

# 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**

May 27, 2003 – June 14, 2003

**First Special Session**

August 21, 2003 – August 23, 2003

**Second Regular Session**

January 7, 2004 - January 30, 2004

**Second Special Session**

February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
FIRST SPECIAL SESSION  
1st Legislative Day  
Thursday, August 21, 2003

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Twenty-first Legislature in extra session, the members of the House of Representatives assembled in their hall at 1:00 o'clock in the afternoon and were called to order by the Speaker.

Prayer by Dr. Robert H. Crosthwaite, Pastor, Faith Community Fellowship, Ellsworth.  
Pledge of Allegiance.

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**CALLING OF THE ROLL**

A roll call was taken. 131 out of 151 members answered to their names and accordingly the Chair declared a quorum present.

Those absent were:

Representative CUMMINGS of Portland  
Representative DUDLEY of Portland  
Representative DUGAY of Cherryfield  
Representative EDER of Portland  
Representative GREELEY of Levant  
Representative HUTTON of Bowdoinham  
Representative JODREY of Bethel  
Representative LAVERRIERE-BOUCHER of Biddeford  
Representative LERMAN of Augusta  
Representative MARLEY of Portland  
Representative MARRACHÉ of Waterville  
Representative MOODY of Manchester  
Representative NORBERT of Portland  
Representative NORTON of Bangor  
Representative NUTTING of Oakland  
Representative O'NEIL of Saco  
Representative RINES of Wiscasset  
Representative SAVIELLO of Wilton  
Representative SUSLOVIC of Portland  
Representative USHER of Westbrook

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The Following Proclamation: (H.C. 256)

**STATE OF MAINE  
PROCLAMATION**

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the need to resolve legislative matters limited to bond authorizations for educational and cultural facilities, highway, bridge, and other expenditures related to transportation, pollution control, parks and other public facilities; tax relief; and legislation correcting errors and inconsistencies; and

WHEREAS, the public health, safety, and welfare requires that the Legislature resolve those pending matters as soon as possible, and in any event prior to the date of the Second Regular Session of the 121st Legislature:

NOW THEREFORE, I, JOHN E. BALDACCI, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor pursuant to Article V, Part First, Section Thirteen of the Constitution of Maine, convene the Legislature of the State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on August 21, 2003 at one o'clock in the afternoon, in order to receive communications, and enact bond authorizations and tax

relief measures as may properly be brought before this special session of the Legislature.

In testimony whereof, I have caused the Great Seal of the State to be hereunto Affixed GIVEN under my hand at Augusta this twenty-eighth day of July in the Year of our Lord Two Thousand and Three.

S/John E. Baldacci  
Governor

S/Dan A. Gwadosky  
Secretary of State

**READ and ORDERED PLACED ON FILE.**

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**ORDERS**

On motion of Representative RICHARDSON of Brunswick, under suspension of the rules, the following House Order was taken up out of order: (H.O. 35)

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, Governor John E. Baldacci, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

**READ and PASSED.**

---

The Speaker appointed the following Members to the Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives had assembled in the Hall of the House for the consideration of such business as may come before the House:

Representative BRANNIGAN of Portland  
Representative MAILHOT of Lewiston  
Representative COWGER of Hallowell  
Representative DUDLEY of Portland  
Representative FAIRCLOTH of Bangor  
Representative PINGREE of North Haven  
Representative ROSEN of Bucksport  
Representative MILLS of Cornville  
Representative MILLETT of Waterford  
Representative O'BRIEN of Augusta

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On motion of Representative DUPLESSIE of Westbrook, under suspension of the rules, the following House Order was taken up out of order: (H.O. 36)

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

**READ and PASSED.**

---

The Speaker appointed Representative RICHARDSON of Brunswick to inform the Senate that the House was duly organized for business.

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**COMMUNICATIONS**

The Following Communication: (H.C. 238)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

June 11, 2003

The Honorable Beverly C. Daggett, President of the Senate  
The Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:  
We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	71
Unanimous Reports	53
Ought to Pass	4
Ought to Pass as Amended	24
Ought Not to Pass	24
Referred to Another Committee	1
Divided Reports	10
Joint Study Orders	1
Carry Overs	3
Gubernatorial Nominations	4

Respectfully submitted,  
S/Bruce S. Bryant  
Senate Chair  
S/Linda Rogers McKee  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 239)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

June 16, 2003

The Honorable Beverly C. Daggett, President of the Senate  
The Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:  
We are pleased to report that all business which was placed before the Joint Standing Committee on Appropriations and Financial Affairs during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	78
Unanimous Reports	44
Ought to Pass	2
Ought to Pass as Amended	5
Ought Not to Pass	37
Divided Reports	6
Carry Overs	27
Gubernatorial Nominations	1

Respectfully submitted,  
S/Mary R. Cathcart  
Senate Chair  
S/Joseph C. Brannigan  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 240)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

June 11, 2003

The Honorable Beverly C. Daggett, President of the Senate  
The Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:  
We are pleased to report that all business which was placed before the Joint Standing Committee on Insurance & Financial Services during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	93
Unanimous Reports	70
Ought to Pass	9
Ought to Pass as Amended	27
Ought Not to Pass	33
Referred to Another Committee	1
Divided Reports	10
Joint Study Orders	1
Carry Overs	10
Gubernatorial Nominations	2

Respectfully submitted,  
S/Lloyd P. LaFountain III  
Senate Chair  
S/Christopher P. O'Neil  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 241)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

June 11, 2003

The Honorable Beverly C. Daggett, President of the Senate  
The Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:  
We are pleased to report that all business which was placed before the Joint Standing Committee on Business, Research and Economic Development during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	104
Unanimous Reports	85
Ought to Pass	11
Ought to Pass as Amended	35
Ought Not to Pass	39

Divided Reports	9
Carry Overs	9
Gubernatorial Nominations	1

Respectfully submitted,  
S/Lynn Bromley  
Senate Chair  
S/Nancy B. Sullivan  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 242)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

June 11, 2003

The Honorable Beverly C. Daggett, President of the Senate  
The Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Criminal Justice & Public Safety during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	105
Unanimous Reports	80
Ought to Pass	10
Ought to Pass as Amended	39
Ought Not to Pass	31
Divided Reports	16
Committee Bills & Papers	1
Pursuant to Joint Order	1
Carry Overs	6
Gubernatorial Nominations	2

Respectfully submitted,

S/Ethan Strimling

Senate Chair

S/George H. Bunker Jr.

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 243)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

June 11, 2003

The Honorable Beverly C. Daggett, President of the Senate  
The Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Education and Cultural Affairs during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	94
Unanimous Reports	72
Ought to Pass	7
Ought to Pass as Amended	18
Ought Not to Pass	47
Divided Reports	9
Carry Overs	8
Gubernatorial Nominations	5

Respectfully submitted,

S/Neria R. Douglass

Senate Chair

S/Glenn A. Cummings

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 244)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
JOINT SELECT COMMITTEE ON HEALTH CARE REFORM**

June 16, 2003

The Honorable Beverly C. Daggett, President of the Senate  
The Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Select Committee on Health Care Reform during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	2
Unanimous Reports	1
Ought to Pass as Amended	1
Carry Overs	1

Respectfully submitted,

S/Michael F. Brennan

Senate Chair

S/Christopher P. O'Neil

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 245)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

June 13, 2003

The Honorable Beverly C. Daggett, President of the Senate  
The Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Health and Human Services during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	121
Unanimous Reports	87
Ought to Pass	8
Ought to Pass as Amended	36
Ought Not to Pass	43
Divided Reports	14
Joint Study Orders	1
Carry Overs	19

Respectfully submitted,

S/Michael F. Brennan

Senate Chair

S/Thomas J. Kane

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 246)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

June 11, 2003

The Honorable Beverly C. Daggett, President of the Senate

The Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Inland Fisheries and Wildlife during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	92
Unanimous Reports	77
Ought to Pass	4
Ought to Pass as Amended	19
Ought Not to Pass	53
Referred to Another Committee	1
Divided Reports	7
Carry Overs	7
Gubernatorial Nominations	1

Respectfully submitted,

S/Bruce S. Bryant

Senate Chair

S/Matthew Dunlap

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 247)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON JUDICIARY**

June 13, 2003

The Honorable Beverly C. Daggett, President of the Senate

The Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Judiciary during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	128
Unanimous Reports	93
Ought to Pass	14
Ought to Pass as Amended	39
Ought Not to Pass	40
Divided Reports	19
Carry Overs	8
Gubernatorial Nominations	8

Respectfully submitted,

S/Peggy A. Pendleton

Senate Chair

S/William S. Norbert

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 248)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON LABOR**

June 13, 2003

The Honorable Beverly C. Daggett, President of the Senate

The Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Labor during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	92
Unanimous Reports	51
Ought to Pass	4
Ought to Pass as Amended	26
Ought Not to Pass	21
Divided Reports	25
Joint Resolutions	1
Carry Overs	13
Gubernatorial Nominations	2

Respectfully submitted,

S/Betheda G. Edmonds

Senate Chair

S/William J. Smith

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 249)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

June 14, 2003

The Honorable Beverly C. Daggett, President of the Senate

The Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Legal and Veterans Affairs during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	99
Unanimous Reports	55
Ought to Pass	2
Ought to Pass as Amended	22
Ought Not to Pass	31
Divided Reports	29
Committee Bills & Papers	2
Pursuant to Joint Order	2
Carry Overs	11
Gubernatorial Nominations	2

Respectfully submitted,

S/Kenneth T. Gagnon

Senate Chair

S/Joseph E. Clark

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 250)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**  
**COMMITTEE ON MARINE RESOURCES**

June 11, 2003  
 The Honorable Beverly C. Daggett, President of the Senate  
 The Honorable Patrick Colwell, Speaker of the House  
 121st Maine Legislature  
 Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:  
 We are pleased to report that all business which was placed before the Joint Standing Committee on Marine Resources during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	45
Unanimous Reports	32
Ought to Pass	2
Ought to Pass as Amended	12
Ought Not to Pass	17
Referred to Another Committee	1
Divided Reports	5
Carry Overs	3
Gubernatorial Nominations	5

Respectfully submitted,  
 S/Dennis S. Damon  
 Senate Chair  
 S/Thomas D. Bull  
 House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 252)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**  
**COMMITTEE ON STATE AND LOCAL GOVERNMENT**

June 11, 2003  
 The Honorable Beverly C. Daggett, President of the Senate  
 The Honorable Patrick Colwell, Speaker of the House  
 121st Maine Legislature  
 Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:  
 We are pleased to report that all business which was placed before the Joint Standing Committee on State and Local Government during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	102
Unanimous Reports	66
Ought to Pass	11
Ought to Pass as Amended	26
Ought Not to Pass	28
Referred to Another Committee	1
Divided Reports	24
Committee Bills & Papers	1
Pursuant to Joint Order	1
Carry Overs	11

Respectfully submitted,  
 S/Margaret Rotundo  
 Senate Chair  
 S/Janet L. McLaughlin  
 House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 251)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**  
**COMMITTEE ON NATURAL RESOURCES**

June 13, 2003  
 The Honorable Beverly C. Daggett, President of the Senate  
 The Honorable Patrick Colwell, Speaker of the House  
 121st Maine Legislature  
 Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:  
 We are pleased to report that all business which was placed before the Joint Standing Committee on Natural Resources during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	72
Unanimous Reports	57
Ought to Pass	1
Ought to Pass as Amended	29
Ought Not to Pass	27
Divided Reports	9
Carry Overs	3
Gubernatorial Nominations	3

Respectfully submitted,  
 S/John L. Martin  
 Senate Chair  
 S/Theodore Koffman  
 House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 253)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**  
**COMMITTEE ON TAXATION**

June 16, 2003  
 The Honorable Beverly C. Daggett, President of the Senate  
 The Honorable Patrick Colwell, Speaker of the House  
 121st Maine Legislature  
 Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:  
 We are pleased to report that all business which was placed before the Joint Standing Committee on Taxation during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	162
Unanimous Reports	145
Ought to Pass	3
Ought to Pass as Amended	17
Ought Not to Pass	125
Divided Reports	6
Joint Study Orders	1
Carry Overs	10

Respectfully submitted,  
 S/Stephen S. Stanley  
 Senate Chair  
 S/David G. Lemoine  
 House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 254)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

June 13, 2003

The Honorable Beverly C. Daggett, President of the Senate  
The Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Transportation during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	134
Unanimous Reports	114
Ought to Pass	9
Ought to Pass as Amended	39
Ought Not to Pass	66
Divided Reports	13
Committee Bills & Papers	1
Pursuant to Joint Order	1
Carry Overs	5
Gubernatorial Nominations	1

Respectfully submitted,

S/Pamela H. Hatch

Senate Chair

S/Ronald E. Usher

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 255)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

June 11, 2003

The Honorable Beverly C. Daggett, President of the Senate  
The Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Utilities and Energy during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	80
Unanimous Reports	51
Ought to Pass	5
Ought to Pass as Amended	21
Ought Not to Pass	25
Divided Reports	20
Carry Overs	8
Gubernatorial Nominations	1

Respectfully submitted,

S/Christopher G. L. Hall

Senate Chair

S/Lawrence Bliss

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 257)

**STATE OF MAINE  
121ST MAINE LEGISLATURE**

July 10, 2003

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to our authority under M.R.S.A Title 12, § 6447 we are pleased to appoint the following Senators and Representatives to serve as members of the Lobster Management Policy Councils:

Zone A- Representative Anne C. Perry of Calais

Zone B- Senator Dennis S. Damon of Hancock

Zone C- Representative Hannah Pingree of North Haven

Zone D- Senator Christopher G. L. Hall of Lincoln

Zone E- Representative Ken Honey of Boothbay

Zone F- Representative Leila J. Percy of Phippsburg

Zone G- Representative Nancy B. Sullivan of Biddeford

Should you have any questions regarding these appointments please do not hesitate to contact us.

Sincerely,

S/Beverly C. Daggett

President of the Senate

S/Patrick Colwell

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 258)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

August 21, 2003

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority, I have appointed the following members to serve on boards, committees, study commissions and task forces:

Committee to Study the Implementation of the Privatization of the State's Wholesale Liquor Business, Joint Study Order S.P. 552 as amended by Senate Amendment "A" (S-264)

Representative Joseph E. Clark of Millinocket

Representative Richard H. Mailhot of Lewiston

Representative Patricia A. Blanchette of Bangor

Representative H. Sawin Millett, Jr. of Waterford

Representative Gary W. Moore of Standish

Commission to Review the Budget Process of the Worker's Compensation Board, P.L. 2003, Chapter 425

Representative William J. Smith of Van Buren

Representative Russell P. Treadwell of Carmel

Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, P.L. 2003, Chapter 451, Sec. K-2

Representative Janet T. Mills of Farmington

Representative Carol A. Grose of Woolwich

Energy Resources Council, P.L. 2003, Chapter 487

Representative Lawrence Bliss of South Portland

Representative Kenneth C. Fletcher of Winslow

Health Care System and Health Security Board, P.L. 2003, Chapter 492

Representative Marilyn E. Canavan of Waterville

Hon. Paul Volenik of Brooklin

Task Force on Veteran's Health Services, P.L. 2003, Chapter 649, Sec. G-2

Representative Roger A. Landry of Sanford, House Chair

Commission to Arrange for a Plaque or Plaques and a Flag or Flags to be Displayed in the Hall of Flags in the State House, Resolves 2001, Chapter 113 and Resolves 2003, Chapter 77

Representative Monica McGlocklin of Embden

Mr. Steve Hanley of Gardiner

Stakeholder Advisory Panel to the Task Force on the Planning and Development of Marine Aquaculture in Maine, Resolves 2003, Chapter 40

Mr. Sebastian Belle of Hallowell

Mr. Erick Swanson of Mount Desert

Mr. John Merrill III of Northeast Harbor

Mr. Patrick Keliher of New Gloucester

Mr. Chris Hamilton of Whitefield

Ms. Carolyn Manson of Hallowell

Mr. David Turner of Perry

Commission to Improve Community Safety and Sex Offender Accountability, Resolves 2003, Chapter 75

Representative Sean Faircloth of Bangor

Representative Christian D. Greeley of Levant

Mr. John Paul DeGrinney of Scarborough

Mr. Allen Kelley of West Gardiner

Ms. Jennifer E. Parsons of Harpswell

Dr. Brian D. Rines of Gardiner

Ms. Kay I. Landry of Augusta

Sheriff Mark N. Dion of Portland

Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine, Resolves 2003, Chapter 89

Representative Thomas R. Watson of Bath

Representative Ken Honey of Boothbay

Advisory Task Force to Examine Staff-Child Ratios and Maximum Group Size in Child Care Facilities, Resolves 2003, Chapter 97

Representative Sonya G. Sampson of Auburn

Maine Fire Protection Services Commission, M.R.S.A. Title 5, § 3371

Representative Robert W. Duplessie of Westbrook

Representative Thomas D. Bull of Freeport

Representative Patricia A. Blanchette of Bangor

State Emergency Response Commission, M.R.S.A. Title 37-B, § 792

Mr. Thomas Blaisdell of West Buxton

Sincerely,

S/Patrick Colwell

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

Subsequently, Representative BRANNIGAN of Portland reported that the Committee had delivered the message with which it was charged.

The Following Communication: (H.C. 259)

**STATE OF MAINE  
DEPARTMENT OF AUDIT  
66 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0066**

### Letter of Transmittal

Senator Beverly C. Daggett

President of the Senate

Representative Patrick Colwell

Speaker of the House of Representatives

The Honorable John E. Baldacci

Governor of Maine

We are pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2002. This report complies with the State's audit requirements, including those placed upon the State as a condition for the receipt of over \$1.9 billion in federal funds. The audit was conducted in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and non-Profit Organizations*.

This document contains the following reports and schedules:

- Independent Auditor's Report
- Report on Compliance and on Internal Control Over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*
- Report on Compliance with Requirements Applicable to Each Major Program and Internal Control over Compliance in Accordance with OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings and Questioned Costs
- Corrective Action Plan
- Summary Schedule of Prior Audit Findings

On behalf of the Department of Audit, I would like to express my gratitude to employees throughout State government who have assisted us during the conduct of our audit and in the issuance of this report. We continue our mutual effort to improve financial reporting and accountability to the citizens of our State.

We would be pleased to respond to any questions or comments about the 2002 Single Audit of the State of Maine.

Respectfully submitted,

S/Gail M. Chase, CIA

State Auditor

June 30, 2003

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

### ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 34)

ORDERED, that Representative Jeremy Fischer of Presque Isle be excused Thursday, June 12th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne C. Perry of Calais be excused Friday, June 13th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ronald E. Usher of Westbrook be excused Tuesday, June 10th, Wednesday, June 11th and Thursday, June 12th for personal reasons.

**READ and PASSED.**

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Fernande Rodrigue, of Lewiston, who immigrated to the United States from Quebec, Canada in 1912, and is celebrating her 95th Birthday on September 14, 2003. As a young woman living in Lewiston, she became a wife and mother of 3 sons while working as a seamstress and stitcher in local shoe shops. Later, she and her husband, Paul Rodrigue, owned and operated The Grande Cafe Restaurant. Her contributions to Lewiston, the Franco-American community and to women are numerous. She overcame discrimination toward French-speaking people by learning English and gaining the respect of her community and she overcame discrimination toward women by ignoring the boundaries and breaking barriers faced by women of her time. It is for these contributions that she is being honored;

(HLS 831)

Presented by Representative CRAVEN of Lewiston.

Cosponsored by Representative MAILHOT of Lewiston, Representative WALCOTT of Lewiston, Representative O'BRIEN of Lewiston, Representative MAKAS of Lewiston, Senator ROTUNDO of Androscoggin, Senator DOUGLASS of Androscoggin.

On **OBJECTION** of Representative CRAVEN of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Craven.

Representative **CRAVEN**: Mr. Speaker, Men and Women of the House. I would like to recognize Mrs. Rodrigue as an inspiration for all of the generations that's come after her. She's going to be 95 years old September 14th. Her independent spirit and contributions to her community are really remarkable.

Some of the barriers she overcame was to get her driver's license in spite of her husband's protests and purchased a car when he wouldn't let her drive the family car. Mrs. Rodrigue is going to be 95 years old and as the greatest admirer Rachel Rodrigue, who is here in the balcony, will attest, she's still feisty and contributing to her community. Thank you.

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

**In Memory of:**

John J. Pullen, of Brunswick, beloved husband, brother, honored historian and distinguished Maine man of letters. He was born in Amity, graduated from Ricker Institute and was a 1935 graduate of Colby College. Mr. Pullen was a proud United States Army veteran of World War II and served as a Captain in the 65th Division of the Third Army in General Patton's race across the Rhineland in the spring of 1945. He was present at the joining of the Soviet and American armies at the Elbe River. A writer at heart, he began his career at the *Kennebec Journal* in 1935 and 1936, and rose to be vice president of the N.W. Ayer and Sons Agency in Philadelphia. In 1957, he published his first book, *The Twentieth Maine: A Volunteer Regiment in the Civil War*, recounting the heroism of a forgotten Maine general, Joshua Lawrence Chamberlain, at the battle of Gettysburg. Nominated for a National Book Award, this book began the modern revival of national scholarship and recognition of one of Maine's most remarkable citizens. The author of six books, Mr. Pullen received honorary degrees from Ricker College, Bowdoin College and Colby College, and letters of praise from President Truman. He was dedicated to the written word and the

encouragement of young Maine writers, historians of the future Chamberlains of Maine and his beloved "Pine Tree State";  
(HLS 850)

Presented by Representative ADAMS of Portland.

Cosponsored by Representative JOY of Crystal, Representative GERZOFKY of Brunswick, Representative RICHARDSON of Brunswick, Representative VAUGHAN of Durham, Senator EDMONDS of Cumberland, Senator STANLEY of Penobscot.

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

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

Representative **ADAMS**: Mr. Speaker, Men and Women of the House. I thank the members and the chamber for this moment in our Special Session to reflect upon a special native son of Maine, to pause a moment in the affairs of state and to reflect on the affairs of leaders and of life.

John J. Pullen of Amity and Brunswick died earlier this year. He was nearly 90 years of age. John J. Pullen was a writer, and his name shall be forever linked with that of Joshua Chamberlain-at heart another writer.

John Pullen was the author in the year 1957 of the book *The Twentieth Maine: A Volunteer Regiment in the Civil War*, a regimental history that rescued a forgotten gentlemen named Joshua Chamberlain from obscurity and began the modern revival of scholarship and appreciation of one of the few genuine American heroes who came back to life, as it were, at the end of the tired 20th century when our battered American soul so needed its heroes.

It is unusual for any writer to have such an impact. The fate of those who write books was well and bitter sweetly summarized by the Maine poet Edna St. Vincent Millay, who wrote "Read me, do not let me die! Search the fading letters, finding steadfast in the broken binding, all that was once I." John Pullen was an amateur historian. Joshua Chamberlain was an amateur soldier. Both proved remarkably good at what they were born to do. They proved there is something in the Maine air and water which makes memorable Mainers arise in even the most unlikely places.

John Pullen's book was famous. John Pullen was not. A writer's life is a lonely life. He walks in an internal landscape where no one else can travel. He explores that lonely terrain, one's own heart, that only each of us alone can ever truly know. Now and then a writer achieves the remarkable; he nudges a noun against a verb and strikes a spark. John struck many such sparks in nearly 90 years of life. He was born in Amity, a tiny town in Aroostook County with no library, when he was born, no electric lights, no radio until he was in his teen years, a place so small he wrote that the road didn't even get any wider there. But he was born a writer, and he began his career 70 years ago on the *Kennebec Journal*, here in Augusta, Maine; one of his first interviews was with a woman named Laura Richards, a Maine Pulitzer Prize winner, and interesting in her own right; but she was the daughter of the woman who had written the *Battle Hymn of the Republic* and so John began his career-imagine, sitting, speaking to a person who had living memories of Abraham Lincoln. The stars aligned for him as a young writer at the onset of his career. He was blessed all his days to be where history was made and blessed to have open eyes to witness it. In World War II, John Pullen rose from private to captain in the 65th Division of the 3rd Army and was in General Patton's race across the Rhineland in that spring of 1945, when the fate of Europe hung in the balance.

In the movie *Patton*, starring the great actor, George C. Scott, General Patton delivers a striking speech in full uniform, in full

medallions, with a splendid sash and glittering helmet, before a huge American flag. John Pullen was there the day the actual original speech was made atop a couple of packing cases in a muddy courtyard in a small town in France before a crowd of weary soldiers in spattered fatigues on a gray spring day. Patton was profound, he was profane, he was remarkably memorable and so stirring that that evening in his tent, John wrote down from memory the speech he had heard that day, almost verbatim. It is one of the few eye witness accounts of that speech that exists today. And to hold those yellow pages in your hand is to touch the very stuff that made up the history of the 20th century. John was there when the Americans and Russian joined at the Elbe River, closing the pinchers that caught and crushed the Nazis at last and saved Europe from darkness. He knew he was present at one of the great moments of history. He watched in the cheering mass as a Russian general stormed toward Patton-Patton who hated the Russians-and bear hugged him so hard it knocked Patton's helmet off. All Patton's officers stood back amazed; none of them had ever seen General Patton without his helmet, and everyone was stunned that his hair was white. How could such a man as that be mortal, John wondered? And indeed how can any of us be mortal? But John was young, the war was over and he would live and indeed the world would live.

The great break in his career came in 1957 when he sent an unsolicited manuscript regarding the 20th Maine over the transom to a printer across the square from his office in Philadelphia, which was published as the great book *The Twentieth Maine*. And the rest, as they say, is history.

John Pullen was an advertising man who turned historian. Joshua Chamberlain was a Bowdoin professor turned general. "Never underestimate a Mainer," said John Pullen, nor ever underestimate what is in his heart. John's book *The Twentieth Maine* speaks of the great stand made by that regiment and its then-Colonel Chamberlain at Gettysburg. Two years later, with symbolism we would all do well to recall, at Appomattox Courthouse, a proud army laid its banners at the feet of that college professor from Maine who saluted them not as a conqueror, but as a just-briefly-lost brother. Can you imagine how different our American history would have been if General Chamberlain had acted differently that day? Can you imagine how much poorer American history would be if John Pullen had not written it out for us today? In his final book *A Heroes' Life and Legacy*, John Pullen wrote that the tie that bears us all backward toward oblivion is a strong one. Indeed, as Ecclesiastics warns us, "There is no remembrance of things past, nor will there be any remembrance of former things yet to happen among those who come after." Time is a ruthless scythe. But against this tide beats the written word, that foremost agent of survival. Joshua Chamberlain projected himself into the future on the printed page. We read it and then we can smell again the sleet at Fredericksburg and hear again the ghostly stillness of the surrendering army at Appomattox. You hear the torn silk flags flutter amid the weeping as they were slowly piled. So John Pullen lets us stand again with Patton in that muddy French courtyard in 1945, or let us through his words stand with Chamberlain, wreathed in smoke on that frantic hillside in Gettysburg long ago. Powerful words, rightly used are powerful things. They project us beyond ourselves. One day in the distant future your grandchild will lift their eyes from the first book they have ever read about the Civil War, their face full of wonder, and say, "Wow this is great stuff!"-and I bet on that distant day the book they will be holding will be one written by and bearing the name of John J. Pullen.

To be his friend was an honor. To be his reader is a delight. We may all enjoy the latter whenever we open the cover of a

book by John Pullen and read again the American story which has no ending, the story for which there is no final chapter, the story for which many pages are yet to be written and many future Chamberlains yet to rise from Maine. And like those armies that rolled away from Gettysburg 140 years ago that steamy summer, like great rivers, one North, one South, that streamed onward our story moves ever on and does so whenever we choose to read of them. When we do read of them, they have never died. One great writer, like all those great armies he wrote about, has now passed on, but in that greater since he-and they-have never truly passed away. Mr. Speaker, I ask that when the House adjourns this day it does so in tribute and in honor and in lasting memory to a great Maine writer, a proud son of Aroostook and a great native son of Maine, Mr. John J. Pullen.

**READ and ADOPTED** and sent for concurrence.

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Subsequently, Representative RICHARDSON of Brunswick reported that he had delivered the message with which he was charged.

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At this point, the Speaker recognized the Representative from Portland, Representative Eder; the Representative from Manchester, Representative Moody; the Representative from Levant, Representative Greeley; the Representative from Wiscasset, Representative Rines; the Representative from Westbrook, Representative Usher; the Representative from Portland, Representative Norbert; the Representative from Portland, Representative Cummings; the Representative from Bethel, Representative Jodrey and the Representative from Bowdoinham, Representative Hutton and they were added to the quorum call of the First Special Session of the 121st Legislature.

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A message was received from the Senate, borne by Senator Gagnon of Kennebec of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

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The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative DUPLESSIE: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to thank you for all the support offered to myself and my family on the tragic lose of my parents who were killed in an auto accident, August 8th. I cannot begin to tell you how the support from so many across the state was and is a great comfort to myself and my family. The cards, the floral arrangements, the phone calls, attendance at the visitation hours, the funeral service and the charitable donations in honor of my parents. We never felt, nor do we now feel alone in all our grief. We felt love, and do feel love and supported by all the condolences, expressions of sympathy and prayers sent our way. From the bottom of my heart, thank you for being there for us.

**REPORTS OF COMMITTEE**

**Divided Report**

Ten Members of the Committee on **TAXATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "C" (H-601)** on RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness

(H.P. 1209) (L.D. 1629)

Signed:

Senator:

STANLEY of Penobscot

Representatives:

LEMOINE of Old Orchard Beach

PERRY of Bangor

SIMPSON of Auburn

LERMAN of Augusta

SUSLOVIC of Portland

CLOUGH of Scarborough

COURTNEY of Sanford

McCORMICK of West Gardiner

TARDY of Newport

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "D" (H-602)** on same RESOLUTION.

Signed:

Senator:

STRIMLING of Cumberland

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "E" (H-603)** on same RESOLUTION.

Signed:

Senator:

NASS of York

One Member of the same Committee reports in Report "D" **Ought Not to Pass** on same RESOLUTION.

Signed:

Representative:

McGOWAN of Pittsfield

**READ.**

Representative LEMOINE of Old Orchard Beach moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended.**

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

Representative **LEMOINE:** Mr. Speaker, Men and Women of the House. This bill is a competing measure to the Maine Municipal Association's tax plan that will appear on the ballot this November. LD 1639 will move this state to a full 55 percent share of public education costs. It will guarantee property tax relief and unlike the MMA plan, it will do it without new taxes. It is affordable, responsible, manageable and accountable tax reform and it deserves your vote today.

Here is how it works. One, state support for schools will move up 55 percent over the course of six years. This is great public policy. Two, property tax bills will be capped at 10 mils for basic education costs. Three, municipal spending caps will be in place so that we are sure new state funds are funneled into school support and into property tax relief. Four, local budgeting efforts will get easier because every year on February 1st, towns will know what their local education costs will be. Five, extra school funding is in place so that we can make a smooth transition to this new funding format. Finally, and perhaps most importantly, we get there without new taxes.

This is in sharp contrast to the MMA initiative. That proposal, which the Taxation Committee spent a lot of time studying this year demands immediate payment by the state of 55 percent of the total cost of public education in Maine. The cost of meeting that demand, however, will be \$264 million next year and it will rise substantially every year thereafter. The truth is this, the \$264 million demanded by this MMA proposal is a demand for a huge and immediate tax increase on Maine people. It is essentially a fiscal suicide bomb aimed at the state budget. Consider this, adding a penny across the board to the sales tax line raises only \$142 million a year. Taxing groceries adds only \$115 million a year. Doing both at once would not be enough to meet the first year of this MMA demand. If we don't tax groceries, we would need to do things like adding or increasing taxes on newspaper sales, rental car fees, home heating and cooking fuels, residential electricity use, automobile trade-ins, going up to 10 percent on meals and lodging, adding another 20 cents per pack to cigarette taxes, increasing the tax on liquor and all of those things do not add up to enough to pay for the bill in the first year. Where do we go in year two when more money is needed for municipalities and these revenue streams have already been tapped? This is not tax relief under the MMA plan, at best it is robbing Peter to pay Paul.

Let's take a look at why this issue is before us today. It should go without saying that there is a limit to the tax carrying capacity of this state and of this economy. As we all know, Maine is rated as one of the most heavily taxed states in the nation. Our economy is still fragile. There are an exceptional number of Maine folks who work second jobs already. We have a real crisis in the wood products industry. Many young Mainers are already leaving the state in pursuit of jobs elsewhere. The cost of doing business here has been pegged at more than 9 percent above the national average. How can we justify increases in state taxes under these circumstances, especially when the well reasoned tax free alternative of LD 1629 is before us today?

As I said before, let's take a look at why we are here dealing with property tax relief. I believe it is because Maine taxpayers do not feel they are getting good value for the property tax payments they make at the local level. If they did, we would not have the concern voiced that we hear everywhere around this state. Considering that, adding lots of new state raised money to unrestricted municipal spending accounts is probably not the way to correct this situation. For example, 60 percent of all the government money spent in this state is spent by municipalities. Forty-two percent of all the revenues we raise here in the State of Maine are redistributed to the municipalities. It is not as if municipalities have lost their property tax bases or they have been eroded while this state's support has been increasing. In fact, since 1990, municipal property tax collections have increased by 73 percent. Excise collections have increased by almost 100 percent. On the other hand, since 1990, state support for property tax relief programs has grown by 387 percent. At the same time we, at the state level, have cut taxes by \$450 million a year.

I know those are a lot of statistics, but here is the bottom line. For many years we have been raising more money at the state level to redistribute at the local level and we still have a property tax problem. The record simply doesn't support MMA's view of pouring lots of new money into municipalities in an unrestricted manner will result in property tax relief. It just hasn't happened.

Maine voters can get the tax relief they want and the school funding improvements we need and we can do it without trading a property tax crisis for a sales or income tax crisis. LD 1629 delivers on that promise. The MMA's offer does not. I urge you to support the Taxation Committee's bipartisan majority Ought to

Pass as Amended report on this bill and give Maine voters a chance to adopt this thoughtful, responsible and accountable plan for tax reform. Thank you Mr. Speaker.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. The MMA proposal that will appear on the ballot this fall asks the voters if they want the State to pay 55 percent of the cost of public education, which includes all special education costs, to shift cost from the property tax to state resources. The problem with this question is all the unanswered questions it raises. For starters, what is public education and how much is 55 percent of the total cost. Schools across our great state are controlled locally, which means the education provided in my community of Scarborough could be significantly different from what is offered in Skowhegan.

Committee Amendment "C" to LD 1629, which is the competing measure before us answers this question by adopting the essential programs and services model of school funding, identifying which programs and services are considered essential and assigning a dollar amount based on an understandable formula so that all the communities participate on an equitable basis.

A second question raised by the ballot initiative is the cost of special education including the federal as well as the state and local shares of this expense. Where is there any incentive for municipal school districts to keep costs under control if the State of Maine is going to pick up 100 percent of the tab. This proposal addresses my concern by including special education costs in the cost sharing apportionment formula.

A third and very important question is where does the local savings go once the state picks up more of the costs of local education. In the current ballot initiative there are no requirements that municipalities pass on the additional money received from the state to fund education as a reduction in the property tax burden. This proposal addresses my concern by establishing a limitation for a municipality non education appropriations based on its average personal income tax growth rate, plus the average forecasted inflation rate with exceptions for specified special circumstances.

Lastly, the \$250 million question raised by the ballot initiative is where does the money come from to pay for a significant increase in state aid to local schools. This proposed amendment addresses my concern by spreading the transition from the present allocation to the full 55 percent over a five year period using funds available from existing growth in state revenues and without increasing state taxes. I will be voting yes for this Committee Amendment "C" proposal, because it gives the voters a responsible school funding alternative. It answers the important questions while keeping the door open for comprehensive tax reform next year. I hope you will agree that our time next winter will be better spent creating a tax reform package that will lower Maine's tax burden and attract and retain jobs in Maine rather than scrambling to finance all the questions raised by the proposal that will stand alone on the ballot if we do not act now. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I agree with you, it is a good day in Maine. It's always a good day when we talk about education because it's the future of this state. I also find it a little gratifying that after all these years, after placing the 55 percent in the law in 1984 in a special session and it becoming law in 1985, that we have a discussion today about reaching 55 percent and ironically that

discussion never would have taken place without the MMA referendum. It's a catalyst for this discussion today. The question before us is will this alternative proposal provide relief, will it provide money to the local municipalities, local school units in terms of being able to carry out the mandates that we've placed upon them. The good Representative, the Chair of the committee from Old Orchard, had said why. Why are we here today? We're here primarily because of broken promises. Broken promises over the last 18 years, that in 1985 the Chief Executive at that time would not make a financial commitment to fund the mandates that were put in place in 1985, so we set a target and those were years in which there were rising revenues. It was side tracked when the first recession came along in the early 1990's, but we've been out of that recession for quite awhile and there hasn't been any shortage of spending here in the State of Maine. Matter of fact, the increase in our spending here in Maine over the last 4 or 5 years has been double the average of the other New England states. So when we haven't moved toward 55 it hasn't been because we haven't had the money and we've actually been sliding the other way. It's because we didn't have the will or the self discipline to keep the promise, so we have joined other legislatures in the first session and the Governor has indicated that he's adding money to the second year for GPA which takes us to a zero percent increase. The voters have had a long period of time, 18 years, to watch how solid promises are coming from Augusta. They look and they see that next year, as they try to plan their budgets after a great deal of blood letting on the local levels, in terms of staff, programs, supplies, they see that the fact is a zero percent increase in the second year. They see the proposal before them, which some members of this chamber have called dangerous, radical. Keeping a promise is dangerous and radical. The cost on the local level has been property taxes that are astronomical, not just in one region, but all the regions. That's the cost of the broken promise and it's kind of ironic watching how the after affects of the budget, we enacted here in August. You could probably take any mid sized Maine town and they laid off more people than Maine State Government in its entirety laid off. That's the cost of not keeping your promises. What we have done is a shuffle, that's what's before us, a distraction. Whether than identifying that the real culprit is here in Augusta over a long period of time. In this proposal we say, it's the municipalities that are at fault. Yes, they have raised their property taxes, but they have had to do it for their share and for at least half of what should have been coming from the State over the last 18 years so those property taxes, the finger pointing for a good share of that is here in Augusta.

Now as you attended your school budget meetings and your municipality meetings and you listened to how they constructed their budget this year, on the health insurance side they got hit with premiums of 14 to 20 percent, did we do anything here to help ease that property tax impact. No, we passed additional mandates so it will be even more expensive next year. They had huge workers comp increases and what was on our agenda in this last session driving up bills that would have driven up that cost even more. The property taxes increases we saw this year weren't so much a continuation of the program, they definitely didn't deal with new and expanded programs like here in Augusta, it was trying to meet the costs of a failure here in Augusta to control those costs on the insurance side and on the workers' comp side. Now we hear in the press, we've heard today, it's the only way we can have a reasonable measure of what's being spent at the local level. Their spending is driven by us, by every mandate, learning results, graduation requirements, staffing, we put those costs on and they are carrying out those

costs, so I'm afraid despite all the positive comments again after 18 years you have legislators getting up and saying, well if the revenues continue, if we can have the self discipline that we're going to deal with our basic obligations first before we start new and expanded programs, we should be able to do this. This is a diversion, it's a sham, the voters will see right through this. When they begin to realize that this talks about 55 percent, but it's really 55 percent of 70 or 75 percent, because not all the costs are included and that what it covers doesn't fully go into affect until 5 or 6 years from now. So it's almost like an alcoholic whose almost in to the second decade working the bottle and then steps back and tells the family, yea I really am going to give it up. I really am going to be responsible. I think when the voters see that, hear that and see that our budget for the second year on money being distributed back to them is 0 percent, they're going to say you can't do something with nothing. I would urge you today to vote no on this proposal.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I also rise to ask you to oppose the current question. First I'll start with two reasons contained within the question. One of them is to deal with the 55 percent requirement. Ladies and gentlemen, we'd be passing a question to tell us to pass a law to meet a current requirement. In other words, we'd be passing a law to tell us to do what we haven't been doing by law. To me that makes no sense.

Secondly, as far as I have been told in all of the knowledge I've acquired during this debate in the previous days of this debate is that communities are already meeting the 4.6 percent requirement. The communities are not exceeding this 4.6 percent, so why would we be passing this on to the people is it was nothing more than an image. Ladies and gentlemen, I don't believe that we should avoid taking on the Maine Municipal Association question, I believe it is seriously flawed and can be defeated once the people of Maine recognize that this is a huge tax increase and there will be no guarantees that their property taxes will be reduced. They will reject this question, so I say we take it on head first.

Now I would like to read a few items to you that I believe are a road map to real property tax relief. First and foremost, the people at home that are suffering paying their property taxes need relief. That relief can come quickly through the circuit breaker program and the homestead exemption. I'd suggest we put a package together that brings them relief this year. If not, ladies and gentlemen, this property tax relief package will be perhaps defeated, but the next will not. There are more referendums coming, they're harsher and they're more dangerous to this state, but above that ladies and gentlemen we're all taking part in a property tax revolt. Whether you like it or not the people of Maine through a referendum question have sent a message to the Legislature, clean up your act or we'll make you.

I have some ideas that I think could get us to that place. First of all we should implement OPEGA. Program that we worked so hard to create and now is being stalled in the other chamber. How can we tell communities to clean up their act when we can't even address our own problems here? There are certain people that don't want us to know how our money is being spent. Let's show the people of Maine we want to clean up our own house before we tell them how to clean up theirs.

Third we need to create cooperative agreements with communities. We shouldn't be telling them through a hammer that we're going to stop them from investing in their communities. Take a look to the North, Millinocket is in the process of working

such an agreement. States like Florida have a Sharpen the Pencil Act Program, where the State uses their resources to go into school communities, into SAD or districts, they work together with the community to save money and then they reinvest that money in the community where they find it. The tools are there for these cooperative agreements and we should use them.

I'd like to tell you about an incident that occurred two years ago. I passed a piece of legislation along with a lot of people's support in this chamber creating a thermal imaging camera program to help communities bulk purchase thermal imaging cameras. That program could have saved those communities 50 percent of the costs of those cameras. I sat in the Executive's office along with the firemen and was told that that was not the role of state government. I have never been so devastated in my time in office then to hear our Executive tell us that it's not our job to help communities save money. That needs to change. Ladies and gentlemen no matter what layer of government that you serve under, we are all members of the State of Maine and we're all trying to work to improve this state. We need to change that kind of confrontation into one of cooperation.

Last we must work with our Congressional delegation to send a very clear, precise message to Congress. Fund special education, we cannot fund it ourselves. If you can't fund it repeal it because we are quickly marching ourselves into bankruptcy. Ladies and gentlemen I ask you to reject this question and join me in a very loud and clear voice against the MMA proposal and a message to the people of Maine that we will clean up our act and we'll bring you real property tax relief. Thank you, Mr. Speaker and when the vote is taken I request a roll call.

Representative **TRAHAN** of Waldoboro **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended.**

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

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

Representative **PERRY**: Mr. Speaker, Ladies and Gentlemen of the House. As a member of the Taxation Committee who has worked on this issue for 8 months now, I wanted to stand and tell you a little bit about the experience we had. I think the majority of the Taxation Committee when we started in January had full plans for tax reform and the more we discussed the possibilities of addressing comprehensive tax reform, the more it became obvious that we were in a box with this MMA proposal, anything that we did would be a competing measure and real full comprehensive tax reform was too much to put on the ballot. The Executive weighed in with a more measured three-phased plan. First phase we're discussing today, we have the full commitment of the Governor to address phase two and phase three next year. The Governor has told us that's his top priority and I certainly believe him that that is exactly where his intentions lie. We accomplished more than I ever thought we could in this first session. We balanced a budget with a \$1.2 billion deficit, we passed a most sweeping health care reform in the history of the State of Maine, he addressed two mill closings. It's been a busy session. MMA will tell you that 100,000 people signed their petition and that's true, but 1.1 million people in this state did not sign their petition and we need to represent every one of them. Anyone that is from a community that is a very low school receiver, or a very high percentage GPA receiver probably will not benefit much from the MMA proposal, however the \$263 million we need to raise or cut from existing spending to fund that proposal every person in the State of Maine is going to pay that tab. So you may be in a community that benefits very little from the MMA proposal but you will surely pay the tab. That's why the

Taxation Committee has put forth what we look at as a very responsible measure that we will phase this in over 5 years, your communities can depend on decreasing funding on the local level over 5 years and we will indeed drop the mil rate on the local level for GPA, for education funding, significantly. I urge your support for the amended version. Thank you.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I have to stand up today and tell you why I'm supporting this committee amendment. I think it's a political reality of what we need to do as a chamber is to defeat the MMA proposal. I don't agree with some of the previous speakers saying if we just take it on head on by itself that we will defeat it, because it will be a ballot question that when you read it, it sounds good. You're going to fund 55 percent and relieve property taxes. What it doesn't tell you is that while your property taxes may go down, they may, what is it going to do to the overall taxation burden in the State of Maine. That's our problem in the State of Maine. Our biggest problem is the tax burden in the State of Maine is number one in the country, or it may be number 2 or number 3, but it's in the top 5 no matter how you look at it, no matter what survey you look at. We are a highly taxed state. Now if you think that you're going to raise \$264 million to give to the municipalities and the school districts and then all of a sudden that tax burden goes down. That will never happen. That will never happen. As a matter of fact we'll solidify our position as the number one tax state in the country. We may give marginal property tax relief while we are raising the income tax, while we're raising the sales tax, while we're raising the meals and lodging tax and we haven't done anything to the overall tax burden. If someone doesn't have any money in their pay check it doesn't matter that their property taxes have gone down, they still have less money so you can pay it in the property tax or you can pay it in sales or income tax. One way or another you are paying for it. What I like about the competing measure is let the people decide which one is the better one. It states right in there, we will do this without raising taxes, without raising taxes. That is the way to do this. If you don't want to raise the sales tax, if you don't want to raise the income tax, the competing measure is the way to go. It eventually will address the property tax issue but not all the way. I agree that we have not done enough for educational funding, but we can't do it all in one year. That's why I'm supporting this measure. We can't get there in one year without raising taxes. The language in this competing measure also puts a spending cap on us as a Legislature. It says I am not going to raise taxes, now if I'm going to take the revenue growth that we have and apply it to EPS, I have less money to spend as a Legislature and the Chief Executive's commitment to us is he's doing this without raising taxes. Now I have to believe him, he's kept his word to me on everything he's done and if his commitment is to do this without raising taxes, to get the 55 percent I believe him and if I happen to be here somewhere in the next two years, I'm going to help him do it. The first time there's a budget that comes in that raises taxes somehow because we have a shortfall, we're going to have a discussion and this body ought to hold everyone accountable. If you vote for this competing measure you're going to do it without raising taxes or else you have lost all credibility with the public if you don't. Think about the economic impact of the MMA proposal. What business will come into this state with the highest tax burden with no relief in sight, who will do that? No one. \$264 million and there are plenty of people out there saying if you set your priorities you could cut \$264 million out of the budget. Well you show me where you're going to do it. You show me where in

Medicaid you're going to save that kind of money. You show me, which is your favorite program that you're going to cut and that goes for both sides of the aisle. We want to cut one place and they say oh no, no no, that's an important program to me, you can't touch that one. How about that one over there, no, no, no not that one either? You can't do it. You cannot cut \$264 million out of the current budget right now, so the only way to solve it is a tax increase. The political reality is, if you don't have a competing measure out there against this proposal the MMA proposal passes and we lose. That's why I'm supporting this measure and I hope you will also.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Since 1995 I've been around the body here trying to deal with this frustrating monster of education funding and been waiting for that great word essential services to be rolled out and moved forward so that everybody from one end of this state to the other can have an equal and fair chance of education without the economy a scale having the great input it does in causing the big swings that the rural places that I represent have taken it on the chin year after year after year. I'm very very proud that this body in the last couple of years passed the essential services bill out and in moving forward and I hope in the spring we add in debt service and those other four components to that so that we have a very clean essential services document so that we can parcel out the 55 percent due each and everyone of our municipalities in a fair and equal way based on the core requirements of education. I applaud that part of this bill.

The problem is, the reason why we are standing here before you with this 2A, 2B, 2C thing that we went through with the forestry compact, it's scary the people went out and signed that petition from MMA because they are frustrated and they wanted this body and the other body and the Governor to reform the tax structure and what did they want. They didn't say I don't want new taxes. They didn't say anything about that. All they said is I want the tax structure in the State of Maine reformed so the burden wasn't so great on the property tax holder whose taken it on the chin along the coast lines and along all these places where the high price land sales are occurring and the infamous fancy formula that we've had from the past has been whopping us in every part of the state. It was out of frustration that people signed this MMA document, but remember that each and every one of your towns almost I bet you to the letter, their own clerks went to the ballot box and stood there and took signatures and put their assistant in charge of the last election, so you know each and every one of your municipalities were just as frustrated. What do we have before us? We have before us a document that says we're not going to do tax reform because we didn't have the nonpartisan will power to really do tax reform knowing this was coming forward, so we failed that and that's our fault. I do not see that a referendum alternative is going to do that either. I think the only thing is if you send this one proposal out stand up when we come back here we're going to figure out how to reform taxes and how does the people of the State of Maine want our taxes reformed. They may wish one to be higher another one to be lower, is somebody from one party or the other going to point the finger that you raise taxes cause one went higher and the other one went lower. Trust me in the paper you'll see that. You'll see that and you'll see everybody broke their promise and this partisan stuff that shouldn't even have anything to do with what our people are asking us here to do.

What I think is if we did the right thing and revamped our tax system to reward the people who choose to live in Maine, pay their taxes in Maine, pay their excise taxes in Maine, pay their

income taxes in Maine and reside in Maine and also make sure we protect the Homestead Exemptions and reward those people that do all of those things I just enumerated, bring it up to 14 like the good Speaker, I think, has a bill coming forward possibly next year that God love us is going to reward the people that choose to live in Maine and that's the direction we should be taking, not this competitive measure. I think we should take the MMA thing just like we did the forestry thing right head on. That thing fell all apart. I was the chair of Forestry when that thing fell all apart. I had to pick the pieces up and the good members of the Agricultural Committee, we moved forward set bench marks, set accounting, set the right kind of tree counting across the state so we could make effective decisions on clear cutting and on proper liquidation harvesting and whatever. We took all of that, it made it work because we took the action. It's our job to take the action, people, it's not to give the citizens a whole bunch of 2A's, B's and C's and I would ask you to oppose this report and come back here in January depending on what happens in November and let's roll up our sleeves. Let's shift sales tax higher because we know 25 percent of the out of staters pay that when they come to visit in the summer. Let's bring up homestead very high so that our retired and our elderly and the military don't have to go to Florida and claim residency in Florida because they can't afford a home here in Maine because of the high property tax. Our people are asking for property tax relief and adjustments in our tax code to better balance the way we treat our citizens and when you better balance that, all those guys that count beans down there and all the economic analysis when we open up the thing, we probably won't be 4th highest tax in this state once we manipulate that a little bit, we'll probably be down in the 10th or 12th or something. I think we have the will, we have the obligation and we were voted to come down here to do the work and this is just putting off the work for a later date and I think we have missed the boat here. Thank you, Mr. Speaker

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

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. When I first ran for office 7 years ago, the one thing I heard the most about was property taxes. That's what I heard in Old Town that property taxes were awfully high and we needed to do something about it. What we've done since then is ramp up our obligation to our local schools by increasing GPA somewhere around \$200 million. Now these two measures that we are talking about today, the majority report and the citizen's initiative have been compared favorably and unfavorably with each other and one of the detractions I hear about the majority report in comparison to the citizen's initiative is that the citizen initiative gets you to 55 percent next year. The majority report takes 5 years. Well ladies and gentlemen of the House, when I came into this body we were funding GPA \$535 million, now we're around \$720 million and yet we're losing ground in those percentages. The other major criticism of the proposal from the Chief Executive as reflected in the majority report is erosion of local control, that we're going to tell municipalities to cap their spending and that they have a problem with that. We've seen some of those letters on our desks today about the problems that people have with that.

Well, I have less of a problem with that even though I have a sister who is chair of a board of selectmen in another part of the state and she's expressed with great frustration her problem with that particular aspect of it, but the fact of the matter is if you look at the issue of property tax relief and that's still a major problem in this state, than I think what we have in this MMA proposal really is an opportunity to act. I'm not afraid of the MMA proposal as it stands on its own. I think that the people of the State of

Maine are smart enough to realize that if we've increased funding for education by something close to \$200 million in the last 7 years, that ramping it up \$260 million in one year is going to mean that something else is going to have to move. That's going to mean either taxes going to have to go up or other programs are going to be drastically slashed and judging from the reaction that we got from the protests of the cuts in the last budget, I don't think people are going to be too intrigued by either one, so I think in order to really get a handle on the spiraling property tax rates in this state that somewhere along the line there do have to be some controls. I don't think that we've done anything to abrogate our responsibility as legislators by having this competing measure. In fact I think that the Chief Executive and the members of the Taxation Committee have done great work in providing us with an alternative to looking at this particular problem from that aspect of property tax relief.

Tax reform is not tax reduction. I think we are all smart enough to realize that and I think that this gives us at least the guidance, the path, to get down that road towards real comprehensive tax reform sometime in the future. I'm confident in that and I would actually really, really urge my colleagues in this chamber to vote along with the majority report on this particular measure and accept that report. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House. I speak today in support of the LD 1629. To take a little history of this, the MMA proposal is not about property tax reform. It's about property tax relief and it's about education funding. If we're going to take a look at what we're doing in terms of education funding and we're going to look at the percentages of that funding, we've got to look at our history and how we've funded education. In the late 1980's we were funding education according to how a school district spent money on education, two years later their funding was according to what they spent, not according to what programs they had. When the 1990's came along with the recession, the high receiver districts lost by percentage large amounts of monies which really bastardized the formula. The formula is no longer working and what is happenings is that these communities lost a lot in terms of their basic educational needs. We had communities cutting programs like music and art in the elementary and in the high schools. These are basic educational needs. These communities have not recovered because they have not been able to increase their spending so they can get more money back as according to the formula goes. As we've looked at this formula this formula has never been fully funded as long as it has been in. It's become less and less funded as the years have gone on. What the companion proposition gives us is a real look at funding education with a formula that says that there is going to be basic needs filled throughout the state in terms of education, that every community will have at least the same basic education that meets the state standards. We're going to give the communities that were hit hard and the communities that were hit harder, the rural communities and the cities with this stuff an opportunity to catch up. That's all we're asking and I'll tell you I signed that MMA referendum, not because I want to see it pass, it's because I want a discussion like this and I want to see a measure like this come forward. I am delighted to be part of a Legislature that has taken that work and after years of work with EPS is able to bring back a formula that will give us an opportunity to really work with this and I would ask your support for it.

At this point, the Speaker recognized the Representative from Saco, Representative O'Neil; the Representative from Portland, Representative Suslovic; the Representative from Portland, Representative Dudley; the Representative from Portland, Representative Marley; the Representative from Oakland, Representative Nutting and the Representative from Cherryfield, Representative Dugay and they were added to the quorum call of the First Special Session of the 121st Legislature.

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

#### ROLL CALL NO. 254

YEA - Adams, Annis, Ash, Barstow, Bennett, Blanchette, Bowles, Breault, Browne W, Bruno, Bull, Canavan, Churchill E, Clough, Courtney, Cowger, Craven, Cummings, Curley, Daigle, Davis, Dugay, Dunlap, Duplessie, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Hutton, Jacobsen, Jennings, Kane, Ketterer, Koffman, Landry, Lemoine, Lessard, Maietta, Mailhot, Makas, McCormick, McGlocklin, McKee, McLaughlin, Millett, Mills J, Mills S, Moore, Muse, Norbert, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Perry A, Perry J, Pineau, Pingree, Rector, Richardson E, Richardson J, Richardson M, Rines, Sampson, Shields, Simpson, Smith N, Smith W, Stone, Sullivan, Suslovic, Tardy, Thomas, Thompson, Usher, Watson, Wotton, Mr. Speaker.

NAY - Andrews, Austin, Berry, Berube, Bierman, Bliss, Bowen, Brannigan, Brown R, Bryant-Deschenes, Bunker, Campbell, Carr, Churchill J, Clark, Collins, Cressey, Crosthwaite, Dudley, Duprey B, Duprey G, Eder, Fletcher, Goodwin, Greeley, Heidrich, Honey, Hotham, Jackson, Jodrey, Joy, Kaelin, Ledwin, Lewin, Lundeen, Marley, McGowan, McKenney, McNeil, Moody, Murphy, Nutting, Percy, Piotti, Rogers, Rosen, Sherman, Snowe-Mello, Sukeforth, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Walcott, Wheeler, Woodbury, Young.

ABSENT - Laverriere-Boucher, Lerman, Marraché, Norton, Saviello.

Yes, 86; No, 60; Absent, 5; Excused, 0.

86 having voted in the affirmative and 60 voted in the negative, with 5 being absent, and accordingly Report "A" Ought to Pass as Amended was **ACCEPTED**.

The Resolution was **READ ONCE**. **Committee Amendment "C" (H-601)** was **READ** by the Clerk.

Representative MILLS of Comville **PRESENTED House Amendment "F" (H-612)** to **Committee Amendment "C" (H-601)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Comville, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House. I think it's essential that this Legislature act to put out a competing measure. I think that the people want to vote affirmatively for some measure and I think it's admirable that the Governor and members of both parties have come together to put out the Resolution, which lies before us this afternoon. I intend to support it.

In following the work of the committee, it has occurred to me that there are some things that could be done to this competing measure that might improve its chances of passage and might also produce something more genuine by way of significant relief for the people who are speaking to us as we go door to door about their real estate taxes. I think as has been said in the past, neither of these bills in their present posture really have much to

do with tax relief, they have to do with school funding. I don't disparage that particularly, but they both are flying under false colors. The MMA referendum simply says that the state should produce \$264 million next year and lord knows how much more money in years to come to match whatever it is that the towns might choose to spend on education. The reason the state has not been able to keep that promise in years past is because there has been no control over the denominator. There has been no notion of what the aggregate amount of school funding ought to be in this state and so the towns have said, well it's whatever we choose to spend including the very wealthy among us. It is very laudable that this Legislature and the Education Committee and now the Tax Committee over the past 5 or 6 years has worked so resolutely to put together this new system called essential programs and services, which is a bit difficult to understand, but the concept is pure, it's lucid and it's noble. It simply says, we should help define what it should reasonably cost to provide the education that is needed by each child in this state, town by town.

This will be a great benefit to local school committees, to selectmen, to town officials who will be interested to know what is the norm, what is the reasonable and necessary cost of education in each of our towns, so I like the idea of using that as the centerpiece for our work, but I think people are asking us for more. They are asking us for something fairly immediate. They would like to know what are you going to do for us next fiscal year by way of property tax relief for those who need it and who are those who need it.

I have a particular axe to grind for people who live in \$800 thousand homes on the coast who have incomes of half a million dollars a year. They should pay their property taxes and move on, but what about the people who do live on fixed incomes, the people whose property values are rising rapidly, not only in the South end of the state, but also in lake front properties in my district and I've met many, many, many of them who bought their properties under one set of assumptions when they turned 65 or 70 and now those assumptions are changing out from under them. Their evaluations are going up and although their mil rates are not going up, their taxes are climbing out of control in proportion to their incomes.

Now we have addressed this problem for over 20 years with a tried and true program, which we loosely refer to as the circuit breaker program. The program that says if your property taxes are too high in proportion to your income, submit a form to the tax people in Augusta in August when they are not busy doing other things and we'll give you a check back to help you meet the obligation of your property taxes. The great thing about this program is it applies to renters as well, people whose rents are too high in proportion to their income. This program has proven itself so well over the years that I was astonished that some improvement to this program, some modification to it, some enhancement of it was not included in the measure that is now coming before us this afternoon and I believe truly that there was a great deal of sentiment on the committee, because I saw it in a bipartisan way all last spring from the spectrum of the extreme left to the extreme right. There was wide spread praise for this program, widespread support for it and it has been at the centerpiece of every single comprehensive tax reform bill that was presented to the Tax Committee this past 8 or 10 months. In fact we have, I understand, some representations from the Chief Executive that perhaps in the next budget, next January or February, there will be some expansion, some improvement, some enhancement to the circuit breaker system, but you know what, why don't we do it now, because then it becomes part of the program that we are presenting to the people. It becomes

part of the program that our reputation as an institution will ride on.

I've listened to the MMA critique, the work of the committee and the competing measure that came before the committee the other day and one of their most cogent criticisms was, well maybe in 2 years you'll start flowing some new money back to the towns, but you do nothing for the towns in fiscal year 2005, the next one coming up. This amendment, if you choose to adopt it would meet that criticism head on, it would add about \$34 million to the circuit breaker program, it would be applicable, it would say basically if your property taxes exceed more than 5 percent of your income then you're entitled to have the state pay the entire difference, up to a limit, that is up to the first \$200,000 of value on your home. This will be a direct answer to the fishermen that live on the coast who are being priced out of their homes. It's a direct answer to the island people who are being priced off Chebeague. It is a direct answer to the folks in my district who are being priced off the waterfront property that they saved up so many years to buy. It's a direct answer for all of Maine's people who are on fixed incomes or diminished incomes in situations where they can't afford their property taxes.

I think that this modest amendment would greatly enhance the appeal of the competing measure. It think it would answer many of the concerns of those of us in the rank and file in our two chambers and I think it just plain ought to be done. We've been talking about doing it for some time and I think we can afford it. I think somehow next year in the supplemental budget we would find the \$34 million necessary to pay for this. We can do it without raising taxes. We can do this, but unless we put something concrete in front of the people next November, I am concerned that our efforts will be legitimately subject to ridicule. Thank you.

Representative LEMOINE of Old Orchard Beach moved that **House Amendment "F" (H-612) to Committee Amendment "C" (H-601) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-612) to Committee Amendment "C" (H-601).**

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 Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. The Taxation Committee, I must say, did benefit a great deal from the participation we had of those members of this body and the public who helped us as we deliberated this issue throughout the year. The good Representative, Representative Mills, was foremost among those and we appreciate the power that he brought to the table to analyze the situation. At the end of the day, I'm recommending that we indefinitely postpone his amendment, not because circuit breaker is not a good program and not because I don't think we should revisit it. I think it is, I think it will be revisited, but here's the bottom line. The proposal before you unamended tells the people of the State of Maine what we're going to do and how we're going to get the property tax relief and how we're going to pay for it over 5 years. It differentiates from the MMA proposal in that respect primarily because the MMA proposal does not tell anybody how they're going to do it. I think we need to keep faith with the purpose of LD 1629, which is to be square, upfront, tell people how we're going to pay for it. That was the conclusion of the committee as well. I urge you to support the Indefinite Postponement.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is indefinite postponement of House

Amendment "F"(H-612) to Committee Amendment "C" (H-601). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 255**

**YEA** - Blanchette, Clark, Dunlap, Gagne-Friel, Goodwin, Jackson, Lemoine, McLaughlin, O'Brien L, Perry J, Rines, Smith W, Usher.

**NAY** - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Bierman, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Ledwin, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, McCormick, McGowan, McKee, McKenney, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rogers, Rosen, Sampson, Sherman, Shields, Simpson, Smith N, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

**ABSENT** - Dugay, Gerzofsky, Landry, Laverriere-Boucher, Lerman, Marraché, McGlocklin, Norton, Saviello.

Yes, 13; No, 129; Absent, 9; Excused, 0.

13 having voted in the affirmative and 129 voted in the negative, with 9 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-612) to Committee Amendment "C" (H-601) FAILED.**

Subsequently, **House Amendment "F" (H-612) to Committee Amendment "C" (H-601) was ADOPTED.**

On motion of Representative **RICHARDSON** of Brunswick, **TABLED** pending **ADOPTION** of **Committee Amendment "C" (H-601) as Amended by House Amendment "F" (H-612)** thereto and later today assigned.

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

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At this point, the Speaker recognized the Representative from Waterville, Representative Marraché; the Representative from Augusta, Representative Lerman and the Representative from Biddeford, Representative Laverriere-Boucher and they were added to the quorum call of the First Special Session of the 121st Legislature.

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

HOUSE DIVIDED REPORT - Report "A" (10) **Ought to Pass as Amended by Committee Amendment "C" (H-601)** - Report "B" (1) **Ought to Pass as Amended by Committee Amendment "D" (H-602)** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "E" (H-603)** - Report "D" (1) **Ought Not to Pass** - Committee on **TAXATION** on RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness

(H.P. 1209) (L.D. 1629)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **ADOPTION** of **Committee Amendment "C" (H-601)** as **Amended by House Amendment "F" (H-612)** thereto.

Representative MCGOWAN of Pittsfield **PRESENTED** House **Amendment "H" (H-620)** to **Committee Amendment "C" (H-601)**, which was **READ** by the Clerk.

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

Representative **MCGOWAN**: Mr. Speaker, Men and Women of the House. I've tried not to get up on this floor too many times in the 3 years that I've been here and I've restrained myself and tried to keep in my seat as much as possible, but I must offer this amendment to this bill. What this amendment will do is it will take the total amount of money that the Governor has purposed to spend over the next 5 years and divide it by 5 and contribute that amount each year from '06 to '10. That is the amendment. The reason why I am offering this is that in '04 the state is not going to contribute one solid penny in additional educational monies and in '05 they are not going to offer any, in '06 they're going to offer a small amount. Now what I'm saying is this, this is going to cost the taxpayer in '04, \$56 million, in '05 it's going to cost the taxpayer \$60 million. Over that two-year period, the taxpayer is going to be looking at an increase in his taxes for the amount of \$116 million. Now he doesn't start to see any tax relief until 2006 in amount of approximately \$23 million and then it escalates up. What I am purposing is that we equalize this over the 5 year period. We take \$49 million in '06, we take \$49 million in '07, we take \$49 million in '08, we take \$49 million in '09 and '10. We equal it out so it softens the burden to the taxpayer in '06. Now if you want a chance to defeat the MMA bill, this is an opportune time to do it, because when they see this on the ballot, and they're not getting tax relief for 3 years, they're going to climb on the MMA bill.

Now I'd like to talk to you as a businessman, if I was a businessman running this state, I would have done tax reform 3 years ago. I would have completely done tax reform so we wouldn't have the shortfalls that we're going to face in 2 years from now. We're going to face \$400 million worth of shortfalls in two years and how are we going to come up with the money to fund property tax relief, but if we had started this 3 years ago in tax reform, we might not be in that situation today.

Now EPS, if I was a businessman I'd go out and borrow the money tomorrow to fund EPS. You know why, because it's going to be cost savings to the state and we would dump \$220 million into property tax relief and we'd jump start the economy. As a businessman, that's a good deal and I'd be willing to pay the interest for it, but apparently, I guess I'd call myself a politician, but as a politician, I see that this can not happen. I see over the 3 years that I've been here that nothing is going to happen in tax reform, nothing is going to happen in tax reform. If we pass the

bill that we have before us, it says in it that we can't raise taxes on the sales tax side and on the personal income tax side and we can't broaden the sales tax. So in sense, we're saying we can't do tax reform unless we come up with some money and what does that mean, if we're \$400 million shortfall in the next 2 years, it's going to come out of human services, it's going to come out of some of the other things that we dearly love. So when you look at this bill and you want to try to defeat the MMA bill, the way to do it is the way of the amendment, divide that by 5, equalize the payments over 5 years and I think you'll have the people of the State of Maine buying into it.

The other part of the amendment is that we have put in this bill, that if you want to go above the cap, you can do it by referendum vote. This costs money to the municipalities, what I'm saying in my amendment is this, that if the state has got to live by 4.6 and we're forcing the municipalities to live by 4.6, then we should make education and the counties live by 4.6. We should give them all the restrictions and the caps of 4.6. We should not allow them to go above that. Now those are the two changes that I'd like to see go into this amendment and I'd like to see you pass it, if you can see it to do so. Thank you very much.

Representative LEMOINE of Old Orchard Beach moved that **House Amendment "H" (H-620)** to **Committee Amendment "C" (H-601)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** **House Amendment "H" (H-620)** to **Committee Amendment "C" (H-601)**

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 Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. Where is the money? According to the Department of Education, if the \$220 million in EPS funding over the 5-year period as purposed by LD 1629 is evened out over the period from 2006 to 2010, the state will fail to meet the 55 percent funding target in 2010. The state will then need to provide over a billion dollars in funding for EPS in FY 2010 to meet that 55 percent target. If more of the funding is taken for the first 3 years, there will be insufficient funding in the last year to meet the state funding target in 2010. There's a long-term mistake involved in this. There's a short-term mistake because the well is dry, the reason we're phasing this in is that's the responsible way to ramp into this new funding formula and despite all the wonderful work that my good friend from Pittsfield has done and his passionate approach to property tax relief. I believe at the end of the day, what is on LD 1629 is the appropriate rational reasonable way to do it and I urge you to support the indefinite postponement motion. 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 rise in opposition to the indefinite postponement of this bill. I think each and every one of you in this room knows that we're in this situation because the people got together and issued a referendum and said we want tax reform and we're going to force you to do it one way or the other. I think that we're again trying to circumvent the people's wishes if they choose to pass one of these types of referendums this November by not doing anything many years out into the future. Of all the pieces of paper in front of me, this is the only proposal that I see where there may be a chance that the people will actually get something that they are asking for sometime in the near future. The only component that really sticks in my craw that is in the original proposal and unless its removed, I will not support, is that we're

going to just tell the towns, you've got to follow a cap, but the counties and the schools don't have to. I think that's just inherently improper, it's not equitable, people aren't playing by the same set of rules, I think the Representative is so right and on target on that piece that if we're going to set a set of rules let's every level of government play by the same set of rules and then it's going to be much easier with essential services in programming. That cost containment component that's already on the books, that's already moved forward has nothing to do with either one of these bills other than its spelled in a couple of places will act on its own to start containing the outrageous money driving costs of education which is cost driven through the old formula. I would ask you to oppose the indefinite postponement.

The SPEAKER: A roll call has been ordered. The pending question before the House is indefinite postponement of House Amendment "H" (H-620) to Committee Amendment "C" (H-601). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 256**

YEA - Adams, Annis, Austin, Barstow, Bennett, Berube, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Bruno, Bryant-Deschenes, Bull, Campbell, Canavan, Churchill J, Clough, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Gagne-Friel, Gerzofsky, Glynn, Goodwin, Grose, Hatch, Heidrich, Hotham, Hutton, Jacobsen, Kane, Koffman, Laverriere-Boucher, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, Marraché, McKee, McKenney, McLaughlin, Mills J, Mills S, Moore, Norbert, O'Brien J, O'Brien L, O'Neil, Paradis, Percy, Perry J, Pineau, Pingree, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Trahan, Usher, Walcott, Watson, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Andrews, Ash, Berry, Bierman, Browne W, Bunker, Carr, Clark, Collins, Dugay, Eder, Fischer, Greeley, Honey, Jackson, Jennings, Jodrey, Joy, Kaelin, Ketterer, Ledwin, Lewin, Lundeen, Maietta, McCormick, McGlocklin, McGowan, McNeil, Millett, Moody, Murphy, Muse, Nutting, Patrick, Peavey-Haskell, Pellon, Piotti, Sherman, Sukeforth, Tobin D, Tobin J, Treadwell, Twomey, Vaughan, Wheeler.

ABSENT - Churchill E, Duprey G, Fletcher, Landry, Norton, Perry A, Saviello.

Yes, 99; No, 45; Absent, 7; Excused, 0.

99 having voted in the affirmative and 45 voted in the negative, with 7 being absent, and accordingly **House Amendment "H" (H-620) to Committee Amendment "C" (H-601) was INDEFINITELY POSTPONED.**

Representative PERCY of Phippsburg **PRESENTED House Amendment "C" (H-608) to Committee Amendment "C" (H-601)**, which was **READ** by the Clerk and **ADOPTED.**

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative PERCY: Mr. Speaker, Ladies and Gentlemen of the House. I submitted this amendment after speaking to a number of my selectmen in my district in the last couple of days who were very concerned at the idea that we were being asked to create policy in a very short amount of time. I put in this amendment as a tool that we could use to review the Governor's proposal, if the Governor's proposal wins the referendum vote in November. Basically what my amendment says is that in 2010 the Bureau of Revenue Services and the Department of Education will review the effectiveness of this resolution in lowering property taxes and meeting the goals of education

funding and to report their finding to the Joint Taxation Committee and they will make a recommendation whether the plan has worked and it has lowered property taxes or its wounded and needs help or it should die. I think considering what we just went through in terms of hearing from our constituents that they would like us to continually review what kind of work we create up here, that it behooves us to let them know right from the start that we plan to look at this. The reason the year 2010 was picked is because the Office of the Revisors suggested that that would give us a 4-year period where we could actually chart and see if the program is relieving property taxes and helping with education. Thank you very much. I would greatly appreciate your support.

**Committee Amendment "C" (H-601) as Amended by House Amendment "C" (H-608) and House Amendment "F" (H-612) thereto was ADOPTED.**

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

Under further suspension of the rules the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "C" (H-601) as Amended by House Amendment "C" (H-608) and House Amendment "F" (H-612) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

**SENATE PAPERS**

The following Joint Resolution: (S.P. 599)

**JOINT RESOLUTION RECOGNIZING DEAN COLLEEN KHOURY, RECIPIENT OF THE AMERICAN BAR ASSOCIATION'S**

**MARGARET BRENT WOMEN LAWYERS OF ACHIEVEMENT AWARD**

WHEREAS, Colleen Khoury, Dean of the University of Maine School of Law, has been honored with the Margaret Brent Women Lawyers of Achievement Award, which is the American Bar Association's highest mark of distinction for women; and

WHEREAS, the American Bar Association's Commission on Women in the Profession established the award 13 years ago to recognize and celebrate the accomplishments of women lawyers; and

WHEREAS, Dean Khoury received her law degree in 1975 from the Illinois Institute of Technology/Chicago-Kent College of Law where she graduated first in her class; and

WHEREAS, Dean Khoury was a partner with the law firm of Bell, Boyd and Lloyd in Chicago for 9 years; and

WHEREAS, Dean Khoury was general counsel for Ventrex Laboratories; and

WHEREAS, Dean Khoury became a professor at University of Maine School of Law in 1985 and was appointed the school's first woman dean in 1998; and

WHEREAS, Dean Khoury has taken a strong stand for women, and the Women's Law Section of the Maine State Bar Association recognized this in 1997 by presenting her with the Caroline Duby Glassman Award; and

WHEREAS, Dean Khoury received the Margaret Brent Women Lawyers of Achievement Award for her accomplishments as a woman lawyer who achieved professional excellence in her field and who worked hard to advance the interests of women; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the First Special Session, on behalf of the people we represent, take this occasion to congratulate Dean Khoury and express our appreciation to her for her commitment and dedication to opening opportunities for

women lawyers, to the students of University of Maine School of Law and to the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Dean Colleen Khoury.

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

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**COMMUNICATIONS**

The Following Communication: (S.P. 597)

**STATE OF MAINE  
121ST MAINE LEGISLATURE**

August 4, 2003

Sen. Lynn Bromley

Senate Chair, Joint Standing Committee on  
Business, Research and Economic Development  
Rep. Nancy B. Sullivan

House Chair, Joint Standing Committee on  
Business, Research and Economic Development  
121st Legislature

Augusta, ME 04333

Dear Senator Bromley and Representative Sullivan:

Please be advised that Governor John E. Baldacci has nominated John A. Cashman of Old Town for appointment as Commissioner of the Department of Economic and Community Development.

Pursuant to Title 5, M.R.S.A. §13057, this nomination will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett

President of the Senate

S/Patrick Colwell

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

**READ** and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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**COMMUNICATIONS**

The Following Communication: (S.P. 598)

**STATE OF MAINE  
121ST MAINE LEGISLATURE**

August 4, 2003

Sen. Peggy A. Pendleton

Senate Chair, Joint Standing Committee on Judiciary  
Rep. William S. Norbert

House Chair, Joint Standing Committee on Judiciary  
121st Legislature

Augusta, ME 04333

Dear Senator Pendleton and Representative Norbert:

Please be advised that Governor John E. Baldacci has nominated Bernard O'Mara of Easton for appointment as a District Court Judge.

Pursuant to Title 4, M.R.S.A. §157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett

President of the Senate

S/Patrick Colwell

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **JUDICIARY**.

**READ** and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

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**COMMUNICATIONS**

The Following Communication: (H.C. 260)

August 19, 2003

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under P.L. 2001, Ch. 439, Part PPPP, I am pleased to appoint the following members of the public to serve as members of the Legislative Youth Advisory Council:

Brenwin Soucie of Waterville

Barrett Littlefield of Sidney

Elizabeth Comeau of Atkinson

Should you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/Patrick Colwell

Speaker of the House

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: (H.C. 261)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

August 20, 2002

The Honorable Beverly Daggett

President of the Senate

#3 State House Station

Augusta, Maine 04333-0003

The Honorable Patrick Colwell

Speaker of the House

#2 State House Station

Augusta, Maine 04333-0002

Dear President Beverly Daggett and Speaker Patrick Colwell:

In accordance with 38 M.R.S.A. Section 341-C(5), this letter serves notice to the Legislature that I am extending the term of Ms. Virginia Plummer as a member of the Board of Environmental Protection. This extension is required to ensure fair consideration in the matter of establishment of a Water Level Management and Minimum Flow Regime for China Lake.

Ms. Plummer's Term will end upon final decisions by the Commission on the above-named matter.

Sincerely,

S/John Elias Baldacci

Governor

**READ** and **ORDERED PLACED ON FILE**.

**COMMUNICATIONS**

The Following Communication: (H.P. 1214)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

August 21, 2003

Hon. Patrick Colwell  
Speaker of the House  
121st Legislature  
Hon. Beverly C. Daggett  
President of the Senate  
121st Legislature

Dear Mr. Speaker and Madam President:

On August 21, 2003, at 11:30 a.m., 1 bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, this bill was referred to the Joint Standing Committee on August 21, 2003, as follows:

**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act To Make Additional 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, 2004 and June 30, 2005" (EMERGENCY) (H.P. 1213) (L.D. 1636) (Sponsored by Representative BRANNIGAN of Portland.) (GOVERNOR'S BILL)

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

Sent for concurrence.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 1213) (L.D. 1636) Bill "An Act To Make Additional 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, 2004 and June 30, 2005" (EMERGENCY) 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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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

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**ORDERS**

On motion of Representative SIMPSON of Auburn, the following Joint Resolution: (H.P. 1215) (Cosponsored by Senator ROTUNDO of Androscoggin and Representatives: Speaker COLWELL of Gardiner, DUDLEY of Portland, DUNLAP of Old Town, KANE of Saco, LEMOINE of Old Orchard Beach, LORING

of the Penobscot Nation, MILLS of Farmington, WALCOTT of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING  
CONGRESS TO CONTINUE THE FULL EFFECTIVENESS OF  
THE HEAD START PROGRAM**

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

WHEREAS, the Head Start Program was introduced over 40 years ago and has changed the lives of more than 20,000,000 American children and their families with the simple idea that poor or disabled children will do better in school and in life if they get a "head start" in learning before beginning kindergarten; and

WHEREAS, to prepare preschoolers to function in the classroom and to improve their language skills, the Head Start Program immerses 3-year-olds and 4-year-olds in stimulating activities with other children and trained adults; and

WHEREAS, the Head Start Program most importantly fosters the commitment and involvement of parents and the community in providing educational development for these children; and

WHEREAS, national studies have confirmed that the Head Start Program works as it is now structured, that children improve in all areas of skills and knowledge when they are involved in the Head Start Program and that Head Start graduates are less likely to repeat a grade, less likely to require special education, less likely to be charged with or convicted of a crime and more likely to complete high school and college; and

WHEREAS, on June 19th of this year, the United States House of Representatives' Committee on Education and the Workforce voted to make fundamental changes to the Head Start Program by giving block grants to the states instead of directly funding Head Start, which then would allow diminished services, weaken the role of parents, shift money to states' budgets instead of Head Start and provide no meaningful oversight; and

WHEREAS, these proposed changes would effectively dismantle the Head Start Program, which has been so highly successful over the years. We urge that, rather than undercutting the federal program, direct funding be expanded to ensure that all our nation's children who need this program are included; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twenty-first Legislature, now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to urge the Congress of the United States not to change what is currently a very successful program, to keep the Head Start funding system as it is and to make sure that all the children in America who need this program have the opportunity to be part of Head Start; and be it further

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

**READ.**

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

Representative **SMITH:** Mr. Speaker, Men and Women of the House. I speak today in favor of this Joint Resolution. My daughter Myrena enjoyed a year and a half in a Head Start Program before entering kindergarten. Frankly, she could have enjoyed another year of Head Start but it took me that long to get over the stigma of having my child in a program set up for low

income children, but my daughter has benefited greatly from her time in Head Start. She entered kindergarten 2 years ago as a confident outgoing young lady who was perfectly comfortable with the structure of the school day. She truly did get a head start from this program and she continues to thrive in school now. I support this resolution because I believe Head Start functions effectively as it is. The changes being proposed in Congress will diminish the value and impact of this terrific program. Thank you.

The Joint Resolution was **ADOPTED**.

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 262)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

August 19, 2003

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under P.L. 2001, Chapter 637, I am pleased to appoint the following members of the public to serve as members of the Task Force to Establish a Centralized Voter Registration List:

R. Laurent Benoit of Cape Elizabeth

Dennis Doiron of Gardiner

Steve Frampton of Camden

Should you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/Patrick Colwell

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 318)

**MAINE SENATE  
121ST LEGISLATURE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

August 21, 2003

Honorable Patrick Colwell

Speaker of the House

2 State House Station

Augusta, ME 04333

Dear Speaker Colwell:

In accordance with Joint Rule 506 of the 121st Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Business, Research and Economic Development, the nomination of John A. Cashman of Old Town, for appointment as the Commissioner of the Department of Economic and Community Development.

Upon the recommendation of the Joint Standing Committee on Judiciary, the nomination of Bernard G. O'Mara of Easton, for appointment as a District Court Judge.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The House recessed until 6:00 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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**SENATE PAPERS**

Bill "An Act To Provide a Clear Transition for the County Commissioner Districts as Apportioned by Public Law 2003, Chapter 43 and as Codified by Public Law 2003, Chapter 291" (EMERGENCY)

(S.P. 600) (L.D. 1637)

Committee on **STATE AND LOCAL GOVERNMENT** 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**.

Under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill was **READ TWICE** and **PASSED TO BE ENGROSSED** in concurrence.

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

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Make Additional 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, 2004 and June 30, 2005" (EMERGENCY)

(H.P. 1213) (L.D. 1636)

**PASSED TO BE ENGROSSED** in the House on August 21, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-344)** in **NON-CONCURRENCE**.

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

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

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After Midnight

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-317)** on Bill "An Act To Authorize Department of Transportation Bond Issues in the Amount of \$75,000,000 for Improvements to Highways; Bridges; Airports; State-owned Ferry Vessels; Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors; Improvements to Railroad Structures and Intermodal Facilities; Investment in Public Transportation Fleet and Public Park and Ride and Service Facilities; and Statewide Trail and Pedestrian Improvements"

(S.P. 531) (L.D. 1572)

Signed:

Senators:

CATHCART of Penobscot  
ROTUNDO of Androscoggin

Representatives:

BRANNIGAN of Portland  
MAILHOT of Lewiston  
COWGER of Hallowell  
DUDLEY of Portland  
PINGREE of North Haven  
FAIRCLOTH of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-318)** on same Bill.

Signed:

Senator:

TURNER of Cumberland

Representatives:

ROSEN of Bucksport  
MILLS of Cornville  
O'BRIEN of Augusta  
MILLETT of Waterford

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-317) AS AMENDED BY SENATE AMENDMENTS "N" (S-346) AND "M" (S-345)** thereto.  
**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-317)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (S-317)** and later today assigned.

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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The House recessed until 11:00 a.m.