICHARDSON of Brunswick, the House **RECONSIDERED** its action whereby the Resolve **FAILED FINAL PASSAGE**.

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

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**Emergency Measure**

Resolve, to Improve Community Safety and Sex Offender Accountability

(H.P. 292) (L.D. 372)  
(S. "A" S-267 to C. "A" H-158)

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. 135 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 14: Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards

(H.P. 1206) (L.D. 1627)  
(C. "B" H-556)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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**Emergency Measure**

Resolve, To Ratify the Endorsement of the Towns of Otisfield and Harrison in Renaming the Bolsters Mills Bridge

(S.P. 588) (L.D. 1632)  
(S. "A" S-270)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 11 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

**Emergency Measure**

An Act To Ensure Equity in Mortgage Volume Fees

(S.P. 310) (L.D. 969)

(H. "A" H-554 to C. "A" S-186)

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. 133 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

**Acts**

An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State

(S.P. 449) (L.D. 1361)

(C. "A" S-256)

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

On motion of Representative McKEE of Wayne, was **SET ASIDE.**

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I was quite surprised this morning when we did not have a debate on this, given the fact that every other time we have debated this in this body since I have been here, it has been a long debate. Perhaps it is because the total revenue from this effort will be well over \$1.5 billion. That is an enormous amount of money that is going to come from the people of the State of Maine and, of course, from people elsewhere as well.

There will be a total of 2,200 video gambling terminals in our state. I just want everyone to know what we are voting on tonight. This is a momentous time. I would remind you that the Department of Agriculture does not support gambling. It receives funds from it because of what we have done here for the harness racing, but this is ratcheting up gambling in a very, very big way.

I did pull out the bill finally and look through the entire thing. We were lobbied pretty hard out there this week. I wasn't, but many people were. I did sit down and read the bill. It is extensive and the fact that we have had so little debate on it is truly dismaying to me as chair of the Agriculture Committee. I don't want to change the atmosphere of our fairs. We have difficulty enough concentrating with our agriculture fairs on the things that would build a very sustainable economic base, but I feel we are moving in the wrong direction here. Mr. Speaker, I would request a roll call.

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 Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. We are voting on LD 1361 for enactment. The good Representative from Wayne, Representative McKee, says this might hurt the integrity of the fairs. It is not going to be at the fairs, ladies and gentlemen. It is going to be at the OTBs that are already established in the state and for future ones in the state. Right now the furthest one in northern Maine is in Bangor. Being the chair of Legal and Veterans Affairs and being from Millinocket and northern Maine, I want to make sure there is going to be

economic development past Bangor for an OTB. We have had OTBs in Presque Isle about five or six years ago that did not succeed because of lack of population. With this bill passed, we will be able to draw in more people from Canada to make those revenues come in to the State of Maine.

I just want to state some figures on the record here, ladies and gentlemen. The 2002 stipend for the Bangor Fair is \$21,336. These revenues come directly from the harness racing and benefits agricultural fairs. With projected revenue of LD 1361, it will bring in \$111,373. That is a big increase, ladies and gentlemen. With these fairs, take the biggest one in the State of Maine, I remember a former member of this body talking about if you ever want to see the best fair in the world, come see the Fryeburg Fair. I have never been to the Fryeburg Fair, but I trust the former Representative from Fryeburg, Representative True. The current 2002 stipend is \$99,155. With the projected revenue of LD 1361, it would be \$517,589. Another big increase that will help the fairs. It will help increase the development of those fairs.

I remember going to the Bangor Fair when I was a kid and seeing the livestock displays. With these funds, we will be able to help develop more livestock displays so that there will be more of the teaching ground for those people to bring their kids there and learn more about our animals in the State of Maine.

This LD 1361 will also provide \$40 million to Maine's general fund. I know you guys could have used that this year on Appropriations couldn't you? I bet leadership would have liked that. It will also provide \$20 million to Maine's agricultural fairs, Maine breeders and Maine horsemen of the State of Maine. This is a good bill for everybody that is harness racing, agricultural fairs, OTBs in this system that we have in the State of Maine. This is a win-win situation for everybody. I hope you vote in favor of LD 1361. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I am going to speak very briefly on this today. With all due respect to the good Representative from Wayne, Representative McKee, I understand the Department of Agriculture has not endorsed gambling of any type. The standard answer from the administration this year, and I think we would expect nothing less than their opposition, but I can tell you that LD 1361 has been endorsed and is supported by the Maine Harness Horsemen's Association, the Maine Fair Association, the Maine Harness Racing Commission, Scarborough Downs, Bangor Historic Track, Maine Breeder's Association and the Maine OTBs.

The income that is generated from LD 1361 is going to go a long way in increasing the harness racing quality that we have here in the State of Maine. We have reached great strides with the Maine Breeder's Stake. We are breeding top-notch horses. We are racing in less than two minutes at Bangor's historic track with about every race. This is a long way. This is going to protect an industry that if we cannot pump some money into for expansion and maintenance, it is going to be another of the industries that we are going to say, oh, we could have saved it. Why didn't we?

This is not going to, in any way, corrupt the racing industry in the State of Maine or the people. Once again, I have to remind you that you are dealing with adults when they go to OTBs and they play slot machines. Slot machines, like any form of gambling, are restricted only to adults in the State of Maine and I believe in every other state. I urge your support of this bill and I hope you will, if this is passed, go to your local fair, whether it is in Fryeburg, Bangor, Skowhegan or whatever town and enjoy it

and help people reap the benefits of this very valuable bill. Thank you Mr. Speaker.

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

Representative SMITH: Mr. Speaker, Men and Women of the House. I just want to touch two points on this issue. I am speaking in favor of the bill and will be voting for it. Harness racing is a key part of agriculture in Maine. We need the infrastructure in order to maintain all agriculture. There are veterinarians, feed and supply stores, equipment dealers and even quite a few farmers produce and sell hay and silage to the horse people. These are all Maine-based small businesses and by working with this we are supporting all of them and working to help all of Maine agriculture.

I would also point out early in the year we got two free passes. If you can find them when you clean out your desks, remember to take them home. Some people have them in their wallets ready to go now. Visit your local fairs. I am a member of the Monmouth Fair Association and work actively with it. It is a terrific fair. To me, it is just a side issue that the fairs get money from it. It is important. It is good, but the main thing is this will help all of agriculture. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative MCKEE: Thank you Mr. Speaker. Would any of this money, this revenue that is coming in from these video lottery terminals that are going to help the agricultural fairs and harness racing be used or dedicated to the Department of Agriculture to put money into drug testing of the animals that are being raised, money that we could not raise this year? In order to do that, will any of this money go into the Department of Agriculture for that purpose? Second, on Page 24, it is a very long bill, by the way, it does cite a liquor enforcement officer. Would there need to be a change in that language? Thank you.

The SPEAKER: The Representative from Wayne, Representative McKee has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative BLANCHETTE: Mr. Speaker, Men and Women of the House. I am not sure I can answer the second part of the question, but the first part, under Maine State Harness Racing Rules, drug testing is done routinely at a Para mutual race in the state. They have tightened up the rules to the point where they test for race horses when they go into the paddock, before they are taken out for a warm up and, if, in fact, that horse comes in anywhere in the money, which is first, second or third place, they are routinely taken back and we have a urinologist that is a state employee that works at every race track, whether it is at Bangor, Scarborough or any one of the fairs that race for money. They are tested again. Drug testing is done. I am sorry that maybe we didn't appropriate enough money so that we could have more urinologists on the tracks, but so be it. Budget crunches are that, but we are drug testing. I am sorry I am not able to answer the second part. Thank you Mr. Speaker.

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

Representative DUPREY: Mr. Speaker, Men and Women of the House. I still haven't figured out how I am going to vote on this yet. I haven't really been lobbied much on this. I have no opposition to gambling, but we are getting ready to legalize casino gambling with this vote. I just don't know if I am prepared to do that. When we began this session I head people say that

this Legislature would never approve casino gambling. We have to send that out to the people. Maybe we would have enacted that gaming act with the attitude and the talks I have heard about tonight. I see a lot of hypocrisy, people that say they are against casino gambling and they are voting for this. You are either for gambling or you are not. If you are voting for this, you are voting to legalize casino gambling and that is fine if you are for it. I may still vote for it. You are legalizing six to eight OTB casinos. It is going to be no different than an Indian gaming casino except there are going to be a lot less regulations. Think with your head. Remember, we are legalizing casino gambling with this vote. 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. 228

YEA - Adams, Annis, Ash, Austin, Barstow, Bennett, Berry, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Collins, Cowger, Craven, Cressey, Cummings, Dugay, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Faircloth, Finch, Fischer, Fletcher, Gerzofsky, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Ketterer, Landry, Ledwin, Lessard, Lewin, Lundeen, Maietta, Makas, Marley, Marraché, McCormick, McGlocklin, McLaughlin, Millett, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Piotti, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Sukeforth, Sullivan, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

NAY - Berube, Bliss, Bull, Clough, Courtney, Crosthwaite, Curley, Daigle, Dudley, Eder, Gagne-Friel, Glynn, Joy, Koffman, Laverriere-Boucher, Lerman, Mailhot, McKee, McNeil, Mills S, Peavey-Haskell, Perry A, Pingree, Rector, Stone, Suslovic, Twomey, Vaughan, Woodbury.

ABSENT - Andrews, Davis, Goodwin, Greeley, Lemoine, McGowan, McKenney, Mills J, Usher, Young.

Yes, 112; No, 29; Absent, 10; Excused, 0.

112 having voted in the affirmative and 29 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

#### ENACTORS

##### Emergency Mandate

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005

(H.P. 1190) (L.D. 1614)

(C. "A" H-560)

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

On motion of Representative BUNKER of Kossuth Township, 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 **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-560)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-564)** to **Committee Amendment "A" (H-560)** which was **READ** by the Clerk.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Again, I appreciate the fact that you put up with my indulgence of the prior amendment and had to be here as long as you had to to hear the story that I related. One thing I want to do is I want to publicly apologize to the body and to publicly apologize to one of the victims in the documentation that I passed out. I don't know if you can tell, but under law when the Human Rights Commission releases public information it is strange system, the victim's information and name and identifiers are all public, but they black out the actors in the action. You can see in your document there is a thick black felt pen that attempted to eliminate the victim's name. I only felt it appropriate. That was my action. I tried to redact each and every place where the victim's name was not blacked out. I missed one and I want to apologize to any and all that saw that. I would ask that if you have any copies that you would black out that name and take that into consideration.

This proposal was the one that I told you before that I wished I had a chance to present beforehand, because I think it is the one that, quite frankly, solves many problems that we, in the Criminal Justice Committee, have to deal with. This funding source, again, along that same matrix you had, but, in addition, any remainder money would be directed to go to jail and therapeutic living centers, substance abuse diversion programs which would be diverting folks from coming into our over crowded jail problems. As you well know, part of this budget is over a million dollars in additional overtime for that and no one has any answers to that. I have been trying to promote the diversion program as an answer to the overcrowding and they want to study it and do next year or the year after in 2006. This amendment, for as little as 1.27 cents on a six-pack of beer at your local grocery store, negligible and wouldn't even be noticed. It would do two things. One, it would fully fund the missing amount of money to allow Liquor Enforcement to be reinstated. Two, about the equal amount of money would be able to leverage about \$78 out of \$110 for treatment out on the public site to divert people from the overcrowded jails and to get them out of our prisons. I think this thing solves two problems with one mechanism. I would ask for your support. I understand you are not supposed to mess with the budget. This does not mess with general fund revenues in any way, shape or form. It is a positive addition. It has never happened before. I don't expect it to happen now, but we have to put our best foot forward. Again, I apologize to any of the folks for my oversight. Thank you.

Representative **BRANNIGAN** of Portland moved that **House Amendment "B" (H-564)** to **Committee Amendment "A" (H-560)** be **INDEFINITELY POSTPONED**.

Representative **BUNKER** of Kossuth Township **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-564)** to **Committee Amendment "A" (H-560)**.

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 House

Amendment "B" (H-564) to Committee Amendment "A" (H-560). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 229

**YEA** - Austin, Barstow, Bennett, Berry, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Browne W, Bruno, Bull, Campbell, Canavan, Carr, Clark, Clough, Collins, Courtney, Cowger, Craven, Cummings, Curley, Daigle, Dudley, Dugay, Dunlap, Duplessie, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Honey, Jennings, Jodrey, Joy, Kaelin, Kane, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lundeen, Mailhot, Makas, Marraché, McCormick, McGlocklin, McGowan, McKenney, McLaughlin, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Rogers, Rosen, Smith W, Snowe-Mello, Suslovic, Tardy, Thomas, Thompson, Tobin D, Vaughan, Woodbury, Wotton, Mr. Speaker.

**NAY** - Adams, Andrews, Annis, Ash, Berube, Bliss, Brown R, Bryant-Deschenes, Bunker, Churchill E, Churchill J, Cressey, Crosthwaite, Duprey B, Duprey G, Eder, Grose, Hatch, Heidrich, Hotham, Hutton, Jackson, Jacobsen, Ketterer, Lerman, Lessard, Lewin, Maietta, Marley, McKee, McNeil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Rector, Richardson M, Rines, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Stone, Sukeforth, Sullivan, Sykes, Tobin J, Trahan, Treadwell, Twomey, Walcott, Watson, Wheeler.

**ABSENT** - Davis, Goodwin, Greeley, Usher, Young.

Yes, 89; No, 57; Absent, 5; Excused, 0.

89 having voted in the affirmative and 57 voted in the negative, with 5 being absent, and accordingly **House Amendment "B" (H-564)** to **Committee Amendment "A" (H-560)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-560)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-560)** in concurrence.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. Over the last couple of weeks the good Representative from Kossuth Township, Representative Bunker, has been fighting very hard for liquor enforcement, to restore it in this Part II budget. With both committees of jurisdiction, actually three committees with Department of Transportation, Criminal Justice and Legal and Vets. I take my hat off to him for his companionship and also for the time he has put into this issue. He has worked very hard in trying to restore some sort of liquor enforcement for the people of the State of Maine.

I have been here for seven years now. I know the process. I know you have the budget and the Appropriations Committee asks for committees of jurisdiction's recommendations. I know that the majority vote wins in this body, in the other body and with the Chief Executive downstairs. I will be voting for the budget this evening, but it is very hard. I hope that the Chief Executive and his departments will look at from now until January and critique the way that Liquor Enforcement is dealt with from now on in the State of Maine and report back to us in January with an update of how this is working. It is very important to look at this, because with the liquor business being privatized now with the lease up in 2005 and if we have some sort of gaming, either the OTBs or the casinos when the people vote on it in November, we might need some other sources of liquor enforcement, gaming or other types of enforcement.

Ladies and gentlemen, you know this and I know this, the State Police, municipal police and county police are all stretched

way too thin. We cannot put more and more work on the backs of those people. I know that in the 11th hour there were deals struck here. That is all fine and dandy, but what we have to do is we have to look to the people back home who put us here, all 8,400 in your district and listen to their values, ladies and gentlemen. I know that a majority of the vote wins here to put you in these seats today, listen to their values back home. You talk about property tax relief, ladies and gentlemen, if you don't have liquor enforcement that goes back to the state and the municipal government. You need more revenue to make those police officers do more work. Guess, what, ladies and gentlemen, that is more money coming out of our pocket on our property tax. Is that relief? That is not how I spell it. A tax is not a relief.

These people in both corners and also the speaker, my committee, Transportation Committee, the Appropriations Committee and the Criminal Justice Committee have worked very hard over the last couple of weeks dealing with these issues. I commend them. I know it is very difficult being up here for all this time and also working behind the scenes as a page, because you learn a lot being a page. You learn what kind of strategic places and roles to play when you work as a page. You see that. When you sit up there, you look into the eyes of the people that sit in these seats. You can tell what is going on in their minds. When you vote today, you can vote green and follow my light on this budget, but just remember you are hurting people back home. Thank you.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I first want to thank the committees of jurisdiction for all their very hard work on this Part II budget. I want to especially thank the members of Appropriations who have a new found respect, as far as I am concerned, for the many, many hours they spend here late at night getting the job done. I want to thank Republican leadership for all their efforts in these very tough times. We have tough times here in Maine and it requires really tough choices to be made. We have made that. I think we have done some historic work here. When people look back on the 121st Legislature, I think they will be reminded of the fact that we raised the awareness of Maine people about the economy, the way we do business here and that we balance this budget without raising taxes. We are facing a unanimous report on health care and we are doing some very, very fine things here. I think people will look back fondly on the fact that we did all of this in just one session.

It doesn't come without the joint bipartisanship that everyone demonstrated that is in the room tonight and those that unfortunately who are not here with us. That kind of bipartisan spirit is what has taken us through the toughest times. It no longer became a Democratic or a Republican idea about how to solve the problem. It became a collective idea and ultimately we were able to do so and be very successful. I know we are all tired. I know we all want to go home, but I just wanted to thank each and every one of you for all of your dedication on behalf of Maine people, all of the hard work that you put in to making this a successful first session. I would ask that you join me in enacting Supplement 7, LD 1614, so that we can help move Maine forward and help Maine people as we have all come here and strived here to do. Thank you.

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

Representative **BUNKER**: Mr. Speaker, Ladies and Gentlemen of the House. I will not speak to try to change anybody's mind, but I just wanted to relate one thing. When I

was out there on the road working as a law enforcement officer, I never once gave a young person a warning for drinking or alcohol or drug possession. I was the one that came along and took them out of the tree and had to go tell their mothers and fathers the reason why. I never wanted to be one of those good old boy cops that just patted them on the head and said go down some dirt road and get out of sight and don't bother us. It will be okay. I saw too much of that. I cannot support this budget for \$1.27. If I voted for this budget, it would like me writing a warning to the young people and then having to come at an accident scene not very long afterwards and having to go tell mom and dad and the family that for \$1.27 I made a judgment call that was not in the best interest of public safety. I cannot support it, even though I wish I could. There are so many great things in the budget. I just have to tell you why my light is red.

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

Representative **BRANNIGAN**: Mr. Speaker, Ladies and Gentlemen of the House. I encourage everyone to support this unanimous committee report. I request a roll call.

Representative **BRANNIGAN** of Portland **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

#### ROLL CALL NO. 230

YEA - Adams, Andrews, Annis, Austin, Barstow, Bennett, Berube, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Canavan, Carr, Churchill E, Clark, Clough, Collins, Courtney, Cowger, Craven, Cummings, Curley, Daigle, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Heidrich, Hotham, Hutton, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Trahan, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Ash, Berry, Bunker, Campbell, Churchill J, Cressey, Crosthwaite, Duprey B, Honey, Jackson, Joy, Landry, Lessard, Lewin, Maietta, Nutting, Peavey-Haskell, Rines, Sherman, Sukeforth, Tobin J, Treadwell, Twomey, Vaughan.

ABSENT - Davis, Goodwin, Greeley, Usher, Young.

Yes, 122; No, 24; Absent, 5; Excused, 0.

122 having voted in the affirmative and 24 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

**REPORTS OF COMMITTEE  
Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails"

(S.P. 390) (L.D. 1186)

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 "A" (S-227)** and **COMMIT** the Bill and accompanying papers to the Committee on Criminal Justice and Public Safety in **Non-Concurrence**.

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

Signed:

Senators:

STRIMLING of Cumberland

DAVIS of Piscataquis

Representatives:

BUNKER of Kossuth Township

BLANCHETTE of Bangor

RECTOR of Thomaston

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

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

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

**SENATE PAPERS**

Bill "An Act To Improve the Maine Rx Program"

(S.P. 590) (L.D. 1634)

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

Representative **CURLEY** of Scarborough **OBJECTED** to suspending the rules in order to give the Bill its **FIRST READING WITHOUT REFERENCE** to any Committee.

The Chair ordered a division on the motion to give this Bill its **FIRST READING** pursuant to Joint Rule 308.

Representative **RICHARDSON** of Brunswick **REQUESTED** a roll call on the motion to give this Bill its **FIRST READING** pursuant to Joint Rule 308.

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 give First Reading pursuant to Joint Rule 308. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 231**

**YEA** - Adams, Ash, Barstow, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Laverriere-

Boucher, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGlocklin, McLaughlin, Mills J, Mills S, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Andrews, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Dugay, Duprey B, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, Maietta, Marraché, McCormick, McGowan, McKenney, Millett, Moody, Moore, Murphy, Muse, Nutting, O'Brien J, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan.

**ABSENT** - Annis, Bennett, Davis, Fischer, Goodwin, Greeley, McKee, McNeil, Peavey-Haskell, Perry J, Usher, Wotton, Young.

Yes, 74; No, 64; Absent, 13; Excused, 0.

74 having voted in the affirmative and 64 voted in the negative, with 13 being absent, and accordingly the motion to give this Bill its **FIRST READING** pursuant to Joint Rule 308 **PASSED**.

The Bill was **READ ONCE** and assigned for **SECOND READING** Thursday, June 12, 2003.

**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-258)** on Bill "An Act To Implement School Funding Based on Essential Programs and Services"

(S.P. 575) (L.D. 1623)

Signed:

Senators:

DOUGLASS of Androscoggin

BRENNAN of Cumberland

MITCHELL of Penobscot

Representatives:

CUMMINGS of Portland

GAGNE-FRIEL of Buckfield

LEDWIN of Holden

NORTON of Bangor

FINCH of Fairfield

THOMAS of Orono

FISCHER of Presque Isle

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

Signed:

Representatives:

DAVIS of Falmouth

ANDREWS of York

MURPHY of Kennebunk

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-258)**.

**READ**.

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

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

Representative CUMMINGS: Mr. Speaker, Ladies and Gentlemen of the House. Before you is a bill to implement the school funding based on essential programs and services. Many of us have been discussing this over the last few weeks. Many in the Education Committee have actually been discussing it over the last few years.

Please let me summarize briefly what it does. I think it is necessary to summarize what it does not do. What it does very simply is it says how much money should be behind every child who goes to school K-12 in our education system. It tries to get a handle on what kids need to reach the learning results that we, as a Legislature, said they ought to learn. It shifts the conversation away from topics that I think are less fundamental to more fundamental, what do kids need to succeed? We hope good public policy.

We should be careful what EPS does not do. EPS is simply a model for getting a handle on what is needed by our students. It is a method by which taxpayers can feel some level of accountability. It is a method we hope, in which teachers and educators can succeed.

I do want to say what it does not do. What it does not do is it does not change the funding formula as we know it. Other groups are discussing that and other committees are discussing it. The EPS could be coupled with any version of the school funding formula that you want. The present school funding formula could be coupled with conversations around a 10 mil expectation or a 9 mil expectation or an 8 mil expectation. All of those things could be coupled with this. That is not what EPS does. I just want to make sure that we are clearly discriminating in our conversation between that and other plans to fund it. The way I have described it is it is really the first 50 yards of the football field. The other 50 yards of the football field is how you distribute and what is your formula for distribution?

I want to say a few other things. The elements of EPS are to determine what are the conditions in your school system or conditions of your students that would merit certain amounts of money and those issues would include transportation, special education, free and reduced lunch, etc. Those weights we have put in. We do not know what the weights yet will be for transportation and special education so we have simply used the present expenditure, which means no district will lose money in each of those areas.

Let me conclude by saying this. The committee felt strongly that the Legislature should maintain its fingers in the pie of EPS. We have put in an amendment that would require us to review within the first year, the original document asked us for three years. We wanted to do it immediately. Secondly, we moved it to major substantive so that the Legislature will be able to change any weights as necessary.

I want to make a case that as we asked the taxpayers of Maine to fully fund K-12 education. I think we have an obligation to them to determine how much. As many of you know, there has been a lot of discussion since the early 1990s about funding education at 55 percent. The fair question on the part of Maine taxpayers is 55 percent of what? EPS gets us to that foundation. It helps us make ourselves accountable. It also makes us accountable to the children of Maine.

At this point, we have a choice in front of us. If we do not seek to use EPS, we have to ask ourselves the basic question, how will we determine how much should be raised for Maine kids and that, I think, after six years is in front of you. I ask you for

your support of the Majority Ought to Pass as Amended Report. Thank you.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House. First, I am very sorry that this very important issue has come to you late in the evening when some members aren't here and many are tired. It probably is one of the most important, whether you have one year left to serve or you are beginning your service here in the Maine Legislature. It is probably one of the most important decisions you will make.

My good friend from the committee, the good chair, has talked about that you need a handle on education spending. Part of getting a handle is you have to have a yardstick in order to do that. What is before you is called essential services and it is projected as a new model, but it really is a hybrid. Part of it does have schedules or models or yardsticks within it, but 20 to 30 percent of it is current formulas. The current way of determining how a local spends and how you are going to evaluate that. I think a very tragic thing happened. I think you could call it a hijacking. This has been studied for quite a while. It had just moved from the academic side where they looked at an academic model of saying that these are the indexes or the bonuses that you should get for English as a second language or if you have children that are eligible for free and reduced lunch, special ed, looking at those categories, those youngsters that are more expensive to educate. That was the academic side. What would have happened normally is that for the next six months, the committee would have had an opportunity to look at those indexes and say, are they valid of being able to go into four or five different regions of Maine and saying, here is a the labor index on labor costs for your teaching staff. Here is the index or model for the number of administrators. We didn't have that opportunity. It was presented and then immediately taxation seized it and because of the MMA referendum, it left our committee about six months early.

We have seen the academic theory. We have not been able to take those indexes and look at your district or your region and is it a fair yardstick? If it isn't a fair yardstick and we find that out, then locally your taxpayers are picking up 100 percent beyond that yardstick in a variety of categories. If we do proceed to keep moving so quickly on this without taking the close look, we will discover whether it is fair as it gets applied to your district. If it turns out each of those indexes to be wrong, then locally they will have two choices, raise the property taxes or slash the programs and staff that are involved.

The other problem with this being here before us tonight is that vocational ed, which in many of your local budgets is extremely important, growing ever more important, special ed and transportation are not in this. Outside committees, separate from the Legislature, are studying those trying to come up with the index with the understanding that they would be bringing those to the committee in late fall. The committee would review it and then bring a complete package out to the Legislature. What you are being asked to do because of the MMA referendum is rush this out without a full analysis, wait and see when we come back in the second session how those other components will work. Some of you have seen printouts. A printout is based on the hybrid. As the special ed and the transportation of those components come in, the printouts you have seen will change. As every one of those move to go into, if you enact this and put it into the statute, every one of those will be a political decision, rather than an educational decision. It will affect your subsidy. There are at least three or four items if they are dealt with after



the fact, that are going to be political and financial fights rather than educational policy.

If you are from a rural district, transportation is not in here. In the short discussions that we had, we saw wide discrepancies from high to low in units that had the same kind of square mileage, same number of students, same miles of bus travel. The word that we are getting is that as that index comes back after we go home and before we meet again, that is going to be drawn as tightly as possible, which means if you are in a rural district and you have high transportation costs, then you are beyond the yardstick and you are going to pick up 100 percent of that cost. If we are talking about reorganization and having school units reach out and maybe draw in other units, shouldn't we decide that factor first, which is going to drive up education costs. There is a handful of us on this that are opposed to the process, not to essential services.

I will have people ask me, do you support essential services? I will say yes with what I have seen so far, but I haven't seen the rest and I want to be able to take it out into three rural areas, be able to take it to a Maine city, take it to the south and have superintendents and nurses. Many of you have received communications from school nurses saying that the yardstick of 1 to 800 doesn't reflect the needs of what are in the schools. With that yardstick per 800 population, if you have more than one nurse, then you will pick up 100 percent of that cost because it doesn't get into the box. You will also hear that the 55 percent, which ranges from the first state dollar to the last local dollar deals with the whole spectrum of what is spent on K-12. We have heard in the last week that under this plan the state will do 50 percent or maybe 53 or 55 percent of what is inside the box, but not what is outside the box.

It was our hope to be able to keep this in committee, get the rest of the indexes done, be able to look and see. This is what the academic side said, can we go out and see in a school districts, does it apply? Is it a real index? Will it work?

If you enact this this evening, that will not occur. You will not find out until this goes into affect whether those are accurate indexes. If any of those indexes are wrong, whether you are Portland, rural, north, south, east, west, it will be too late. When you go and meet with your school boards, the first issue that always comes up, no matter what part of the state you are in, is special education. They always tell you about the federal government, but they also tell you about the State of Maine. That is not in here. An important element of this is as you look at staff and do ratios it tries to separate out title 1 teachers and your regular staff. We don't have that information, because every year when teachers fill out a form in September or October they list their years of service, their degree and the district writes in the dollar amount and we currently don't ask if you are title 1 or a regular classroom teacher. If you see a printout, that is not included, because we don't have the information. We are not going to have the information until October or early November with that information coming if this is in committee as another tile in the mosaic of what would be a brand new school distribution formula.

What has happened and I know people think the sky is falling because of the MMA referendum and that you have to do something, even if its hasty and even if it bringing out something that is only halfway done and creating a promise on your part to your districts what a change will do when, in reality, the old tiles are in there, a couple new tiles are in there and you really don't know how it is going to run until January or February.

I think we were moving toward a unanimous committee report. The three of us had the attitude, show us, make sure it works, make sure the indexes are right, because there are going

to casualties out there. The first immediate casualties will be the young people K-12 in your district and the second casualties will be the property taxpayers. You would be committing a fraud to something that is coming out too early and it is not the full program. It is a partial. It is an attempt to throw something up and making people think there is an alternative to something they are going to vote on. Maine voters are pretty smart and they will pick their way through.

Mr. Speaker, I move that LD 1623 and all its accompanying papers to be committed to the Education Committee.

Representative MURPHY of Kennebunk moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

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

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Mr. Speaker, Ladies and Gentlemen of the House. In due deference to what the good Representative from Kennebunk, Representative Murphy, just had to say, I need to let you know why I went the way I did. In spite of the fears that the good Representative has, we are at a strange time in our history right now. We are truly in danger if we don't make decisions of having other bodies make decisions around our educational funding. It is very important that we have some control over the kind of funding that we want Maine's children to have for their public education. I believe that we have tried to see to the fact that we had some of these dangers covered. That is the reason for the one-year review. We have known that this would be a work in progress for several years to come. I think that is good, rather than writing something in stone and then having to deal with it, I think it is much better for us to realize that it is simply a work in progress.

Those parts of EPS that we all embrace dearly, the one that means the most to me is that it truly gives all of Maine's children an equitable opportunity to access the resources, which they need to meet the Maine Learning Results. This funding mechanism ultimately is the funding part of the Maine Learning Results. We do need to get on with the program if we want our children to be meeting those high standards. The children going into high school next year are going to have to fully meet those learning standards. By the time they graduate from high school, they have to be on board with the MEAs and everything. We do need to get on with some of this material. I think that even though some of the things that the good Representative from Kennebunk told us, weren't fully in place, I think that is fine. The reality is, we are continuing to work on that. This is why we have asked for the one-year review and the major substantive rule changes. I urge you to support our essential programs and services. Thank you.

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Representative DUPLESSIE of Westbrook assumed the Chair.

The House was called to order by the Speaker Pro Tem.

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. In the minutes that this matter has been debated, I

have started to look at this bill, all 18 pages of it. I have quite a few concerns that will lead me to support the motion to commit it. I have not had the chance to consult with superintendents in my area as to what the impact will be in my area. I look at the ratios, especially on Page 10, students to staff ratios. I see where you need to have for health staff, you are entitled to have one health staff for 800 students. You are entitled to have a librarian if you have 800 students. There are many of us out there where schools don't have 800 students. Is this going to mean that we are not going to be funded for a librarian or not going to be funded for a school nurse or we are not going to be funded for whatever other kinds of services that the larger schools are funded for?

This is an important bill. I understand that, but I feel that we do need far more opportunity to be able to consult with our districts to find out what the impact of this bill will be before we move ahead and implement something and then hear the screams from our districts.

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

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. Contrary to the report, I do support essential programs. Like my fellow person on this side of the report, it is the process with which I have the problem. I would like to give you a little analogy. I am known on this side of the aisle somewhat for my cooking abilities. I do bring treats every Monday to eat. One of the things that the people enjoy the most is blueberry cake. I will use that as an example. What would happen if I brought a cake in when I follow the recipe and you know the cake takes flour, but it doesn't tell me how much or it doesn't tell me how much baking power or it just says sugar, but it doesn't tell how much.

This is the problem with this bill. It has some excellent points. I believe very strongly in the concept, but there are many things that are left undone. We are putting forth a cake that may not rise, a cake that may not taste very well. We all know that the MMA proposal proposes funding 100 percent of special education. How do you think the public and our districts are going to react when we don't deal with how we are going to fund special ed in this proposal, but MMA is? This is a very big part of all our school budgets. I know that because I have served on town councils. We do not deal with transportations. I am not going to go into all those things because my good friend, Representative Murphy, did elude to that.

Back in the '80s there was a law passed that we would fund 55 percent of education. We have not done that yet. We are putting forward in this program and we say we are going to fund 55 percent of education, but we are not doing it right off. We are not fully funding it. We are starting off at only an 85 percent of working towards that 55 percent. What is the guarantee that we are ever going to reach that full commitment that we have made in these trying budget times? I just think that we need to have all of the ingredients in this cake before we put it into the oven. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buckfield, Representative Gagne-Friel.

Representative **GAGNE-FRIEL**: Mr. Speaker, Ladies and Gentlemen of the House. We don't need to commit it to Education again. This has been worked on for over six years. We had plenty of time to look at it. Of course there are always questions and there are always unknowns. There are unknowns with the GPA formula right now. The superintendents wait in the spring hoping to find out how much they are going to get. At least here we know essentially this is the amount you are going to look forward to. This will be your responsibility. This will be

the state responsibility. Of course you are not going to have every detail to answer. We haven't had a detailed answer about money and education ever. This does not go into affect until 2005-6. We are going to check it one year after that and every three years thereafter. I think we have looked at it quite a bit. I was on Taxation last year. We looked at it on the Taxation Committee even last year. It was worked by the Education Committee last year. This is an education bill. I think it is time we go ahead. We have studied it. We have looked at it. It has been around a while. This is, as was mentioned earlier, the funding for Learning Results. Let's go ahead and kill this commit idea.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Holden, Representative Ledwin.

Representative **LEDWIN**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Buckfield just said everything that I wanted to say. However, I would like to add that this is the second part of the Learning Results. We have studied the Learning Results. We have put the Learning Results into the programs in the schools. This is Part B as far as I am concerned. We have given the mandate to the school now we need to fund that mandate. Please do not commit this back to committee. We have been studying this for several years and as far as our superintendents go, in my opinion, they have been vocal. They have been a part of the process for seven years and if they had questions, they should have come forward before. 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 would urge you to commit this back to committee. At the hearing, the bill had not been printed yet. The bill did not arrive until the week after the hearing. Superintendents, representatives of school boards had said it was impossible for them to comment on the bill because they didn't have the bill. On the first day that the hijacking pressure began to build from outside was the first opportunity representatives and superintendents had to meet with the commissioner and have printouts. They met for three hours. I had a point that there was a push for us to vote on this. There had not been one public comment made by a superintendent or the representative of the teachers' union. We stopped and got the comment. The spokesman for the superintendent was, there are too many unanswered questions here. I don't think I could explain it to my school board. I don't have enough information. That information is from all these outside reports that are still coming to us.

If you vote to commit, then we will be waiting for the other tiles to arrive. You give the committee the opportunity to be able to go out into the school units and have them look and say, are those realistic models or indexes in each of those categories? We heard concern raised already on libraries. You give it more time and in January you have a complete package that comes back. When you get a printout at that time, it is an honest printout. I think if we can step back and not be in a panic situation regarding the MMA and take our time and do it right, because this is going to be the formula that will continue five or six years beyond the eight years that you are going to serve here if you are a freshman. This is going to be with you for a long time. I hope we can get it right. The only way you can do that is to commit it back.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cornville, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. We have passed an essential programs and services bill I think each biennium for the last five or six or seven years. This

bill is simply one more step in a continuum of pieces of legislation that we have passed overwhelmingly every year to make progress toward a goal that is extraordinarily worthy. I may be misconstruing something, but this bill, as far as I know, has nothing to do with the MMA referendum. It is true that there is talk about using this concept and implementing it more quickly and melding it with a mil rate cap and doing some other things that would provide a rather interesting and significant tax reform for the people of Maine, but that is not this bill. This is an education bill. It says that the EPS System will go into affect for the first time July 1, 2005, two years from now and it is merely an implementation of previous acts of this Legislature that have been considered with great deliberation and with a great deal of study over five or six or seven years, most of the time that I have been part of this institution.

Yes, there are two major building blocks of this bill that are going to be funded separately in accordance with the old system unless we elect to change that in the next year or two. Those two major elements are, special ed and transportation costs. There has been an implication by prior speakers that somehow those are left out and that you won't get any money for special ed or transportation costs, quite the opposite is true. They are left out because they will be separately funded as they are presently outside the formula.

Your actual costs for transportation, most of those actual costs for rural and poor districts are paid now by the state and they will continue to be paid by the state in this bill, separately from the general allocation of money for operating costs and the like. The same is true for special ed. Why are these two issues so difficult? Because they do vary considerably from one school district, one town to another. These are difficult concepts to grapple with and for a good many reasons. They need, at the present time, to be considered outside of a more general formula.

This bill is such a vast improvement over what we are presently doing. Right now we have something called the per pupil guarantee. It is a fixed number of about \$5,000. We say that no matter where you live or how many kids or how many teachers with master's degrees, it costs the same in every single town to educate a child. It is the same across the state. It is the same regardless of your conditions. It doesn't matter how many poor kids you have or how many rich. It doesn't matter how many English as a second language kids you have got. There are no variables. You get the same amount of money per child no matter where. That is a crude system that we now presently have. It doesn't function well. It doesn't treat districts fairly. That is why we have hired people from the University of Maine to look at what other states are doing, more advanced states. We have studied this thing for years and that is why this system is slowly coming into being, because it will create a tailor made cost for your district so that when you go back home you can go back home and say based on statewide widely accepted standards, this is what it should reasonably cost to educate children in this town and in this district. You know what that will do for us eventually? It will get us out of that warfare that is going on now between the school committee on the one hand and the town council or the selectmen on the other. Haven't you seen that warfare going on? I see it all the time. It makes for a lot of press. They both get together and blame the state, because we are not supplying them with enough money and then they blame each other. The school committee is in the pocket of the teachers and they are trying to raise money that we don't have taxes to pay. They are sending the bill over to the municipal side and they are trying to get the town manager and the selectmen to raise taxes and they won't raise them. They are in this constant bickering. Why? There is no state standard that establishes, objectively,

what it should reasonably cost for education in your town. The beauty of this is that it will get us to a point where we will be able to say, look, this is what it reasonably costs in the State of Maine to educate a kid like the kids you have got in your town, given your teacher's staff and so forth.

Is it perfect? No. Is it superior to the current system? Vastly, even if only partially implemented.

The Chair reminded Representative MILLS of Cornville to stay as close as possible to the pending question.

Representative MILLS: Point well taken, Mr. Speaker. This leads me to my final point. Thank you for reminding me. This is a stage in a progress that needs to keep going. It doesn't need to be committed back to the Education Committee. They will meet again in January. They will be taking this up again. There will be some further elements to be added to this building block, but it is an ongoing building process and this bill that lies before us this evening, it is a crucial element to keep that train moving down the track. To commit it back to education will derail that train. I urge you to vote no. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Commit the Bill and all accompanying papers to the Committee on Education and Cultural Affairs. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 232

YEA - Andrews, Austin, Berry, Berube, Bowen, Bowles, Bruno, Campbell, Carr, Churchill E, Churchill J, Courtney, Cressey, Crosthwaite, Curley, Daigle, Duprey B, Duprey G, Glynn, Jacobsen, Jodrey, Joy, Kaelin, Landry, Lewin, Maietta, McKenney, Murphy, Nutting, Richardson M, Rosen, Sherman, Shields, Smith W, Snowe-Mello, Stone, Sykes, Tobin D, Treadwell, Twomey, Vaughan.

NAY - Adams, Annis, Ash, Barstow, Bennett, Bierman, Blanchette, Bliss, Brannigan, Breault, Brown R, Browne W, Bryant-Deschenes, Bull, Bunker, Canavan, Clark, Clough, Collins, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Grose, Hatch, Heidrich, Hotham, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Muse, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Rines, Rogers, Sampson, Saviello, Simpson, Smith N, Sukeforth, Sullivan, Suslovic, Tardy, Thomas, Thompson, Tobin J, Trahan, Walcott, Watson, Wheeler, Woodbury, Wotton.

ABSENT - Davis, Dugay, Goodwin, Greeley, Honey, McKee, Peavey-Haskell, Usher, Young, Mr. Speaker.

Yes, 41; No, 100; Absent, 10; Excused, 0.

41 having voted in the affirmative and 100 voted in the negative, with 10 being absent, the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS FAILED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-258)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, June 12, 2003.

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

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On motion of Representative DUGAY of Cherryfield, the House adjourned at 9:20 p.m., until 10:00 a.m., Thursday, June 12, 2003 in honor and lasting tribute to Avery W. Kelley, of Beals.