

# MAINE STATE LEGISLATURE

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

**Volume II**

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**First Special Session**

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**Second Regular Session**

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**Second Special Session**

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ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
FIRST SPECIAL SESSION  
2nd Legislative Day  
Friday, August 22, 2003

The House was called to order by the Speaker.  
Prayer by Honorable Ronald E. Usher, Westbrook.  
National Anthem by Honorable Leila J. Percy, Phippsburg  
and Honorable Sonya G. Sampson, Auburn.  
Pledge of Allegiance.  
The Journal of yesterday was read and approved.

**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

Virginia P. Rines, of Wiscasset, beloved wife of Benjamin L. Rines, Sr., mother of Pamela, Larry, Benjamin Jr., Robert, Peter, Mark and Ray, and grandmother to 8 children. Mrs. Rines was an active member of, and well-known in, her community and was a member of several organizations, including the St. Philips Episcopal Church, the Rebekahs and the Huntoon Hill Grange. Mrs. Rines will be greatly missed by her loving family and her many friends;

(SLS 350)

On **OBJECTION** of Representative EARLE of Damariscotta, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER:** The Chair recognizes the Representative from Damariscotta, Representative Earle.

Representative **EARLE:** Mr. Speaker, Ladies and Gentlemen of the House. I didn't have a chance to know Virginia Rines, but I did know Peter quit well. We worked together on some campaign stuff last year. We shared viewing results. I heard Peter mention several times what a great lady his mother was. I have met Ben and he was giving me the same kinds of stories. I think one of the most important things, as far as I am concerned, I don't know yet when the funeral or viewing or that kind of thing is going to be, but I am sure we will be advised when it is made available. One of the important things, I think, that makes this lady a true lady was that yesterday morning when Peter was getting ready to come up here, she has been quite ill for the past couple or three weeks and I guess she knew that yesterday was going to be her last day. She told Peter that the most important place for him to be was here in the House of Representatives. He came up here yesterday and Mrs. Rines passed away at 2:30. I think it says a lot for the lady. Thank you.

Subsequently, **ADOPTED** in concurrence.

**ENACTORS**

**Emergency Measure**

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

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

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

**Emergency Measure**

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

(H.P. 1213) (L.D. 1636)  
(S. "A" S-344)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

The House recessed until 6:30 p.m.

(After Recess)

The House was called to order by the Speaker.

**UNFINISHED BUSINESS**

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

Bill "An Act To 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)

- In Senate, 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 "M" (S-345) AND "N" (S-346)** thereto.

**TABLED** - August 21, 2003 (Till Later Today) by Representative BRANNIGAN of Portland.

**PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (S-317).**

Representative BRANNIGAN of Portland **PRESENTED House Amendment "I" (H-622) to Committee Amendment "A" (S-317)**, which was **READ** by the Clerk.

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

Representative **BRANNIGAN**: There has been so much talk as everybody has been working hard to put this package together that we may have several pieces of paper in your possession. On your desks you will find the final package and it is distributed at the request of the Speaker of the House. You can't get more impressive and formal and authoritative than that. So, that is what we are voting on and I commend everyone for the work that they have done in putting this package together so we can vote as a body. Thank you Mr. Speaker.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I just want to rise for a moment to recognize the good chair of Appropriations and the members for all their very, very hard work. I also want to recognize those across the aisle on Appropriations for their efforts and the leadership team across the aisle as well. With respect to Transportation, which is in this particular bog that we are about to vote on, we have highways and bridges and other alternative transportation modes. It is something like the Hancock Bridge that brought to our attention the need to invest in our infrastructure to make sure that the people of Maine understood that we hear them when they want to put people back to work and make our roads and bridges safe for those who travel on it. They wanted action and we are about to give them action. I want to thank everyone in this room for their cooperation and their patience as we develop what I think is a very good bond package, one that everyone in this room can be proud to vote on and one in which Maine people will understand that we have met their basic needs and done it in a way that is respectful, both to the fiscal prudence that we all try to adhere to here and also to the people that we serve.

The environment is also very important to all of us here. We are going to have a chance tonight to vote on the environment. We are going to have a chance, also, to vote on higher ed, a chance to move the community college system into the forefront, because we all know here that a higher degree of education brings a higher degree of earning capacity. Tonight, we are here voting on something very historic because we are going to transform our technical colleges to community colleges. That means more to Maine people and to those who want to stay in Maine and make a living here than just about anything else that we can do, the environment, as I have discussed, is something which we cannot ignore. It is our jewel. It is our treasure here. It is something that we need to take care of and that is why we are investing in it.

Tonight I ask you to join me and the good chair of Appropriations in supporting the bond measure in which you are about to vote on. Thank you.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I, too, would like to thank all the member of leadership, all the members of the Appropriations team and all the members of this body for their patience. It always seems like when we start negotiating bond packages, you run into a brick wall and then you back up and run into it again and back up and run into it again. We finally got it done. I am really proud of the work and I can tell you there was no animosity in this body between the Democrats, the Republicans and members of the Appropriations Committee. It was a very cordial negotiation, just the way it should be. You can disagree on issues, but you don't

have to make it personal. I think it was a fine example set by the Democrats, the Majority Leader and the Speaker of the House. I am real proud of the way we negotiated this thing. I hope it gets a very strong vote. This is going out to the voters. It is three separate questions. We prioritized. We are maximizing federal dollars. I think it is a good package to send to the voters. I am really proud of the work that we have done here. Let's move this along so we can leave early tonight.

Representative **RICHARDSON** of Brunswick **REQUESTED** a roll call on the motion to **ADOPT House Amendment "I" (H-622) to Committee Amendment "A" (S-317)**.

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 Bath, Representative Watson.

Representative **WATSON**: Mr. Speaker, Men and Women of the House. While I support this bond measure, I do decry the fact that we were unable to provide bonding authority for the Maine Arts Commission, Maine Historic Preservation Commission, the State Museum, the Historical Society, the State Archives and the Maine Humanities Council. I would like to pose a question. In examining the data sheet passed out, I do not find the appropriation for the Waldo/Hancock Bridge that had been discussed in caucus and on this floor. I assume it is in there somewhere, but I would pose the question as to where that \$4 or \$5 million might be.

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

Representative **BRUNO**: Mr. Speaker, Ladies and Gentlemen of the House. I am not sure I am the one who should answer this, but if you look under highways and bridges, the Waldo/Hancock Bridge is included under highways and bridges for \$4 million. It is included in that \$42 million total or \$38 million, I can't remember that at this point. Down at the bottom of the page, front of the page, you see \$29 million and \$13 million and \$4 million for the Waldo/Hancock Bridge is included in there.

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At this point, the Speaker recognized the Representative from Wilton, Representative Saviello and he was added to the quorum call of the First Special Session of the 121st Legislature.

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The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "I" (H-622) to Committee Amendment "A" (S-317). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 257**

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Blanchette, Bliss, Bowen, Brannigan, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cummings, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hatch, Heidrich, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Norbert, Nutting, O'Brien L, O'Neil, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Rogers, Rosen,

Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Thompson, Tobin D, Trahan, Twomey, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Bowles, Cressey, Crosthwaite, Honey, Tobin J, Treadwell.

ABSENT - Bierman, Breault, Churchill E, Dugay, Duprey G, Eder, Goodwin, Joy, Landry, McGowan, Moore, Muse, Norton, O'Brien J, Patrick, Peavey-Haskell, Richardson M, Rines, Smith W, Sykes, Tardy, Thomas, Usher, Vaughan.

Yes, 121; No, 6; Absent, 24; Excused, 0.

121 having voted in the affirmative and 6 voted in the negative, with 24 being absent, and accordingly **House Amendment "I" (H-622) to Committee Amendment "A" (S-317) was ADOPTED.**

**Committee Amendment "A" (S-317) as Amended by House Amendment "I" (H-622) thereto was ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-317) as Amended by House Amendment "I" (H-622)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**SENATE PAPERS**

The following Joint Resolution: (S.P. 601)

**JOINT RESOLUTION HONORING EMILIEN A. LEVESQUE**

WHEREAS, the Honorable Emilien A. Levesque, of Farmington, passed away on August 21, 2003 and will be remembered as a proud Franco-American, a civic-minded and active member of the Democratic Party and a strong advocate for American veterans; and

WHEREAS, Emilien was born in Grand Isle in 1923, the son of Emile and Anna Chasse Levesque, and graduated from Van Buren High School in 1941; and

WHEREAS, Emilien was drafted in 1943 and served as staff sergeant heavy machine gunner with the 157th Infantry 45th Infantry Division 3rd battalion in World War II; and

WHEREAS, Emilien was a prisoner of war in Eppenheim and Manheim, Germany and received a Purple Heart, Combat Infantry Badge, Victory Medal Ribbon with service stars and a Bronze Star. He served in North Africa, Italy, France and Germany; and

WHEREAS, Emilien was a 58-year member and commander of the American Legion Edgar L. Poss Chapter No. 17 in Madawaska and a member of the Smith-Wiley Post No. 4 in Gardiner; and

WHEREAS, Emilien was known and respected for his effective leadership in labor union management and civic organizations and in the Maine State Legislature, where he served as a representative in the 100th, 101st, 102nd, 103rd and 104th Legislatures, and as House Minority and House Majority Leader; and

WHEREAS, Emilien also served as the Director of the Bureau of Civil Defense, Commissioner of the Maine State Employment Security Commission, Coordinator of Canadian Affairs and Director of the Bureau of Veterans Services for the State of Maine; and

WHEREAS, Emilien served as Lector and Eucharistic Minister of St. Joseph's Parish in Gardiner and was a member of the Canabas Council No. 1299, Assembly No. 348; and

WHEREAS, Emilien's generous and compassionate nature was expressed in his commitment to his family, his faith, his state and his nation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the First Special Session, pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to the loving family of our former colleague and friend, the Honorable Emilien A. Levesque; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Emilien A. Levesque's family.

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

**READ and ADOPTED** in concurrence.

**SENATE PAPERS**

**Non-Concurrent Matter**

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)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-601) AS AMENDED BY HOUSE AMENDMENTS "C" (H-608) AND "F" (H-612)** thereto in the House on August 21, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-601) AS AMENDED BY SENATE AMENDMENTS "G" (S-350) AND "H" (S-351)** thereto in **NON-CONCURRENCE.**

The House voted to **RECEDE.**

**Senate Amendment "G" (S-350) to Committee Amendment "C" (H-601)** was **READ** by the Clerk and **ADOPTED.**

**Senate Amendment "H" (S-351) to Committee Amendment "C" (H-601)** was **READ** by the Clerk and **ADOPTED.**

On motion of Representative LEMOINE of Old Orchard Beach, **House Amendment "F" (H-612) to Committee Amendment "C" (H-601)** was **INDEFINITELY POSTPONED.**

**Committee Amendment "C" (H-601) as Amended by House Amendment "C" (H-608), Senate Amendment "G" (S-350) and Senate Amendment "H" (S-351)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "C" (H-601) as Amended by House Amendment "C" (H-608), Senate Amendment "G" (S-350) and Senate Amendment "H" (S-351)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**ENACTORS**

**Bond Issue**

An Act To Authorize Bond Issues for Ratification by the Voters at the November 2003 Election

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

(H. "I" H-622 to C. "A" S-317)

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

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

Representative **BOWLES:** Mr. Speaker, Ladies and Gentlemen of the House. I know the hour is late. I want to take

just a couple of minutes to talk to you about, not specifically this bond package, which I think is a good package, but I know that the people who constructed this package put a lot of work into it. Their work was sincere and serious and I think they did a good job. I don't fault any member here for having supported this. I want to explain to you why there are just a few of us who were reluctant to do so. I want you to think for just a moment, not so much about bonds and the number, but I want you to think about the concept of debt service and the amount of money that we pay to service the bonds that we issue. In 2003, we spent \$118 million to service the bonds that we have outstanding. That is \$118 million if you had no bonds outstanding, which is not realistic, but you could use it for other purposes. What I am concerned about and what really prompted me to vote against this is I am very concerned about a discussion that I hear becoming very prevalent and that is about the concept of moving towards a 5 percent figure of debt service to revenue. I am hearing this number and it is coming from the Chief Executive Officer and it is coming from others. It is being portrayed as a responsible fiscal number that the bond houses in New York have recognized as being a prudent number. I don't quarrel with that particularly and I am sure it is. I know there are other states that are in a lot worse shape in terms of their debt service ration, but let's just talk for a second about what this means as we begin to shift to 5 percent. This year, in 2003, this \$118 million represented 4.4 percent of our general fund revenues. Had we been at 5 percent this year, that would have required an extra \$16 million. Sixteen million dollars is the amount of money that it took to fund Marine Resources, plus DEP this year. In '04 the difference between the projected debt service at 4.4 percent, if we carry that number forward, versus going to 5, it is \$32 million. That would fund the entire Department of Public Safety plus DECD. The year after that in '05, again going forward 4.4 versus 5.0 percent, you are looking at \$30 million. That figure would fund IF&W and the Department of Agriculture.

I am not going to go on specifically because I don't want to take you time. In five years, ladies and gentlemen, the difference between being at 4.4 percent, where we are currently and moving to 5.0 percent based on projected bonds that we are retiring, versus the bonds that we are planning on issuing, is \$150 million. It is \$150 million that we are potentially going to spend in the next five years on debt service that we could be spending on programs that would benefit the people of Maine. These bonds will also benefit the people of Maine and nobody is trying to say that they are not going to. I just would like to have you think about this figure. It is a large figure and the concern that I have is we make this shift. I know in talking with the so-called stubborn six, those of us who voted against the bonds, I held that this is a concern that is shared by all of them. I just wanted to implant this thought in your mind as you move forward and look at bonds in the future. Thank you Mr. Speaker.

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

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

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

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

#### **ROLL CALL NO. 258**

**YEA** - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Blanchette, Bliss, Bowen, Brannigan, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker,

Campbell, Canavan, Carr, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cummings, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Heidrich, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Tardy, Thompson, Tobin D, Trahan, Twomey, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

**NAY** - Bierman, Bowles, Cressey, Crosthwaite, Honey, Tobin J, Treadwell.

**ABSENT** - Breault, Churchill E, Duprey G, Eder, Goodwin, Greeley, Joy, Ketterer, Landry, McGlocklin, McGowan, Norton, Patrick, Peavey-Haskell, Richardson M, Sykes, Thomas, Usher, Vaughan.

Yes, 125; No, 7; Absent, 19; Excused, 0.

125 having voted in the affirmative and 7 voted in the negative, with 19 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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#### **ENACTORS**

##### **Resolution Pursuant to the Constitution**

**RESOLUTION**, Proposing a Competing Measure under the Constitution of Maine To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief

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

(H. "C" H-608, S. "G" S-350 and S. "H" S-351 to C. "C" H-601)

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

On motion of Representative LEMOINE of Old Orchard Beach, was **SET ASIDE**.

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

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I know the hour is late. I had long remarks prepared. I will not deliver them. I did want to take just a moment, as I think we have neared the end of a very long process to develop a responsible, viable tax package, and in front of this body and in front of the State of Maine to thank the members of the Taxation Committee who have labored phenomenally on this issue since the beginning of the year, day in and day out. We have walked down a million blind alleys. We have lifted all kinds of water on this thing. At the end of the day, we were able to come together. We have a bill in front of this body that will go out to the people of the state. It is because of the hard work, the bipartisan hard work that came out of this committee. I want to say thank you to Representative McGowen, Representative Suslovic, Representative Lerman, the Thelma and Louise of our caucus. They were terrific committed members. I want to say thank you to Representative Simpson who held down a very critical role in that committee. She was full of passion, full of insight and had

great rational approaches to the issues and really helped us move forward. We had similar contributions from three new members, Representative Tardy, Representative McCormick and Representative Courtney. In front of your caucus and this body, I want to say thank you for all of the good work you did with the committee this year. It was your contributions, your willingness to learn so rapidly and participate so fully, that allowed us to get to this stage. Representative Clough, as leader of the Republican team, again, fabulous contribution, committed day in and day out. I don't think I know anybody who works harder than Representative Clough. Thank you for your participation. Representative Joe Perry, Joe a stalwart, always there, always reliable, always with the critical insight and the critical piece of humor. We had a lot of fun and did great work. I want to thank you Representative Perry.

We had Senators on this committee, I am afraid to say, but we actually had great participation from them as well, Senator Nass, Senator Strimling and Senator Stanley. They are a trio of extraordinarily honorable, dedicated men who came to work every day and, again, because of their commitment and their flexibility we came to this agreement, which I trust this body will adopt tonight.

My thanks to them and my thanks to leadership. We had great support from our leadership. I know everybody knows you can't do this without their help. At the end of the day we can't do it without the help of every member of this body and the other end of the hall. It was your participation, especially in the last day, but throughout the course of the last month that allowed us to put the package together, which I believe is an extraordinarily effective tax relief program to offer to the people of the State of Maine.

My final remark is this. It is an observation on the true genius of the process that we live in, which is not to say we are geniuses who work in it, but the process itself is truly phenomenal. We have a system that allows people to petition their government and they did so. They came to us with a citizen's initiative. This people's Legislature looked it over and determined we could do better. The Chief Executive offered his views on it. The Taxation Committee looked it over and made recommendations. This body heard the bill at the end of the session and sent it back to committee. We reworked it, heard it again yesterday and improved on it. It went to the Senate and was amended further. It was further improved, I believe. It is now in a posture to go out for acceptance by the people of this state. It is a genius in a system that allows us to get to the point where we can reach consensus. I believe we have done it. We have done it in a way that represents the interest of the state. At this point I would urge all of us and the proponents of the municipal association bill to join us. We have proposed effective tax relief for the people of this state. I trust we can move forward and have it adopted. Thank you Mr. Speaker.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I would like to continue to thank you to Representative Peter Mills and to Senator Stanley. I think that we saw a process that moved mainly from being Augusta speak to a real concern in this body about addressing what is happening with our property tax payers.

I think there is a couple of things that we have to focus on, because I think we have been here trapped in Augusta for I am not sure how many days or how many hours or how many tuna salad sandwiches that we have had. If you put yourself in the shoes of the Maine voter on a decision that they are going to have to make in November, you have to clearly understand the

environment, the mindset that they are going to bring. We have addressed some issues here that will help, but the focus of their referendum, and it is their referendum, focused on 55 percent, which is not a new figure that they have developed. It has been there for 18 years.

They focused on special ed. Representative Davis from Falmouth has a very old faded clipping from the Portland Press Herald, 1974, which was the first year Maine made a promise to fund special ed at 100 percent. At the end of that first year, Maine had to say that they can't do it. We won't do it. That also was an old promise broken in the first year. We have sent a lot of resolutions to Congress talking about their broken promises on special ed. They follow what happens here in terms of GPA, which is going to come back to their school units. They don't look at it just as property tax payers in is my bill going up or is my bill going down or it stays the same. They look at what is coming from Augusta to in terms of what kinds of education or what kinds of programs, what quality of education will there be on the local level. It is not just all about taxes. It is about the quality of that local education. They look at the history of the last few years and they look at the percentage increases and they see 7.5 percent, 7 percent, 3.5 percent, 3 percent and a fraction of 1 percent and then with the Governor's \$4 million that he has placed, we have now come up to a 0 percent increase for next year. They don't need a bar graph to figure out what is happening on the local level.

They have seen, I think, because of the sophistication of science, parents and maybe some pretty good lawyers that we have seen our special ed population increase and we have seen the treatment increase dramatically in terms of programs and costs. All day programs, out of school placement, very good institutions and other institutions throughout the state or placements that cost \$60,000 or \$100,000 and they are trying to do that in a very tight budget.

When they say 55 percent, they understand that when you let it slide to 43 percent that affects their taxes and it affects their children. They understand that when we don't fully fund special ed or 70 or 80 percent of the special ed costs, it takes away from all the other children in that school unit and it pits special ed children versus children in the traditional classroom. It pits parents of those students against each other and that is not the environment we want on the local level.

The citizen's initiative that has come to us, we have not addressed 55 percent. I think if we heard from the good Representative yesterday that we will do 55 percent over a five or six year period, but we do nothing in the first two years. Would you go out and buy your house with a balloon payment? Would you go out and buy your car with a balloon payment? You are offering in the alternative proposal 55 of 70 or 75 percent within the box. It is going to be a balloon payment. You are not going to get the money until the second or third year. They see 0 percent, no new money and it is out over the horizon. That is not a very good environment in which to have a referendum. The reason it is here, the cause of it, is desperation. It is the desperation on the quality of what is happening within those classroom walls and what is happening to Maine people and what is happening with their property tax.

The alternative attempts to deal with valuations. It doesn't change valuations. The homestead, which many of you drastically altered just a few short months ago, for example, two town managers, Kennebunk and Kennebunkport, Kennebunk had two-thirds of the households had their homestead changed. The Kennebunkport town manager said that is almost all of them, almost everyone in town has been impacted by that homestead. The property tax bills are in the mail right now. As a matter a

fact, if we do get home tomorrow and you open your mail, your property tax bill is going to be there. You are going to see a reduction on the homestead. I guess you probably ought to be ready for the calls trying to explain that.

This competing measure doesn't correct that this year. Again, it is out into the horizon. The same thing with the circuit breaker. The circuit breaker is very positive because it brings real relief to a larger number of Maine resident taxpayers. That is a real positive. I think we can be proud of that. That is separate from the issue that is before us. We are putting together a competing measure to deal with education and special ed. We haven't done that. That homestead should never have been repealed. It should have been increased. That circuit breaker should have been increased and expanded when we were sitting on top of all that money. It should have been done each and every year of trying to broaden that base. We are feeling very good this evening doing what we should have done a year or two ago. That should have been in place. Maybe if it had been, there might not have been enough signatures that we would be looking at that referendum.

Looking at it from an education viewpoint, the concerns that I still have as someone who has spent his life in education and as someone who has worked with education funding here on the state level and I have had very good conversations with two people that I have a great deal of respect for. I think the State of Maine is very fortunate to have Jim Ryer and Commissioner Gendron working for us. We have two of the top people in the country. I trust what they tell me, but I still have the concerns because everything that we are going to do is out over the horizon. It is not right now. We haven't done it. We are talking about doing something in January or two years from now.

There is a provision in here, the cost sharing agreement. If you are in an SAD or a CSD, this law changes that relationship. It says within the box that cost-sharing agreement that you have doesn't apply. It overrides it. Only when you go outside the box does the cost-sharing agreement come in. I would think that there is probably 80 or 90 of you, other than the cities, who your school units are part of the cost sharing agreement. I have heard that it will end up being a wash. We don't know that for sure. Remember when we said instead of putting a central services into the law in May, that it should be January so that we have all the answers, but many members in this body were in a rush to pass essential services and the questions hadn't even been asked yet. Some of those questions that should have been happening in the Education Committee with the local school units, the State Department of Education and with you, those questions haven't been asked. We have been scrambling to get those answers to those questions now.

There is a little bit of alleviating of fear or insecurity about that, but I have a real concern about the State Legislature violating a local contract, negotiated at the local level and many of those contracts have been in place for at least 30 years. My other concern is we are talking about essential services. It is a hybrid. It is a half and half. It is a blend. Half of it is brand new and the other half is the old law. The other half won't arrive until January. We are offering a proposal to the voters that is a hybrid. The rest of the bus or the trailer hasn't arrived yet. It is still on the hybrid. What I am afraid is we have looked at a problem that we fully understand now. It was brought eyeball to eyeball to us by the MMA petition and it is that the Maine citizens are bleeding. They are suffering 100 cuts from valuations and this doesn't deal with reforming valuations. What we have done is we have offered two Band-Aids, the homestead and the circuit breaker and we have refused to address the problem.

We could probably get a legislative award nationally for being the Band-Aid capital of the world. We are great on Band-Aid construction and application, but we never directly face the cost for the problem. We just do Band-Aid after Band-Aid after Band-Aid instead of going and facing this problem directly. I am from Maine. I am not from Missouri, but I still have that philosophy, show me the money. The only money I see in this so far is the \$4 million that has taken us to a 0 percent increase in GPA. MMA is focused on, for comparison purpose, apples. You are offering them oranges. Those oranges will be very positive in terms of helping some people after the fact. You haven't addressed 55 percent. You haven't addressed the special ed. The money isn't there.

I think what will begin to happen is as the voters look at the alternative and the reality of what has happened to them locally and they will look at this dish that is being offered up to them, this alternative dish, and if I could draw an analogy, it would be like going to a really good famous Italian restaurant and ordering the famous spaghetti and meatballs. It sounds really good when you hear the description of what you are going to do, but when that platter arrives and there is no sauce and there is no meatballs, you have to send it back to the kitchen. While we traveled a different path here, I am afraid that without addressing these issues, the MMA proposal will pass.

Whether it does or it doesn't when we come back here in January, if you aren't of the mindset for self-discipline that when the revenues come in or the savings come in and you don't begin to dedicate more to local education, I think we will all feel the wrath of the voters that following November. You can't go along and let it be the same old, same old that as the revenues come in, education, which the taxes that were raised in common sales to generate that revenue that you don't at least let it have the same percentage as the increase of revenues that are coming in. I don't know if that is self-discipline in the discussions in the past 24 hours has generated. I would hope so. Whatever happens November 4th, our real work in terms of essential services, education funding and tax relief must start. What you have offered here is only the beginning and not the end.

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

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

The SPEAKER: The Representative may pose his question.

Representative **WATSON**: Mr. Speaker, Ladies and Gentlemen of the House. I would pose this question to the Chair of the Taxation Committee. I would like and appreciate a very brief summation of what has happened to this bill since it was sent to the other body. The other body obviously made some changes to it. I would like to know precisely what changes those are. I would also like assurance that the excellent amendment offered by Representative Mills regarding circuit breaker has been corrected and the excellent amendment offered by Representative Percy regarding verification, which was inadvertently stripped has been restored. I would just like a brief summation of that if I might.

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

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. The bill is amended before us by the Senate and by our own actions. It leaves in Representative Percy's amendment, which requires that we make sure that this program provides property tax relief by taking a study or by taking a look at it in the



year 2010. It amends and corrects the circuit breaker program that was originally offered by Representative Mills so that we do not eliminate 16,000 people from the benefit program. It preserves the move towards a full 55 percent of school funding over time. It preserves expectations of 10 mills for basic education rights. It preserves the February 1st deadline each year so that everybody will know what their local budget should be. It preserves the principle of doing this without raising immediate new taxes.

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

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. I rise tonight to bring up a couple things. First of all, I would like to thank our chairman. Our chairman sat through more testimony and more tirades and had more patience with a lot of us inexperienced legislators. For that, I am very grateful. There are some concerns with this. There is a cliff and I trust that we will look at that if the voters decide to approve it. If you earn a dollar more than the maximum, then you don't qualify at all. I think that was one of the unique things about the good Representative from Cornville's amendment. It did address that. I think there were some very strong aspects for that and I hope we will be able to look at that later.

Also in here there is a marriage penalty that this created. Two income earners earn the same amount of money and they get over that, it should be doubled if you have two people. I would like to go on the record that we need to take a look at that. This bill isn't as broad and it doesn't offer as much relief to as many different people as the Mills amendment, but it is a step in the right direction.

Personally I have concerns because we have removed the municipal spending cap and taken off the referendums for school spending above the EPS. I think, if this goes through, more money to the municipalities and a lot of us would like assurances that it gets passed through the taxpayers. I guess we will be putting our faith in the municipal officials having a lot of municipalities been starved for money for several years because of increasing school costs and special education costs, I am quite hopeful that they will be able to hold the line and not buy the new fire truck. I suspect that that is going to be a challenge. I hope that we will be able to offer tax relief.

One of the things that I don't understand about this is we are attempting to return the homestead exemption to the people of Maine through a referendum. I have a hard time understanding that. It seems that we could have easily done that in the supplemental budget and maybe been much more direct and much more clear with that.

Those are of few of my concerns. I am going to support it. The reason I am going to support it is because we are finally taking a look at getting a grasp on 55 percent of what. We are working of the EPS model and taking a responsible way of funding education, looking at the true cost for pupils.

We are also taking a look at valuation increases, which the members of the Taxation Committee will probably be tired of hearing. They won't have to hear it for the rest of the summer, but by decreasing local contributions to education, we are looking at increased evaluations. That is a major problem. I know that my good friends from Portland are finding that out right now. When you reevaluate and the property values increase so much, all of a sudden you are not contributing as much to education as you thought you were. That is something that needs to be addressed. I think it is something we are really going to have to look at as we come back.

I think the biggest thing here that we are doing is the increased circuit breaker is really the true mechanism for the

property tax reform. We are on the right track by expanding that. We are taking some of the good Representative from Cornville's ideas and working out a couple of the little quirks that we missed and really looking at passing money to people. Rather than having so much be weighed on the property tax, we are looking at income and the ability to pay. I think that is a very good step in the right direction.

In closing, I would I would ask you to support this. I would again appreciate and thank the good chairman for his patience with me, especially. Thank you all.

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

Representative **PERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I know the hour is late. If anyone here thinks I am standing to talk on this issue to get us past midnight, I assure you it is true. I will be brief. Tax reform is a tough business. I think you are getting a sense of what we went through for eight months on this committee. Almost every tax reform idea you hear sounds really good by itself, be it homestead, circuit breaker, current use valuation, the whole line. It is not until you look at the cost and what you have to do in return to implement one of these programs and the cost involved where you find out it is a little tougher than it sounds. That is the problem with the MMA proposal. It would lead the average person in the ballot box to believe \$263 million is coming out of thin air. That just doesn't happen.

That is not why I rose to speak. I did just want to publicly thank our committee chair, Representative David Lemoine. We wouldn't be here tonight with a responsible proposal that makes a lot of sense if it wasn't for his leadership. He was always focused on the issues. He kept us on track with responsible tax reform in mind. He always had a way of seeing past whatever was in front of us at that moment, the big picture. Without his leadership, I don't think we would have this proposal to vote on tonight, which I think is a responsible alternative to the one question that is already on the ballot. Thank you.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to also say that while I am disappointed in some of the things that have happened in the amendment process in the other body, I am going to continue to support this legislation. I believe it is the right thing to do. However, I hope that the municipalities get the strong message. It is our desire that any extra funds that are sent to the municipalities to fund education, get passed through as a savings to the property taxpayers and not siphoned off as additional money and used to enhance the municipal side of the budget. I hope they get that message. I am also disappointed that we didn't use Representative Mills proposal that we passed out of here almost unanimously yesterday as the platform to move forward with the circuit breaker. I am really disappointed in that because it had a lot more working for it in the long run than the old system that we have reverted back to. With that said, I will be voting for the legislation as amended. I urge the rest of you to do so also. Thank you Mr. Speaker.

Representative TWOMEY of Biddeford **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

**ROLL CALL NO. 259**

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Blanchette, Bliss, Bowles, Brannigan, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Canavan, Carr, Churchill J, Clough, Courtney, Cowger, Craven, Cummings, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey B, Earle, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Heidrich, Hutton, Jacobsen, Jennings, Jodrey, Kane, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moore, Muse, Norbert, O'Brien J, O'Brien L, O'Neil, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Tardy, Thompson, Tobin D, Tobin J, Trahan, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Berry, Berube, Bierman, Bowen, Campbell, Clark, Collins, Cressey, Crosthwaite, Fletcher, Goodwin, Honey, Hotham, Jackson, Kaelin, Lundeen, Moody, Murphy, Nutting, Treadwell, Twomey, Young.

ABSENT - Breault, Churchill E, Duprey G, Eder, Faircloth, Greeley, Joy, Landry, McGowan, Norton, Patrick, Peavey-Haskell, Richardson M, Sykes, Thomas, Usher, Vaughan.

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

112 having voted in the affirmative and 22 voted in the negative, with 17 being absent, and accordingly the Resolution was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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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**

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)  
(S. "A" S-344)

**PASSED TO BE ENACTED** in the House on August 22, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-344) AND "B" (S-353) in NON-CONCURRENCE**.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. Before anyone gets up to start in with blue tarp jokes after I get done, I have already heard that we made a mistake, several times. We passed legislation in this chamber and in the other body. It was a bill that was my bill dealing with simplifying hunting laws. In the midst of the committee amendment, we had repealed a section dealing with illegal possession of gift moose meat. Inadvertently a clerical error led to the deletion of the section beneath it that dealt with buying or selling moose. What this amendment from the other body is designed to do is to correct that mistake so that we do not

have a situation with people who, with the moose hunt coming up, take very large animals and then proceed to try to cash in on that. It would not be very good for the tradition of hunting in the State of Maine. This was adopted in the other chamber rather handily and I have great sympathy with that particular sentiment and I would urge my colleagues to follow suit. Thank you Mr. Speaker.

On motion of Representative **DUNLAP** of Old Town, the House voted to **RECEDE AND CONCUR**.

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

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The House recessed until 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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**ENACTORS  
Emergency Measure**

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

(H.P. 1213) (L.D. 1636)  
(S. "A" S-344; S. "B" S-353)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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After Midnight

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The Chair appointed the following members on the part of the House to wait upon his Excellency, Governor John E. Baldacci and inform him that the House had transacted all business before it and was ready to adjourn without day and to receive any communication that he may be pleased to make.

Representative LEMOINE of Old Orchard Beach  
Representative PERRY of Bangor  
Representative McGOWAN of Pittsfield  
Representative SIMPSON of Auburn  
Representative LERMAN of Augusta  
Representative SUSLOVIC of Portland  
Representative CLOUGH of Scarborough  
Representative COURTNEY of Sanford  
Representative McCORMICK of West Gardiner  
Representative TARDY of Newport

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The Speaker appointed Representative RICHARDSON of Brunswick on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

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Subsequently, the Committee reported that they had delivered the message with which they were charged.

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

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Governor **BALDACCI**: Thank you very much. I know it has been a long couple of days, but you have gotten an awful lot done. I want to thank the Speaker of the House, Pat Colwell; Majority Leader, John Richardson; Deputy Leader, Bob Duplessie; Minority Leader, Joe Bruno; Minority Assistant Leader,

David Bowles. The Yankees lost tonight and the Red Sox won tonight and working together the people of Maine have also won. I just want you to know that you faced some challenging issues and you have made an awful lot of accomplishments in a short period of time and you have done it by working together and putting the interests of the citizens of this state and the future of this state first. I want to thank you for that.

I think the measures that you have worked on in getting a responsible plan for property tax relief for individuals and working families throughout the state is going to be one that we are going to enthusiastically work together to promote throughout the State of Maine this November. I am excited about it in honoring our commitment on education, homestead and individuals. I am excited about it. I know we are going to continue to work on these issues and the challenges that lie ahead of us. The investments on our infrastructure, I know there were many needs that were there. There are some that we were not able to completely address. I do feel that we have made a good start. You have been able to address the needs of higher education in our community colleges. You have been able to make the investments that were needed in transportation, our roads, ports, airports and bridges and also to make sure that we had clean air and water. You have done an awful lot. I just wanted to thank you very much and say congratulations to each and every one of you.

Thank you very much.

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At this point, a message came from the Senate borne by Senator Gagnon of Kennebec of that Body informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

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On motion of Representative CHURCHILL of Orland, the House adjourned without day at 12:14 a.m., Saturday, August 23, 2003.