

MAINE STATE LEGISLATURE

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State of Maine

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First Special Session

August 21, 2003 – August 23, 2003

Second Regular Session

January 7, 2004 - January 30, 2004

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February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
9th Legislative Day
Tuesday, January 27, 2004

UNIVERSITY OF MAINE SYSTEM
OFFICE OF FINANCE AND TREASURER
107 MAINE AVENUE
BANGOR, MAINE 04401-4380

January 23, 2004

The Honorable Patrick Colwell
Speaker of the House
State House Station #2
Augusta, ME 04333

Dear Speaker Colwell,

The enclosed report has been prepared as required by statute. It provides the accounting for State appropriations and capital bonding for research and development at the University of Maine and the University of Southern Maine FY2003.

Sincerely,

S/Joanne L. Yestranski

Chief Financial Officer and Treasurer

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

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

Prayer by Pastor Gerhardt P. Miller, The United Church, Monmouth and The United Methodist Church, East Monmouth.

Pledge of Allegiance.

Doctor of the day, Peter Mason, D.O., Bath.

The Journal of Thursday, January 22, 2004 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 299)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

December 29, 2003

Chief Justice Leigh I. Saufley
Maine Supreme Judicial Court
P.O. Box 368
Portland, ME 04112

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 121st Maine Legislature on Tuesday, January 27, 2004 at 10:30 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Beverly C. Daggett

President of the Senate

S/Patrick Colwell

Speaker of the House

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Amend Water Quality Laws To Aid in Wild Atlantic Salmon Restoration"

(H.P. 1358) (L.D. 1833)

Sponsored by Representative KOFFMAN of Bar Harbor.
(GOVERNOR'S BILL)

Cosponsored by Senator MARTIN of Aroostook and Representatives: DAIGLE of Arundel, DUNLAP of Old Town, KAELIN of Winterport, PERCY of Phippsburg, PINGREE of North Haven, Senators: DAMON of Hancock, HALL of Lincoln, SAWYER of Penobscot.

Committee on **NATURAL RESOURCES** suggested and ordered printed.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **REFERENCE** and later today assigned.

The Following Communication: (H.C. 300)

**STATE OF MAINE
SUPREME JUDICIAL COURT**

January 7, 2004

Senator Beverly C. Daggett

President of the Senate

3 State House Station

Augusta, Maine 04333-0003

Representative Patrick Colwell

Speaker of the House

2 State House Station

Augusta, Maine 04333-0002

Dear President Daggett and Speaker Colwell:

I am pleased to accept your invitation to address a Joint Session of the 121st Maine Legislature on Tuesday, January 27, 2004, at 10:30 A.M. I appreciate the courtesy of the Legislative Branch of government in permitting me to address the cause of justice in Maine.

I look forward to seeing you on January 27, 2004.

Sincerely,

S/Leigh I. Saufley

Chief Justice

READ and **ORDERED PLACED ON FILE.**

At this point, a message came from the Senate, borne by Treat of Kennebec of that Body, proposing a Joint Convention to be held in the Hall of the House at 10:30 in the morning for the purpose of extending to the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend the Joint Convention and to make such communication as pleases the Chief Justice.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:30 in the morning and the Speaker appointed Representative RICHARDSON of Brunswick to convey this message to the Senate.

REPORTS OF COMMITTEE

Change of Committee

Representative SULLIVAN from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish the Maine Jobs, Trade and Democracy Act" (EMERGENCY)

(H.P. 1337) (L.D. 1815)

Reporting that it be **REFERRED** to the Committee on **LABOR.**

The Following Communication: (H.C. 301)

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR**.
Sent for concurrence.

CONSENT CALENDAR
First Day

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

(H.P. 1222) (L.D. 1644) Resolve, To Clarify State Ownership of Land in the Town of Naples Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

There being no objections, the above item was ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

BILLS IN THE SECOND READING
House as Amended

Bill "An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory"

(H.P. 308) (L.D. 388)
(C. "A" H-623)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

At this point, the Senate came and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Beverly C. Daggett, in the Chair.

The Convention was called to order by the Chairman.

On motion by Representative TREAT of Kennebec, it was **ORDERED**, that a committee be appointed to wait upon the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Honorable John E. Baldacci, Governor of the State of Maine, the Justices of the Supreme Judicial Court, and members of the Judiciary, and inform them that the two branches of the Legislature are in Convention assembled, ready to receive such communication as pleases the Chief Justice.

The Order was Read and Passed.

The Chair will appoint the following:

The Sen. from Cumberland, Sen. Pendleton

The Sen. from Penobscot, Sen. Cathcart

The Sen. from Franklin, Sen. Woodcock

The Rep. from Portland, Rep. Norbert

The Rep. from Freeport, Rep. Bull

The Rep. from Auburn, Rep. Simpson

The Rep. from Caribou, Rep. Bennett

The Rep. from Brunswick, Rep. Gerzofsky

The Rep. from Farmington, Rep. Mills

The Rep. from Hodgdon, Rep. Sherman

The Rep. from Lincoln, Rep. Carr
The Rep. from Hampden, Rep. Duprey
The Rep. from Turner, Rep. Bryant-Deschenes
The Rep. from the Penobscot Nation, Rep. Loring
Subsequently, Senator Pendleton from Cumberland, for the Committee, reported that the Committee had delivered the message with which we were charged and are pleased to report that the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Honorable John E. Baldacci, Governor of the State of Maine, the Justices of the Supreme Judicial Court, and members of the Judiciary, will attend forthwith.

The Chair is pleased to welcome to the Convention the Honorable members of the Judiciary. The Chair is also pleased to recognize the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, accompanied by John E. Baldacci, Governor of the State of Maine. The Chair is also pleased to recognize the Justices of the Maine Supreme Judicial Court.

The Chair is pleased to recognize in the House Gallery the Justices of the Supreme Judicial Court: Justice Donald G. Alexander, Justice Susan W. Calkins, Justice Robert W. Clifford, Justice Howard H. Dana, Jr., Justice Jon D. Levy and Justice Paul L. Rudman. Also, with them today, Chief Justice of the Superior Court, Nancy Mills, Deputy Chief Justice of the Superior Court, Thomas E. Humphrey, Chief Justice of the District Court, Vendeau V. Vafiades, Deputy Chief Judge of the District Court, Robert E. Mullen. Also, in the House Gallery, Justice of the Superior Court, Joseph M. Jabar, Judge of the District Court, Charles C. LaVerdiere, State Court Administrator, James T. Glessner,

The Chair is pleased to present to you the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court.

Thank you President Daggett, Speaker Colwell. And good morning Governor Baldacci, Members of the 121st Legislature, Judicial colleagues and family.

I should note that my parents, Jan and Dick Ingalls are here this morning, along with my husband - my best friend Bill Saufley, and my daughter Jenny.

There is a family member missing in the gallery, however. My son Ben has gone away to college. He is in college outside of Maine. And so, like many Maine parents, I listen carefully when Governor Baldacci talks about his plan to create an economic environment that will bring our children home to Maine.

Ben will be in that job market soon.

No pressure Governor. Just make it happen quickly.

INTRODUCTION

It is truly an honor for me to address you today on behalf of Maine's Judicial Branch of Government. It has been a year of substantial changes and progress toward our goal of redesigning the way we deliver justice in the State of Maine.

The demands on the courts in Maine have undergone a fundamental transformation during the last decade, and those changes have been echoed throughout the nation as government has looked for new ways to address the problems of drugs, violence, and children living in turmoil.

But I don't need to tell you that. You have worked on these challenges here in the chambers of the State House and, I am very pleased to say, you have come to the courts to see for yourselves the changes that have affected the courts and the public.

Therefore, I begin with a personal thanks to those of you who have taken time from your very busy lives to visit courtrooms, to meet with judges and clerks, and to meet with me.

More than 50 members of this Legislature have visited courtrooms and judges this year. This willingness on the part of legislators to see firsthand the experience of members of the public who seek justice in our judicial system has been very heartening. What you have observed is a system that is stretched too thin, with staff and members of the public conducting business in sometimes-impossible conditions. Both the public and our staff have noticed and responded positively to your presence.

Many of you have even taken the time to follow up with letters and calls to me and to the other judges to give us suggestions, support, and feedback. Your assistance has been greatly appreciated.

That commitment to addressing the public's needs in our courthouses has been shared by the Executive Branch. I have been gratified by the Governor's willingness to meet with me to discuss the issues affecting the court system, our aspirations for the future, and the urgent nature of the Judicial Branch's resource restrictions.

Inter-Branch Independence

All of this is a compelling testament to the fact that we work hard in Maine to cooperate between branches of government, and all of us recognize the importance of three co-equal independent branches.

And it demonstrates your respect for a strong and independent Judiciary that is ready to apply the laws you work so hard to create.

The universal striving for a system of justice that addresses disputes according to a system of law, honor, and standards exists throughout the world.

These principles and practices by which we have created a judicial system that is independent, accessible, and trusted by the public have become beacons for other emerging governments.

The Russian information exchange program, which I know you have assisted in recent years, provides a compelling example of that goal. When I talk with our Russian judicial colleagues through the Archangel program and the Rule of Law program, I am always struck by their passion for the development of an independent and trusted Judiciary.

And I come away each time with a renewed commitment to assuring the availability of prompt, accessible, credible justice in Maine.

Overview

And so, mindful of the opportunities and responsibilities we have been given by the people of the State of Maine, let me tell you what we have accomplished in the Judicial Branch in this last year.

- Today, I will describe the progress that the Judicial Branch has made toward a new design for the delivery of justice that will be more responsive to the personal, social, business, and criminal justice needs of Maine's people.
- I will also lay out the challenges ahead.
- And I'll tell you what you can do now, this session, to help Maine citizens find the access to justice that they so desperately need.

INNOVATIONS AND SUCCESSES

I begin with this simple message. Maine's state courts are doing an extraordinary job with the limited resources available, and we are constantly looking for ways to do better.

A New Model for Scheduling

One of the most exciting changes in the way we administer justice is unfolding right now. Last year, after establishing the case types that must receive priority attention, the Supreme Judicial Court announced the formation of the Judicial Resource Team, which was asked to make recommendations for improvement in the way we allocate the limited resources available to us.

We put the Team on a tight timeframe. Led by Supreme Court Justice Jon Levy, and guided by the skills of Superior Court Chief Justice Nancy Mills, Deputy Chief Tom Humphrey, District Court Chief Judge Vendean Vafiades, and Deputy Chief Bob Mullen, the Team developed an inspiring set of recommendations.

The Supreme Judicial Court immediately accepted those recommendations and took steps to require their prompt implementation.

The extraordinary men and women who are the judges of the District and Superior Courts have already begun working with our clerks to create an entirely new regional structure for the scheduling of Maine's court cases. All of the District and Superior Courts located in a region will coordinate the scheduling of their cases and the allocation of their judges, clerks, and other resources.

We will be working with community partners as well, including the bar, the prosecutors, local law enforcement, and others affected by changes in our system.

The New Model calls for the adoption of case completion standards and other objective measures to assure that dockets are administered efficiently. We are confident that clearly defined expectations as to the timeframes for the completion of cases will improve the delivery of justice.

What will these changes mean for members of the public? There will be greater certainty that:

- Court hearings will be conducted when scheduled.
- Continuances will be kept to an absolute minimum.
- Priority cases will receive the attention they deserve.
- And cases will be reached and decided in a timely manner.

Not since the completion of the new District Court system in 1966 has the system undergone such fundamental changes. By this summer, Maine citizens will begin to see substantial improvements in the way court cases are scheduled as a result of the New Model for Scheduling.

Administrative Changes

Complimenting those changes has been our substantial reorganization of the Administrative Office of the Courts. Now, lest you worry, let me assure you that the reorganization was created without the addition of a single new position.

We have moved from an administration that viewed the state in four separate quadrants to a system where all of our resources and responses will be viewed on a statewide basis. These changes will allow us to move resources to meet the public's needs and to assure a consistent approach throughout the state in facilities, procedures, and staffing.

As you can imagine, this was not a simple transition, and a number of people have had to work double and triple duty to accomplish our goals. Ted Glessner and the members of his staff have managed to move the Maine courts from an outmoded organizational structure to one that will take us through the next decade.

New Faces

Our centralized and streamlined administration now boasts some of the most talented people I've had the pleasure to work with. Among that group are two new faces. Leah Sprague, a

former Judge from Massachusetts, with deep roots in Maine, brings a depth of experience in dealing with difficult resource problems. Her expertise and enthusiasm have already proven invaluable in planning for the New Model for Scheduling.

And the second new face may not be so new to some of you. The role of Director of the Clerks of Court requires someone with exceptional skills. We found that person in Sue Bell. She is both a former three-term legislator and a veteran of the Executive Branch, and we are very fortunate to have convinced her to complete the cycle of government service by working with us in the Judicial Branch.

Please join me in expressing appreciation to Ted and the members of his Administrative Team who have worked so hard to accomplish these improvements, and in welcoming Leah Sprague and Sue Bell to the Maine Judicial Branch. Ted, Leah, and Sue would you please stand.

Problem-Solving Courts

At the same time that we have been reorganizing for greater efficiencies, we have continued our innovative efforts in the courtrooms.

Adult Drug Treatment Courts

Several years ago, you authorized the creation of Adult Drug Treatment Courts in Maine. It turned out to be the beginning of a new way of addressing substance abuse wherever it appears in the court system.

Drug treatment courts hold defendants accountable for their actions and, through frequent drug and alcohol testing, they enhance public safety. Those who fail find themselves serving lengthy prison sentences. But those who are able to obtain and maintain sobriety are assisted in their efforts to return to the work place, to compensate victims of their crimes, to return to their families, and avoid prison.

In the two years that this program has been offered, 354 Maine citizens have been accepted into the program, 107 have graduated, and 129 are now actively involved in the program. Each of those individuals faced months or years in our jails and prisons. The savings in lives, reduced crimes, and taxpayers' dollars is substantial.

But academic descriptions of problem-solving courts don't tell the whole story. Let me tell you about an individual who has turned his life around with the help of the Washington County Adult Drug Treatment Court Program.

Troy Socoby

When Troy Socoby was 19 years old, he was indicted on a charge of Class A robbery, assault and theft. The crime occurred in May of 2001 when Troy and two others stole prescription narcotics from a local drug dealer. At the time of the incident, Troy was an opiate addict and high school drop out.

Troy pled guilty to the charges. His sentence of 5 years in prison was suspended except for 9 months, and he was placed on probation for 6 years on the condition that he "complete drug court successfully."

Now let me digress for just one moment. We have learned, to our surprise, that some defendants will choose a lengthy jail sentence over the opportunity to participate in drug court. Drug court is not easy, it requires a complete commitment on the part of the individual, not just to sobriety today, but to a change of lifestyle, a change of environment, often even a change of friends. In many instances, it requires people to give up the life that they have known for years.

Troy chose to give it a try, and he was admitted to the Washington County Adult Drug Treatment Court in July of 2002. He successfully finished the program and became the first Native American graduate in August of 2003.

While Troy was in drug court not only did he fulfill the basic requirements of facing the judge every week for a year, going to weekly counseling, staying clean, making new friends, and going to more than 300 AA or NA meetings, he also completed his GED, and paid his restitution in full. He then did so well in two courses at the Unobsky School, a local community college, that he was admitted as a full-time student at the University of Maine in Orono.

Troy plans to pursue a degree in Occupational or Physical Therapy. He expects to spend his February vacation working in a homeless shelter.

Troy is here today, and I am going to ask him to stand and accept our congratulations.

Judge John Romei, who presided over Troy's participation in the drug court, says that this program has given him hope for the first time in his judicial career. The work that he does affects lives, not just individual lives, but the lives of entire communities.

Similarly, Justice Roland Cole, the judicial director of the Adult Drug Treatment Courts, has shown an extraordinary commitment to the program and been instrumental in keeping Adult Drug Treatment Courts going with no new judicial resources.

Judge Romei and Justice Cole, would you rise and accept our appreciation for all of the work that you have done.

The courts are making a real difference in the lives of Maine people, but we could do so much more.

Family and Juvenile Drug Courts

And, in fact, wherever we have been able to, we have expanded the reach of our problem-solving courts. Encouraged by the success of the Adult Drug Treatment Courts, similar efforts are now underway in our juvenile and family courts.

Using a small federal grant focused on Waldo, Lincoln, and Knox Counties, Judge John Nivison has created a problem-solving approach for parents suffering from addictions that have brought them within the purview of the Department of Human Services.

The program's focus is to help the parents find sobriety and return to effective and loving parenting for their children. This small program holds enormous promise, as do the Juvenile Drug Treatment Courts which begin with the treatment of the juvenile but reach out to family, school, and community to provide support for those juveniles.

Domestic Violence

In another area of the law that has continued to plague the State of Maine as it does every other state, we have created innovative programs for addressing the scourge of domestic violence. In York and Cumberland Counties, working in concert with the district attorneys' offices, the defense bar, and the domestic violence advocates, and with the persistent leadership of Judge Joyce Wheeler, programs are underway that address all of the judicial aspects of domestic violence in a single family's life.

Civil and criminal cases are coordinated, community service providers work with the court system, and offenders are held accountable and are returned to court regularly to assure compliance with court orders. This innovative judicial approach will be expanding to Kennebec and Somerset Counties this year.

Addressing another aspect of the courts' response to domestic violence, Deputy Chief Judge Mullen and Family Crisis Services developed a curriculum for bail commissioners to address best practices for the critical and dangerous hours just following the arrest of an individual on charges of domestic violence.

Youth Courts

Another kind of innovation takes concepts of justice and personal accountability directly into our adolescent community. Judge Paul Cote, of Auburn, and Richard Kendall, the chairman of the Lewiston-Auburn Youth Court Advisory Board, have worked extensively with a group of volunteer citizens including teachers, law enforcement officials, the district attorney's office, defense attorneys, and others to create the Lewiston-Auburn Youth Court.

Sponsored by the Auburn Police Department, the Lewiston-Auburn Youth Court operates on a recognized National Model for Youth Courts and is active in both Edward Little High School and Lewiston High School. These programs address early criminal behavior through methods designed to keep youth from re-offending, using a restorative justice approach.

The cases tried in Youth Courts address real criminal activity that would have been addressed through the juvenile criminal law process. With the guidance of adult volunteers, a number of youth act as judges, prosecutors, and defenders. When a youthful defendant is sentenced by a panel of youth judges, that adolescent will find him or herself facing multi-faceted consequences, including public service work, apologies to victims, and restitution.

The Lewiston-Auburn Youth Courts have been surprisingly effective. 33 cases have been tried, and the recidivism rate now stands at only 10%, compared with an expected rate of 30 to 40%.

In other words, the Youth Courts are effective in preventing new criminal behavior, without the need for jail or institutional sentences.

These new approaches to justice that build on concepts of personal accountability, diversion from further criminality, restorative justice, and community involvement, all hold great promise.

We could Do More

Our experience with problem-solving courts has taught us much. With these innovations and effective partnerships with other agencies, we have accomplished more than we thought possible several years ago, and have done so in large part without additional dollars for the Judicial Branch.

But we could do so much more.

Family Drug Treatment Courts are limited by treatment funding to 3 counties. Adult and Juvenile Drug Treatment Courts are limited to 6 counties. The crucial work of the Domestic Violence STOP projects is available in only four counties, and the loss of District Attorney positions threatens to limit the newly focused domestic violence responses throughout the state. These programs should be available in every county in the state.

Partnering for Better Access to Justice

Another area where innovations outside of the Judicial Branch itself are making a difference is in providing Access to Justice to low-income Mainers. Increasingly, we see Maine citizens drawn into the court system without the ability to hire lawyers to help them.

Although we are doing everything in the courts that we can to make the courts understandable for people who cannot afford lawyers, this is not a good long-term solution to the problem.

As you know from working with Maine laws everyday, Maine statutes are filled with many subtleties and complexities. We simply should not leave our citizens who are not trained in the law to represent themselves in court.

I am grateful to the lawyers of the State of Maine who give their time to volunteer their legal skills. Not only do Maine lawyers step forward to provide legal services at very low rates in

criminal and child protective proceedings, but they also donated more than 10 thousand hours of free legal services to low-income Mainers in just this past year. That constitutes over one million dollars of free legal assistance.

In addition, I am pleased to recognize a partnership about to be launched between Maine lawyers and the legal organizations who provide free and low-cost legal services to low-income Mainers. Leading the way in this initiative are Mert and Harriet Henry. Some of you may recall that Harriet was the very first woman ever appointed to the Maine courts. Under the Henrys' leadership, the Campaign for Justice will kick off a united fund-raising effort, with the goal of increasing the availability of lawyers for low-income Mainers in many walks of life, including the elderly, families lacking resources, and our immigrant community.

Perhaps most exciting is the development of a program known as Kids Legal, which is sponsored by Pine Tree Legal Assistance. The brainchild of Alison Beyea, Kids Legal takes a problem-solving approach to children's legal issues. It will provide a voice for low-income children around the state, and has already been successful in finding housing for homeless children, working with schools, addressing medical issues, and responding to the multitude of problems that families face in today's world. It is a wonderful undertaking, and I hope the first of many like it.

CHALLENGES AHEAD

As you can see, there are many innovations in the works.

But some of our biggest challenges lay ahead of us.

During the last several years, the responsibilities of the Judicial Branch have increased, while the resources for carrying out those responsibilities have been restricted.

The responsibilities of the Judicial Branch must be met through a budget that remains among the lowest in the nation.

- The Judicial Branch budget for fiscal year '04 has been reduced to \$52.4 million, representing only 2% of the state's total budget.

- When the funds for Constitutionally Required Attorneys are set aside, we are left with approximately \$42 million to address a consistently overwhelming caseload. In 2003 alone, 281,000 new cases were filed.

- But you'll be pleased to hear that revenues collected by the Judicial Branch are projected to hit almost \$38,000,000, an increase of \$6 million over last year. Those revenues do not come to the Judicial Branch. Approximately \$30 million of this year's \$38 million will go directly into the General Fund. The remainder will be allocated to special accounts, such as Inland Fish and Wildlife, Victims Funds, the Highway Fund, and the jails.

We have also worked consistently to assure the best use of the limited budget available for the provision of justice in Maine.

Over the past two years, we have responded to the state's budget problems with every available efficiency. We have:

- Eliminated paid overtime
- Refinanced bonds
- Eliminated pay increases for staff and judges
- Recommended consolidation of two small courthouses
- Restricted jury pools
- Maintained more than 20 vacancies
- And even reduced our printing budget by making better use of our web page

But the lack of sufficient funding takes a real toll on our citizens and the strain is showing in delays, frustration, and an inability to expand effective problem-solving courts.

Many challenges remain.

As we plan for the future, we must address these challenges.

1. First and foremost, we must stop weapons at the courthouse door.

Our courthouses are the only courts in New England that fail to provide the public with safe buildings for resolution of their disputes.

We require our citizens to come to the courthouses to resolve their disputes, and even to seek protection from violence in their own lives, and yet we cannot assure them of safety when they arrive.

With your help, we have obtained the equipment that will stop weapons at the door.

We cannot fail to take the next step to provide the staff for that equipment.

To insure safety to the public and our staff we must do more.

2. We must provide better support to families drawn into the court system.

A healthy and prosperous state begins with healthy children. Preventive services, and prompt judicial attention to the cases that enmesh children in the turmoil of their parents' lives, are crucial components to creating healthy children.

Child-related cases now consume at least one-half of the District Courts' time, and it is still not enough. Families must wait too long for their day in court and when they arrive, they find overloaded Case Management Officers and crowded judicial dockets.

Maine's children and their parents deserved better than harried clerks, hurried judges, and increasing backlogs.

We must do more.

3. We must find a way to meet the needs of the business community.

Because cases that do not involve violence or families in desperate need of attention must wait too long for their day in court, we are failing our business community. Currently, small claims cases and collection proceedings must take a back seat to the urgent priorities you have helped us establish.

The Superior Court, where contract and complex business disputes are usually heard, has seen many of its resources reallocated to a criminal caseload that has increased extensively as we have had to shift much of the criminal caseloads away from the crowded dockets of the District Court.

And our vision of a Business Court remains on hold.

In a time when the need for a strong economy is crucial, ignoring the needs of small businesses throughout this state is counterproductive. We must do more.

4. We must expand prison and jail diversion programs.

In contrast to defendants whose substance abuse has brought them into the criminal justice system, there currently exists no prompt coordinated program for providing alternative placements for defendants with serious mental illnesses or dual diagnoses. We must build on the successes of our current jail and prison diversion programs by including defendants who are suffering from mental illnesses and those who struggle with a combination of addictions and mental illness.

Having learned from the drug treatment courts that success is possible when the community comes together, it is time to take the next step.

We can do more. The Judiciary stands ready to work with the Administration and the Legislature to create an appropriate diversion program for defendants with mental illness and those with dual diagnoses.

In addition, the Commission to Improve the Sentencing, Supervision, Management, and Incarceration of Prisoners will be reporting to you this month. Among its many recommendations, that Commission will be proposing an assessment and diversion program particularly focused on breaking the cycle of chronic return to incarceration.

Along with several related proposals addressing mental illness and substance abuse, these recommendations build on what works.

Working together, we can make a difference.

WHAT YOU CAN DO TO HELP US THIS SESSION

Finally, I promised to tell you exactly what you can do, this session, to help Maine citizens find better access to justice.

Here is what I ask:

1. Make the necessary financial commitment to stop weapons at the courthouse doors.

This year, I have asked for a modest sum of approximately \$340,000 to allow us to create a team of security screeners who will be available on an unannounced basis to go anywhere necessary in the State of Maine to staff metal detectors at the courthouse doors.

This very modest amount is only a start, and, although we recognize that the state has serious fiscal constraints, the provision of safe access to justice is a fundamental responsibility of all three Branches of Government. When the Second Supplemental Budget is presented, help us find a way to fund that modest effort.

2. Continue to visit the courts.

This will be a year of change, and change is never easy. As we implement the improvements that are necessary to reach our goals, we appreciate your continued commitment to learning about the courts. They are your courts, and we welcome your presence and your support for our efforts to achieve our goals of redesigning justice for Maine.

3. New responsibilities must come with new resources.

Please be vigilant when you consider adding new responsibilities to the Judicial Branch, and only do so when you can give us the resources necessary to address those new responsibilities.

The understaffing of our 42 separate courthouses was exacerbated by the budget cuts last year, leaving us with more than 20 positions we have been unable to fill. In our smallest courthouses, where the entire clerk staff is composed of only one or two people, a single vacancy can mean the community will lose access to its courthouse on a day-to-day basis.

Another consequence of the staffing shortages is the reality that every new responsibility that you place on the Judicial Branch this session will effectively bump something else.

Of course, the best answer is to fund the court system so that vacancies can be filled and all cases can receive priority attention they require.

THE FUTURE

With the new design for delivering justice in Maine, we have come a long way, but we could do so much more.

Working together, we can create a judicial system in which:

- Courthouses are safe places where people are treated with dignity.
- Families receive focused judicial attention and children have a voice in the courtroom.
- All litigants can obtain prompt resolutions to their disputes.
- The judicial system is accessible to everyone regardless of their income, abilities, or native language.

We have accomplished so much. We are making a difference in the lives of Maine people.

If we work together, we can accomplish things that seem impossible today.

I look forward to working with members of the Legislative and Executive Branches to accomplish these goals.

Thank you for your time and all of the work that you do on behalf of the people of the State of Maine.

The Chief Justice withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its chamber amid the applause of the House, the audience rising.

(After the Joint Convention)

The House was called to order by the Speaker.

At this point, the Speaker recognized the Representative from Limestone, Representative YOUNG and she was added to the quorum call of the Second Regular Session of the 121st Legislature.

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

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, January 22, 2004, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "B" (H-633) - Minority (5) Ought Not to Pass - Committee on LABOR on Bill "An Act To Eliminate the Social Security Offset for Unemployment Benefits" (H.P. 657) (L.D. 880)

TABLED - January 21, 2004 (Till Later Today) by Representative SMITH of Van Buren.

PENDING - Motion of same Representative to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to speak for a few minutes on this bill. About a week ago I passed out a flyer from *Ink Magazine*, the issue from January of this year, an article on Roxanne Quimby and the Berts Bees Company that moved out of the State of Maine and moved to North Carolina several years ago. One of the quotes in the article was "We chose North Carolina, which had an aggressive business recruiting machine. In Maine we paid 8 percent unemployment tax. In North Carolina we pay 1 percent."

Last session we passed a bill that expanded unemployment benefits to part-time employees, which is going to have a negative impact on the trust fund. This bill will do the same thing. When you take money out of that fund, somehow you are going to have to replace it in order to have a healthy fund.

As a little bit of a history lesson, up until 1999 the Unemployment Compensation Trust Fund was bordering on insolvency. At the low point there were somewhere less than one month's benefits left remaining in the fund. We were in jeopardy of having to borrow money to keep the fund solvent. We passed

landmark legislation here in this Legislature in 1999 and the fund is now solvent. The goal is 20 months benefits and it has been averaging between 20 and 21 months of benefits for the past year, year and a half. If we continue drawing money from the fund, the only one way we are going to maintain that level of funds in the trust fund is by increasing assessments on all of the employers in the State of Maine.

You had another flyer from AARP that crossed your desk earlier this morning. One of the paragraphs in that article, the second from the bottom, it says most older workers that paid into Maine's Unemployment Insurance Trust Fund for decades. Ladies and gentlemen, that is not true. The Unemployment Insurance Trust Fund is employer dollars. Every one of them is an employer dollar. The employees pay nothing into that fund.

If we pass this bill, it is going to create another increase in the taxes on our employer community and we hear talk regularly in this chamber about good high-paying jobs in the State of Maine. I submit to you that if we are going to keep good high paying jobs in the State of Maine, we have to stop trying to run the government on the backs of the employers of this state, which is what we are doing with these bills. Thank you Mr. Speaker.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. This bill seeks to give to our elderly working people of Maine the same opportunity to be able to collect unemployment that they would have if they were not receiving social security. Consider what the impact of what the law is today. You are 62 years old. You are getting some \$500 from Social Security. You find you can't make ends meet. You find you need a job to be able to fill in your budget to be able to pay for the food, the shelter and whatever else you need. You get a job. You are then laid off. You go for unemployment and they say to you, are you receiving social security? Yes, I am. I get my \$400 or \$500 a month. You have to reduce your unemployment because you are receiving social security. Those elderly people of Maine say that is not fair. I need to work. It is not my fault I am not working. I need the support of some unemployment to make ends meet. Why should somebody who is not receiving social security get their full benefits and I can't get mine? This is what this bill seeks to address. There is no reason for this state to preface any kind of economy upon the backs of our elderly working poor. People who are elderly very, very rarely are working, because they simply want to keep busy. They work because they need to. We need to protect them like we would the rest of our citizens.

This is not going to put the Unemployment Trust Fund in any kind of difficulty. The latest fiscal review indicates that it would not be until 2009 that there would be any change in the unemployment schedule. There is not a big impact. These elderly people are not looking for much and they are not taking much out of the Unemployment Trust Fund. Let's think about this Unemployment Trust Fund. I hear it said that this is the employer's money. Stop and think of where the money comes out of. Employers make money through the contributions of their workers. The workers produce the results that bring money to the employer. It is only fair to give back, whether it is in wages or it is in unemployment, something to our elderly people. We ask you to think about this. This is a chance to go back to your constituents and say to the elderly people who are working, I did do something for you this term. I ask you to vote in favor of this bill. Thank you.

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

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

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative **HUTTON**: Mr. Speaker, Men and Women of the House. I brought this bill forward. I just wanted to give you a little slice of life and of who these people are in my district by giving you an example of my one constituent who wrote me a letter saying I can't survive. I am getting \$1 in unemployment benefits. That's right. It was \$1. I just wasn't fair. She worked all her life and she had a part-time job at a local store that went out of business and she had a small trailer she was living in. We are not talking the Tajma Hall. She needed money to live.

These are seniors who are trying to make ends meet. They are trying not to ask for assistance from the state or the town. They are working to pay for their health care and their prescription drugs. Many have worked a whole lifetime and have never applied for unemployment benefits.

I just want to put in here that I think we sometimes see the employer paying for that unemployment insurance. It is an insurance fund. The employer does pay into it. Many of our employers look at that as a package. When you hire on an employee you consider all the costs. This is part of the cost. I know sometimes it is hard, but we put it there for a reason when we did it.

Where does this leave them when they are trying to live off their social security benefits and they are unemployed? You lose 50 percent of your unemployment benefits. You have to pay for the health care and the prescription drugs. I think, to go back to something one of my colleagues said, the system was revamped. Because it was running out of money and steps were taken to revise the structure of the unemployment benefits, the system was meant to be used in emergencies for people who no other source of income and found themselves unemployed.

Because our seniors supposedly have another source of income, social security benefits to rely on, they lose 50 percent. To me, in some ways, that is age discrimination. It is saying to those people, you have this other source. We don't really care if you can afford to pay for all the things you need, but that is way it is. Please remember again that we are dealing with an insurance fund. The question I have to ask is, do we really want to say to those seniors who have to work to make ends meet that they don't count as much as other workers? What we really need to say to them is a lifetime of work does count. They deserve not to struggle and to worry about how to pay for the bills while they are out looking for another job. I ask you to please vote yes for them. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, Ladies and Gentlemen of the House. My colleague Representative Treadwell was correct. The employee does not pay anything into this fund, the employer does. Whether you hire senior citizens or you hire younger people, the law states you have to pay into that fund for the employee. You have to pay social security. You have to pay into their Medicare, unemployment and workers' comp. If a senior citizen has to go out and work 40 hours a week because he is only getting \$500 or \$600 social security and he gets laid off, when the money has been paid into the fund for it, the young guys collect their checks and he has to go with 50 percent. I stand in support of this bill. Thank you very much.

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

Representative **MILLS**: Mr. Speaker, Men and Women of the House. As one who lived through the complete overhaul of the Unemployment Compensation Fund in the late '90s with the good Representative Treadwell, let me tell you that we need to do everything we can to protect the integrity of the Unemployment Compensation System and to preserve it for its fundamental purpose, which is to put bread on the table, primarily for working families when the breadwinner is out of work. That is the primary purpose of unemployment compensation. Let me say that during the 1990s that entire system in the State of Maine was under serious threat. We had hardly any reserves worth talking about. We had no capacity to weather a significant recession in a large segment of the economy of the State of Maine. It was in serious jeopardy because of our failure during the '80s and '90s to reform what was basically, I won't call it a corrupt system, but a badly managed system. It was badly managed by this institution, not by the people crunching the numbers and running the computers. It was badly managed by us. It was way too liberal in benefits and the tax system was abhorrent. The people that were paying the tax weren't necessarily the employers who had the most layoffs. There was very little rhyme or reason to it. The struggle that this institution, this body went through in the late '90s to put that system back on track was huge. For those of us who lived through it, we will never forget it. We look upon it today as one of the major achievements of the King Administration and of that Legislature, the people that were in the Legislature from the late '90s.

I have great sensitivity to the elderly for who are working, but I must remind us all that the unemployment benefit is not given to people based on any means testing. You can be wealthy. You can be earning \$100,000 a year on dividends and interest and go to work. If you are laid off, you can collect these benefits. There is no means testing. There may well be people on the verge of poverty that could use this benefit, but there will also be many others who simply don't have a need to draw on this insurance fund who will be entitled to it if we pass the bill. We will be taxing our employers about \$3 million to \$3.5 million a year to pay for that benefit whether that person has a need for it or not.

We have done well by our elderly in this state. We have a DEL Program, Drugs for the Elderly Program, which costs us very dearly. We have a recently enacted expansion of the Medicaid System so that if your income is below 100 percent of poverty in this state, you are entitled to complete health insurance, really good health insurance, not just Medicare, but an entire wrap around of benefits including free prescription drugs. If you are among the very poor and you are elderly, we have done a great deal to take care of your medical needs at the expense of Maine taxpayers. The other thing that needs to be mentioned is this, if a person who is elderly receiving social security benefits goes to work and is working for wages that do exceed his or her social security benefits and if they are laid off and if the unemployment benefit is substantial enough that it exceeds the social security benefits, that person only loses the amount of the social security benefit.

I don't know if I have explained that well, but the current law does not render someone ineligible to participate in the unemployment compensation system just because they are getting social security. There is simply an offset for the social security benefit that they may be receiving. In those cases where someone has substantial wages and is truly dependent on those wages of support, the offset would be for the amount of the social security benefit and not lose the entire unemployment compensation benefit.

For all of these reasons, I think we need to think about this bill, not because I don't have sympathy for some of the older

people who do work, have to work or are working for whatever reason, but because we need to preserve the integrity of the unemployment system. We need to remember that many people in this chamber have pledged not to raise taxes. This bill does raise taxes. Those taxes are quite substantial. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative **HUTTON**: Mr. Speaker, Men and Women of the House. I misspoke before in looking back at my records. I just wanted to read you a paragraph from the letter. "I would draw \$104 weekly for unemployment, but because I receive a social security check of \$568 a month, \$66 will be deducted weekly from my unemployment check, leaving only \$38." It was \$38 and not \$1. I am sorry I misspoke.

I just want to go back to the chart and what we get from the Department of Labor as far as projecting out. What might happen to the Unemployment System and what the rates will be? We have a complicated chart, which is summarized on a letter that you have from the Department of Labor. I would just like to know that the projection out is that this will not change the unemployment contribution rate schedule until the year 2009 where it will go up to a Schedule E. In trying to speculate that far out, you are speculating five years into the future and we are really not sure how the economy is going to go one way or the other. To have it go up on schedule to E for a contribution rate so that we can help our seniors to me seems like a small price, especially when we are not even sure it will happen. The schedule will stay the same for the next five years. Please think about that when you are voting. Thank you.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. As the prior chair of Labor, I need to tell you that many of the issues that you have heard in the past and said that we were going to Schedule E in 2009 anyhow, I think that is kind of a non-starter here for this discussion. The real thing here in this discussion, ladies and gentlemen, is do you want the local business person down the road to be able to get money from these folks that are in such dire need that they have no money to spend. You know our Unemployment Compensation System is designed to be that safety net so when you do lose employment that you continue to buy the necessities, not the gravy, of live. When you have the elderly that are taking up a part-time job, the employer paying the appropriate tax on that part-time job, going into that trust fund when that person gets laid off for that temporary time, they should not be penalized for that time frame. That local grocer and that grocery store down the road and the person that brings the gas and that person that brings the oil shouldn't be penalized. Those businesses should be penalized because this poor unfortunate elderly person is saying, I have lost my part-time job. I am trying to find another one in rural Washington County. The chances of that are pretty slim. In the interim while I am there that 26 weeks is my safety net to buy the oil, the fuel and all the other things that I need to do. Go to the grocery store and buy the things that I need to have. Don't deny these elderly people as we have in the past. I have had these calls day after day after day for the last eight years. This is the fix. I would ask to support the Majority Ought to Pass Report.

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

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I think I voted for this bill last year before I totally understood it. In fact, in close reading of the law it tells me that this, in fact, is not the situation that only affects our senior citizens and social security pensioners. In fact, the current

law provides for an offset for any pensioner, whether it is a government pension or a private pension because it represents the fact that that person has some means with which to carry on before they go out and find another job in the workplace.

One of the concerns I have with the way that this bill is being discussed today is if we vote against it and we vote against the \$3 million tax on our employers in this state, it will only occur in 2009, but frankly it doesn't give me a whole lot of comfort to tax the employers in Maine today and say that I might not be around in 2009 so it is not going to have an affect on our ability to produce jobs and keep people employed in this state. Please keep in mind when you vote for this bill, this is not to change the law to only affect the poorest social security pensioners, many of which, as my seatmate just mentioned, may not be, in fact, poor at all. It will also remove the offset that is required for pensioners and the source of which comes from anyone other than the employer who happens to be employing that individual when he is laid off. Now that I fully understand the bill, I am going to be voting against it. I wish I had the same understanding last year. I would encourage all of you to think seriously about the effect this is going to have on our employer's pocketbooks here in Maine, whether it is this year or in 2009. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

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

The SPEAKER: The Representative may pose his question.

Representative **FISCHER**: Mr. Speaker, Men and Women of the House. To anyone who can answer, is this program at all means tested? Does anyone know the answer to that? Thank you.

The SPEAKER: The Representative from Presque Isle, Representative Fischer has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Men and Women of the House. This program is not means tested.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. I was on the Labor Committee with Representative Mills and Representative Treadwell. In fact, in 1998 in my campaign platform I ran on making the Unemployment Compensation Fund solvent. That was done in 1999. It is a solvent fund. Correct me if I am wrong, it is one of the healthy funds, in fact, perhaps the only healthy fund we have in the state. I think it is for people who are unemployed as what is going on in the manufacturing base in many towns. It is for them to collect it. I think if we keep drawing down on this Unemployment Fund, I think we will be in trouble again. We passed last year the part-time employees can now draw unemployment compensation. It is healthy, this fund, but if you keep passing legislation to draw from it, it certainly will not be. I urge you to vote against this.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I have heard several people say I feel for the elderly. Talk is cheap. I know very few people 62 or 63 years old that work for pure enjoyment. They would much rather be on these cold winter mornings down south enjoying their golden years. I hear people in my district, they say, Representative Sullivan, you represent a wealthy district. No, I represent a district diversified like each and every one of you. I have people who work simply to have health insurance. They don't relish getting up at 5 o'clock in the morning, standing on an assembly

line on cement floor when they are 63 or 64. They go to work in the very small mom-and-pop store working part-time in order to be able to buy the medicine that they need. Even with our drug programs for the elderly, it costs money. They pay their taxes. I ask you if in the greatest country in the world and in a state that, in my humble opinion, might be the very best state you can live in, should our older people be denied what they have earned? Because of the economy, because of health and health does degrade as you get older, from those of you over the half-century mark, you might have noticed that. I certainly have. We have an obligation. I believe a moral obligation.

Each morning we start this House proceedings with a prayer. Almost inevitably it is to give us the wisdom to provide for people. Give us the empathy to feel for people. Public policy is what we are setting. I think it is pretty sad when we say that people who are lucky enough to have jobs, people who are wealthy enough to be making money and owners of businesses, we all have a moral commitment and that is to the elderly that live here and have paid their just dues to be able to live in dignity. If that little mom-and-pop store closes or if they are in remission from cancer treatment and they must work to keep on their insurance, then I believe public policy says that we need to provide for our elderly. I will vote for this knowing that there will be some people who do not need it and will still take it. The bigger call is to give a voice to those who do not have a voice. I will try to make those votes based on what we pray for here every morning, dignity of life. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Heidrich.

Representative **HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. In the six years that I have been here, I have heard that we are driving businesses out of the State of Maine. Every little bill that we seem to pass just puts another straw on the camel's back. Pretty soon we will have no businesses in the State of Maine. The cumulative tax affect of LD 880 could result in an unemployment tax increase of \$16,600,000 in 2009 on top of \$40.6 million tax increase in 2005. Another \$15.9 million tax increase in 2006 that is a cumulative tax increase of over \$73 million in four years.

Ladies and gentlemen, we talk about keeping our children in this state and we graduate them out of college and we don't provide jobs for them and we wonder why. Please vote against this. This is a bad bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative **NUTTING**: Mr. Speaker, Men and Women of the House. I rise just to ask you when you vote today to keep your eye on the ball. I will tell you what I think the ball is. I think the ball is the word unemployment. It is not the AARP. It is not social security. It is not pensions. It is not the elderly or the young people or the rich people or the people with cancer or the people with any other disease. It is about unemployment. I assure you that the passage of this bill is simply one more nail in the coffin for businesses in this state and presumably people who collect unemployment. We know the people who collect unemployment are people who used to work and who are seeking new work. These people aren't seeking pensions. They aren't seeking pensions. They are not seeking government grants and programs. What they want is a job. This bill is anti-job and I hope you vote against it. Thank you Mr. Speaker.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. It is déjà vu all over again. I think we went through this last year. It is an important bill that represents

the very, very vulnerable of our society. That is the people that are trying to live on social security benefits that were accrued at a 1950 wage scale. They are making minimum, minimum, minimum living wages. That is what they live on. The dollar has not had the buying power in a number of years, probably the best part of my life that I can remember that it did back in my Dad's day. These people need the additional support of part-time income. Should they lose that part-time income, they should be eligible to receive unemployment compensation for that. I don't want to prolong this debate, nor do I want to pull your heartstrings and bring tears to your eyes. It does mine on a regular basis when I look at a 72-year-old lady that comes up to my courtesy desk on Broadway and cashes her check from the Bangor Daily News on a weekly basis. I looked at her and said, what do you do at the news? She said, "I deliver your morning paper." I want you to think of yourself if you happen to have reached the wonderful age of 72 years being out when the wind chill factor is pushing 50 below zero and you are out delivering the newspaper to your neighbors to make \$52.45 a week so you can buy the medicine to keep your body moving. This is happening on a daily basis. This lady needed the job and this was the only job a 72-year-old lady could find, delivering your morning newspaper. This is the greatest country in the world. We have the resources to take care of our people. Let's do what needs to be done. Allow these people because they have been laid off, through no fault of their own, to collect this motley little amount of money a week that means the difference between medicine, fuel in their oil tank or food on their table. They have worked. They deserve it. Let's give it to them. For those out there who make mega bucks and are working for pure kicks and giggles all over the place, you do not have to if you so choose apply for unemployment compensation. It is your choice between you and your conscience. Thank you Mr. Speaker.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I think there are a couple of points that have not been made. First of all, all of us have this green sheet on our desk today from the Center on Aging. It points out something that has not been said. That is that working families are not always young families. We have a lot of working families who are, in fact, senior citizens and an increasing number of those older people are caring for young children. They are seeking a job to augment or to increase their social security. I see this as a win, win. Certainly there have been comments that this is going to hurt business because you are going to have to put in money for these people. You know the people I know who work beyond the age of 65 generally has to. They are already on Medicare. They don't require any health insurance. A lot of employers I know like to hire them because they don't have to pay health insurance. The difference between health insurance and employee benefit is vast. These people can be counted on. They are there every day. They don't complain. They are good hard workers and employers appreciate them and many of them are hardworking families.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to put a few facts before you concerning the doom and gloom argument against this bill. At the present time the Unemployment Trust Fund has \$434 million in it. If this bill is passed, there will be in that trust fund with the bill being paid out in 2009, \$487.8 million. In 2009 the contribution rate schedule stays at Schedule E. The following year even with the payment of these benefits, the trust fund will have \$507 million

and the contribution rate schedule will be Schedule D, which is a lower rate. We are not dealing with any crisis. What we are dealing with is giving a fair payment to our elderly from what is in the trust fund. There is enough in the trust fund to cover it. Thank you.

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

ROLL CALL NO. 268

YEA - Adams, Andrews, Ash, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Bunker, Campbell, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hotham, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, McCormick, McGlocklin, McKee, McLaughlin, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Barstow, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Duprey B, Fischer, Fletcher, Glynn, Greeley, Heidrich, Honey, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, Maietta, Marraché, McGowan, McKenney, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Saviello, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Woodbury, Wotton, Young.

ABSENT - Dunlap, Hatch, Lundeen.

Yes, 74; No, 73; Absent, 3; Excused, 0.

74 having voted in the affirmative and 73 voted in the negative, with 3 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-633)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, January 28, 2004.

Resolve, Extending the Reporting Deadline for the Commission To Study Public Health (EMERGENCY)

(H.P. 1346) (L.D. 1823)

TABLED - January 14, 2004 (Till Later Today) by Representative DUNLAP of Old Town.

PENDING - **FINAL PASSAGE**.

On motion of Representative DUPLESSIE of Westbrook, the Resolve and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

Joint Study Order Directing the Joint Standing Committee on Education and Cultural Affairs To Review the Feasibility of Establishing Blueprints for State-financed School Construction

(H.P. 1357)

TABLED - January 22, 2004 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - **PASSAGE**.

Representative CARR of Lincoln **PRESENTED House Amendment "A" (H-638)**, which was **READ** by the Clerk and **ADOPTED**.

The Joint Study Order was **PASSED as Amended by House Amendment "A" (H-638)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

On motion of Representative MAILHOT of Lewiston, the House adjourned at 12:21 p.m., until 10:00 a.m., Wednesday, January 28, 2004 in honor and lasting tribute to George J. Simones, of Lewiston.