

MAINE STATE LEGISLATURE

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

Volume III

Second Special Session

April 8, 2004 - April 30, 2004

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House Legislative Sentiments
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ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
SECOND SPECIAL SESSION
40th Legislative Day
Wednesday, April 28, 2004

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

At this point, pursuant to his authority under House Rule 401.1, the Chair temporarily assigned Representative SMITH of Monmouth to Seat 142 and Representative NORBERT of Portland to Seat 52.

Prayer by Reverend Richard A. Bamforth, Augusta (retired).
Pledge of Allegiance.
The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Clarify Legislative Pay" (EMERGENCY)
(S.P. 806) (L.D. 1961)

Committee on **STATE AND LOCAL GOVERNMENT**
suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "D" (S-544)**.

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

Non-Concurrent Matter

Bill "An Act To Increase Returnable Beverage Container Redemption Rates"

(H.P. 931) (L.D. 1257)
(H. "A" H-956 to C. "A" H-855)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855) AS AMENDED BY HOUSE AMENDMENT "A" (H-956) thereto in the House on April 27, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855)** in **NON-CONCURRENCE**.

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

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

REPORTS OF COMMITTEE Pursuant to Joint Rule 309

From the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State"

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

Received by the Secretary of the Senate on April 26, 2004, pursuant to Joint Rule 309.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

READ.

The Bill and accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

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

From the Committee on **TAXATION** on Bill "An Act To Increase Business Investment, Provide Expanded Property Tax Relief to Low-income and Moderate-income Homeowners and Cap Local and County Spending"

(S.P. 759) (L.D. 1923)

Received by the Secretary of the Senate on April 26, 2004, pursuant to Joint Rule 309.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

READ.

The Bill and accompanying papers were **INDEFINITELY POSTPONED** in concurrence. **ORDERED SENT FORTHWITH**.

Ought to Pass as Amended

Report of the Committee on **TAXATION** and the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief"

(S.P. 761) (L.D. 1924)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-545)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-545) AS AMENDED BY SENATE AMENDMENT "A" (S-550)** thereto.

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-545)** was **READ** by the Clerk. **Senate Amendment "A" (S-550) to Committee Amendment "A" (S-545)** was **READ** by the Clerk and **ADOPTED**. **Committee Amendment "A" (S-545) as Amended by Senate Amendment "A" (S-550)** 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-545) as Amended by Senate Amendment "A" (S-550)** thereto in concurrence. **ORDERED SENT FORTHWITH**.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

Bill "An Act To Provide a Consistent Deadline for Filing Regulatory Agendas" (EMERGENCY)

(S.P. 812) (L.D. 1963)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

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

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

SENATE PAPERS

The following Joint Order: (S.P. 813)

ORDERED, the House concurring, that Bill, "An Act to Establish the Department of Health and Human Services," H.P. 1414, L.D. 1913, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

READ and **PASSED** in concurrence. **ORDERED SENT FORTHWITH**.

ENACTORS

Acts

An Act To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief

(S.P. 761) (L.D. 1924)

(S. "A" S-550 to C. "A" S-545)

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

COMMUNICATIONS

The Following Communication: (H.C. 404)

STATE OF MAINE

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

April 28, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1716 An Act To Continue Necessary State Funding of Freestanding, Nonprofit Psychiatric Hospitals for Services Provided to Indigent Patients and for Other Purposes

L.D. 1249 An Act To Amend the Laws Governing the Quality Child Care Tax Credit

L.D. 1647 An Act To Authorize a General Fund Bond Issue in the Amount of \$3,000,000 To Build a Warehouse To Stimulate and Support Maine's Manufacturing, Transportation and Harbor Industries

L.D. 1707 An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 To Fund Downtown Revitalization To Preserve the Heritage of Municipalities

L.D. 1776 An Act To Authorize a General Fund Bond Issue in the Amount of \$150,000,000 To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and To Access \$50,000,000 in Matching Contributions from Public and Private Sources

L.D. 1876 An Act To Authorize a General Fund Bond Issue in the Amount of \$16,600,000 To Construct and Upgrade Water Pollution Control Facilities, To Remediate Solid Waste Landfills, To Clean Up Uncontrolled Hazardous Substance Sites, To Provide Municipal Stormwater Management Assistance, To Investigate and Remediate Municipal Brownfields, To Construct and Upgrade Public Water Systems and To Remediate Lead Paint in Low-income Households

L.D. 1877 An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 To Sustain and Improve Maine's Economy

L.D. 1878 An Act To Authorize a General Fund Bond Issue in the Amount of \$65,000,000 To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation; To Fund Capital Improvements to State Parks and Other Historic Public Areas; and To Access \$30,250,000 in Matching Contributions from Public and Private Sources

L.D. 1888 An Act To Authorize a General Fund Bond Issue in the Amount of \$1,200,000 for the Downeast Institute for Applied Marine Research and Education

L.D. 1894 An Act To Authorize a General Fund Bond Issue in the Amount of \$2,000,000 for Disaster Relief and To Provide Further Relief Measures

L.D. 1928 An Act To Authorize a General Fund Bond Issue in the Amount of \$4,822,368 To Provide Funds To Repair and Upgrade Maine Army National Guard Armories and Facilities and for the Challenger Learning Center of Maine

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mary R. Cathcart

Senate Chair

S/Rep. Joseph C. Brannigan

House Chair

READ and ORDERED PLACED ON FILE.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

**ENACTORS
Emergency Measure**

An Act To Provide a Consistent Deadline for Filing Regulatory Agendas

(S.P. 812) (L.D. 1963)

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. In my reading of this bill, it used to be that we would set these deadlines 90 days after adjournment after a session. What has gone on is that since we have gone to this majority budget and adjourned and come back kind of scenario, those 90 days have moved on a lot quicker than normal. Now we are going to move back the reporting date to October 1 of every year so that this whole idea of adjourning early becomes common practice. Therefore, I don't think it is good public policy. I don't think it is good for the institution. I will be voting against this bill.

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. 62 voted in favor of the same and 58 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate. **ORDERED SENT FORTHWITH.**

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

SENATE PAPERS

Bill "An Act To Clarify Legislative Pay" (EMERGENCY)
(S.P. 806) (L.D. 1961)

Which was **TABLED** by Representative **DUPLESSIE** of Westbrook pending **REFERENCE**.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Senate Amendment "D" (S-544) was **READ** by the Clerk.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. This bill does exactly what the Attorney General said was unconstitutional. Members have a vested interest in their pay in the Special Session and that the courts would find that way, in his opinion. What we are trying to do is pass a piece of legislation and make it retroactive to say that we don't care what the Attorney General thinks or says or what his opinion is. We are going to go and abuse the Constitution once again. I think it is unfortunate that we have come to this point where we totally disregard the Constitution in this body. Therefore, I urge you to vote against this. Let's get back to civility and upholding the Constitution like we swore we would.

Representative **BRUNO** of Raymond **REQUESTED** a roll call on the motion to **ADOPT Senate Amendment "D" (S-544)**.

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 Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. Before you stands an opportunity to say no to pay, which we didn't earn and we don't deserve. While I respect immensely the Attorney General of the State of Maine, the Attorney General is neither this body nor the courts. He is not the final arbiter of this particular dispute. We are, frankly. We get to decide what rules we will enforce. According to the Attorney General, this is the appropriate way, the lawful way of denying ourselves pay, as I said, which we neither earned nor made people believe that we deserved.

The option is you can accept our \$100 a day in pay, retroactively, I suppose, if this fails. You can take that money. In some cases, I suppose you could even give it out to charity, your favorite charity. I thought for a long time that it is not my money. I didn't earn it and it is not even my money to give away. It is really the people's money and I think it should stay right where it rests. To do anything else is somewhere between \$700,000 and \$1 million of the people's money. I think today we should vote to support this bill so that we can keep the money where it should be, in the people's hands, not in ours. Thank you.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I need to be very clear in my argument. This is not about the money. It is about upholding the Constitution of Maine. You can make it an issue about money if you want. I could care less about the money here. To me, it is about protocol and what the Constitution says and the abuse of the minority party whenever you can go ahead and just adjourn whenever you want and say it is not a Special Session. That is what it is all about. It is about principle, not about money.

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

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

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

Representative **AUSTIN**: Mr. Speaker, Men and Women of the House. As the good leader from Brunswick has said, this is the people's money and may I ask under what account this money of the people is kept?

The **SPEAKER**: The Representative from Gray, Representative Austin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. Given tough economic times, if we had the money, it would come from the legislative budget. We have run out of money more or less. That is not something that obviously has escaped the attention of people in the building. Let's just do as I think is the appropriate thing to do and not hide behind the concept of a notion that this is about the Constitution. As I read the Attorney General's opinion, he indicates that it is possible that a court would conclude that the Legislature may take away from its own members or from itself, a body that would not take away from others. It also further states that we found no case law on point regarding this. We cannot predict with any certainty the outcome of a legal challenge. Those are the kinds of statements that the Attorney General made. Hardly, in my opinion, the kind to hang your hat on when you go to court to enforce such a measure. We can do that. I think we can look silly in front of Maine people. I would rather go ahead and say, let's just not accept the pay. We didn't earn it. We can't afford to pay it. Let's move on. Thank you.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. In my conversations with the Executive Director of the Legislative Council, there is money in the budget to pay this. He has thought himself that there is a valid legal challenge here that may happen and he has set aside the money in case it does need to be paid out. The money is not gone. It is not spent. The real question is, it is set aside. That is the answer to the question. As I said before, it is about principle.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Senate Amendment "D" (S-544). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 493

YEA - Adams, Ash, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Breault, Bull, Canavan, Clark, Clough, Cowger, Cummings, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, McGlocklin, McKee, McLaughlin, Mills J, Moody, Norton, O'Brien L, O'Neil, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Richardson J, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Tobin J, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Churchill E, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Goodwin, Heidrich, Honey, Hotham, Jodrey, Joy, Kaelin, Ledwin, Lewin, Maietta, McCormick, McNeil, Millett, Moore, Murphy, Muse, Nutting, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tardy, Tobin D, Trahan, Treadwell, Vaughan, Young.

ABSENT - Bennett, Carr, Churchill J, Craven, Duprey B, Eder, Fletcher, Greeley, Jacobsen, Landry, Marley, Marraché, McGowan, McKenney, Mills S, Norbert, O'Brien J, Patrick, Piotti, Rines, Sampson, Sykes.

Yes, 74; No, 55; Absent, 22; Excused, 0.

74 having voted in the affirmative and 55 voted in the negative, with 22 being absent, and accordingly **Senate Amendment "D" (S-544) was ADOPTED.**

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

Representative CLOUGH of Scarborough **PRESENTED House Amendment "B" (H-949)**, which was **READ** by the Clerk.

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

Representative CLOUGH: Mr. Speaker, Ladies and Gentlemen of the House. My concern for what we are doing here is perhaps an unintended consequence, I hope it is unintended. This bill eliminates the per diem compensation payment for attendance at any Special Session of the Legislature that convenes prior to the statutory adjournment date. I would agree that there is no need to receive special compensation for any time that we put in here prior to the statutory adjournment date. I have no wish to do so. The way this is written, this year any work that would be done for the remainder of the year after the

statutory adjournment date would not be compensated, but also in any future year the Legislature could be adjourned a day or two prior to the statutory adjournment date and you could be called back to work all summer with no compensation.

The amendment that I propose would provide that the non-payment of Special Session per diem applies only until the statutory adjournment date of the Regular Session during which the Special Session is held. If the Special Session extends beyond the statutory adjournment date of the Regular Session, then legislators are entitled to the Special Session per diem. This amendment also requires that any Special Session per diem not paid because the Special Session is held prior to the statutory adjournment date for a Regular Session would be paid to the Maine Budget Stabilization Fund.

I would ask your support of this amendment and would ask for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-949).**

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

Representative RICHARDSON of Brunswick moved that **House Amendment "B" (H-949) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-949).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-949). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 494

YEA - Adams, Ash, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Breault, Bull, Canavan, Cowger, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, McGlocklin, McKee, McLaughlin, Mills J, Moody, Norton, O'Brien L, O'Neil, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Richardson J, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Eder, Goodwin, Heidrich, Honey, Hotham, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, Maietta, McCormick, McNeil, Millett, Mills S, Moore, Murphy, Muse, Nutting, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Bennett, Churchill J, Clark, Craven, Duprey B, Fletcher, Greeley, Jacobsen, Marley, Marraché, McGowan, McKenney, Norbert, O'Brien J, Patrick, Piotti, Rines, Sampson, Sykes.

Yes, 70; No, 62; Absent, 19; Excused, 0.

70 having voted in the affirmative and 62 voted in the negative, with 19 being absent, and accordingly **House Amendment "B" (H-949) was INDEFINITELY POSTPONED.**

Representative COURTNEY of Sanford **PRESENTED House Amendment "A" (H-948)**, which was **READ** by the Clerk.

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

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment what it does is it funds a veteran's cemetery in Springvale with the money that was supposed to go to our legislative pay after adjournment. This is meant as a compromise. I think that there is a good argument that we get the pay and that this will at least give it to something that is worthwhile. If there are excess funds to get the veteran's cemetery started, that money would go to the relief fund for service people. This money will be reimbursed by the federal government after the cemetery is completed. There has been a request in the Governor's Office to fund this. It was not put in the budget. It is something that is sorely needed, so families can bury their loved ones nearby, especially in the southern part. I think it is a way that we can come out of this without the controversy and the bad taste that has endured this body for quite a while now. I would appreciate your support and consideration. Thank you.

Representative **RICHARDSON** of Brunswick moved that **House Amendment "A" (H-948)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-948)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-948). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 495

YEA - Adams, Ash, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Cowger, Cummings, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGlocklin, McKee, McLaughlin, Mills J, Moody, Norton, O'Brien L, O'Neil, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Richardson J, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Eder, Goodwin, Hatch, Heidrich, Honey, Hotham, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, Maietta, McCormick, McNeil, Millett, Mills S, Moore, Murphy, Muse, Nutting, Peavey-Haskell, Rector, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Young.

ABSENT - Bennett, Churchill J, Clark, Clough, Craven, Duprey B, Fletcher, Greeley, Jacobsen, Marraché, McGowan, McKenney, Norbert, O'Brien J, Patrick, Piotti, Richardson E, Rines, Sampson, Sykes.

Yes, 71; No, 60; Absent, 20; Excused, 0.

71 having voted in the affirmative and 60 voted in the negative, with 20 being absent, and accordingly **House Amendment "A" (H-948)** was **INDEFINITELY POSTPONED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Senate Amendment "D" (S-544)** in concurrence.

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

UNFINISHED BUSINESS

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

Joint Order To Require a Special Election on the Initiated Bill Pertaining to Tax Reform

(S.P. 803)

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

TABLED - April 17, 2004 (Till Later Today) by Representative **DUNLAP** of Old Town.

PENDING - PASSAGE. (Roll Call Ordered)

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. When this bill was tabled last week, I went and did some homework. I actually went and reviewed a petition from the referendum question. On the petition itself it says that if you want this question to go out to the voters in November 2004, you must turn in your signatures by June 4, 2003. It says it right on the referendum petition. I think it was the intent of the people who went out and got these signatures and that this election should be held in November. I personally will plan to vote against this bill, because the intent of the voter is to put it out in November. I think we do a great disservice to the people who did all the hard work in getting this out there if we go against their wishes.

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

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. I also did some checking during the time that we were at home. I am given to understand that if we send this out in June, we have a large number of National Guardsmen and military personnel serving overseas. They will be denied the right to vote on this critical subject that is going to have implications for the whole State of Maine. I also believe it will impact the general absentee ballots. On an issue of such grave importance I think we should pay close attention to that and put it out when everyone will have a chance to vote on it.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I happen to be in the company of General Libby the other night and asked him a question about how this would work for those of our National Guard that are serving overseas. He said that if the ballot was prepared and ready to be mailed right now there might be a chance for these people to vote. Anything much later, they would really be disenfranchised. I think it is important that we recognize that that is a problem that we really shouldn't feel comfortable in causing.

The other thing that I would like to say is that I think most of the people in this body are hoping that this bill will not pass, this initiated referendum will not pass. I think if you really don't want it to pass, then you really don't want it to be voted on in June. If this is voted on in June, along with the MMA proposal or something that might be replacing the MMA proposal and people go to vote, they are going to see that nothing yet has happened and nothing may happen. None of this may pass. I think that one thing that they are going to do is hedge their bet by voting yes on the Palesky initiative.

If it is in November when something that may have passed in June has had a chance to be discussed, people have had a chance to reflect on it and say that maybe this needs a chance to work and we will do what we want done without really taking such a strong step as we would with the Palesky initiative that it can be defeated. I would encourage you to vote against this bill and allow this initiative to be voted on at the November general election. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. Could someone explain to me how unenrolled voters will be treated with this primary election under this circumstance?

The SPEAKER: The Representative from Sanford, Representative Courtney 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 polls will be open to all eligible voters. Those who are members of a particular party will be allowed to vote in their perspective primary elections and on this ballot question. All others will be allowed to vote on the ballot question, but not in the primary if they are not a member of that party.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. My colleague from York, Representative Andrews, and my colleague from Scarborough, Representative Clough, touched upon the issue of our military servicemen and the difficulty that they will incur. I feel the issue needs to be stated far more bluntly than it has been to this point. In 2000, it was very clear in Florida that there was concerted effort by one political party to deny the right of our American servicemen to vote. I feel the efforts to bring this election forward to June is a concerted effort to do the same by a political party here in the State of Maine. I am ashamed, but not surprised, given the conduct this session, that that would be the effort here today. I hope sincerely that those of you who care about this will vote against the pending motion. If you care, in fact, about our servicemen and the accusations I feel are legitimate at this time.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. We have been here a long time. I am just a little disappointed that our motives are being called into question. I think it is perfectly logical to say to Maine people that you have MMA, a proposal, which has been out there once already to consider and now it sits back on the ballot. Put Palesky out at the same time, to give people the comparison and contrast. We may differ in terms of how that ought to play out, but to question the motives of people who vote one way or the other is wholly inappropriate here. There are reasons, I think good, valid, reasons, that this matter ought to be in June. There are also good reasons why it ought to be in November. You know, that is what we were sent here to do, make decisions about that. I don't think there is a wrong decision and I don't think our voters ought to be called into question. June works just fine for me for a lot of reasons. We know there is a campaign that is going to be mounted in favor of Palesky. I haven't met many

people in this institution that think that Palesky is a good idea. I am asking you folks to consider the kind of money and resources that will be brought to bear to try to support Palesky. It is probably not in our best interest and certainly not in the municipalities that we serve. It is certainly not in their best interest.

We have been working hard all of us at tax reform. Just because we haven't been able to solve that in a bipartisan solution this time, it doesn't mean our motives should be questioned. It just means that we have philosophical differences. I would ask us to go ahead and stay away from things like that so that we don't get so partisan and so that we can continue to work together in the last few days. Thank you.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House and others.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I think that the question that we have in front of us to send this referendum out is a very key one and one that I did a little bit of research on. Yesterday I sought out the head lobbyist for the Maine Municipal Association and I asked what the position of the Maine Municipal Association was as far as sending this issue out in June. His response to me was, he would not favor sending it out in June and the reason why is in order for the municipalities to mount a successful educational campaign, it is going to need more than six weeks notice. That sounds reasonable to me. It sounds real reasonable to me. I look at this issue as one that is going to be affecting the municipalities very much in the State of Maine. I think their input is key on it.

Recently I met with my local town council and they were very clear to the South Portland delegation that they want to see meaningful property tax relief and they want to see an alternative to this referendum. Where one has not been reached by the Legislature as of this date, I feel it is like putting a loaded revolver on the table to send this referendum out in June without a meaningful alternative of our own.

For those reasons, I am going to be voting opposed to this and I hope you will join me.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. This is a very, very important issue to all of us. We know we have the Palesky plan out that and if passed it is going to be absolutely devastating to our municipalities back home. The issue that I am concerned about is the untimeliness of wanting to put this out to a June vote. We have 40 days from today until we go to the polls to vote. Most of the municipalities in the state, especially the big towns, will tell you that they handle a lot of absentee ballots. Not only are people who are in the service who are over there and dying on the daily basis to protect us, but our vacationing senior citizens and there are probably about 3,000 of them in my municipality, they are either in Arizona or they are in Florida. These people have every bit as much right to vote on this issue as we do that are here. In fairness to everyone, I don't ever want to be accused to disenfranchising any voter that wants to vote on any issue, this needs to go out in November. It gives the municipalities time to put the information out to their residents of how devastating this tax cap would be. I urge you to vote against the passage and let's move this out to November where everybody can get a chance to vote. I mean everybody.

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

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I wanted to clarify a couple of things for the record. First of all, regarding the nature of the petition that was circulated and was eventually certified. It was very clear in the face of it that it sets forth filing deadlines for the November 2003 ballot and separately the filing deadlines for the November 2004 ballot. The 2003 November ballot deadline was January 23. In fact it was on June 3, 2003 that the petitions were submitted to the Secretary of State and it wasn't until later that year that they were certified as having had enough signatures to be on the ballot. The language, however, the nature of the citizen's petition has been available for the public scrutiny for many, many months now. There is no surprise about what is being put on the ballot. I think in terms of what is out there, that has been available for some time. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I am really shocked by the comments of the good Representative from Brunswick. He clearly said on this floor that we need to move this to a June election so we can limit public debate. When has it been the policy in the State of Maine that when the citizens bring forth a bill that we don't have the opportunity in the State of Maine to discuss it, scratch at it, dig into it and find out exactly what it is going to do. It was clearly stated that we want to do it quickly, before our campaign can be launched. Most of us would say that we are not too much interested in the campaign, but we want to make sure we get the facts on both sides so there is an informed decision.

I would take you back to the amendment or the referendum on the casino. In that first month or two showed overwhelmingly that it was going to pass. We had a summer and a fall for both sides to make their case, for people to actually look at the bill, to turn to people and say, what will this do? People had a chance to get beyond the advertising and they cast a very informed vote, no matter what side of that issue you were on. This issue should have that same type of respect.

I am a historian. I enjoy well after the fact that when historians look back and they try to answer the question why, why did this occur? Why did people make such a decision? They will look back and see a series of missteps. One will be the flat funding of GPA, mandates, refusal to address the problem of evaluations. We did not do this. This Legislature and 20 to 30 years back. They will also look at a major factor that an institution of the Legislature tried to prevent public discourse and a voter casting an informed vote moved the date up and angered the electorate and that some voters would make a decision based on that political move and cast their vote and might well be a major factor in the passage of this referendum. I would ask you to stick with November. We are still waiting for June. In June the Maine voters are focused on waiting for spring to finally arrive. They will be focused in November. They have that right and the time and to seek that information and for both sides to make their case. I would ask you to reject this. As the Representative from Brunswick said, if you move to June, it is a political act you are taking and you are trying to influence the election.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I really don't know how I want to vote on this. I have heard a lot said and I was just sort of catching up on hometown news. On the front page, bracing for the tax cap, it

says, "At a dinner held at the Captains Galley Restaurant in Old Orchard Beach municipal leaders had the opportunity to hear a Maine Municipal Association representative talk about implications of the Palesky tax cap. City officials had been publicly saying the initiative would be on the June 8 ballot. Jeff Herman, director of the Maine Municipal Association State Relations Department said that Palesky's proposal will most likely be pushed to the November general election."

I find it hard to understand how the lobbyists in the hallways know what we are going to do. I was just sitting here passing time reading this from the *Courier*. At least in my area the public officials have been expecting this on the June 8 ballot. It seems to me that the lobbyist says most likely it will be in November. It goes on to say why the Maine Municipal Association would like to have in November, but he is telling the Municipal Association what we are going to do when this bill is here. I find that amazing and disappointing that we are letting the lobbyists decide what we will do and carry their water in here. Thank you.

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

Representative **COURTNEY**: Mr. Speaker, Ladies and Gentlemen of the House. First of all, I would like to thank the Majority Leader two Fridays ago for tabling this so we could at least have an honest debate about it when it is not after midnight. I think that was very commendable. I think that ultimately the people of Maine are going to be the ones that decide what the Legislature's motives are. I think that if this is put into June and there is going to be a very short campaign, I think that it is very, very easy for some well funded outside source, rather than looking at the bill, but to question the inaction of the Legislature and say that the Legislature is not going to do it so this is your only chance. I think it diminishes anything else that is subsequently put out there. I don't know what is going to be put out there because I am not privy to all the little meetings going on in the back rooms. I am sure that we will see it in the next day or so.

I think that whatever we do we ought to give the people a real fair chance to look at this and look at it clearly. There are serious constitutional problems with this Palesky referendum. We all know that. If you put it out there in June and there is well-funded program quickly to push it through, people aren't going to look at the facts. They are not going to dig into it. They are going to be looking at the Legislature and how our solution to tax reform is to raise a tax. I would ask you to seriously look at sending this out in November.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I think those of us who are political wonks, those of us who have been running quite a few years, know how to campaign. We all know that if you have a primary election, that is a different beast all together than when you run in a general election. We all know that when you run in a primary, it is all about getting out the vote. That is how you win. For me, this is about democracy. I think that a primary, unless you are watching something and you are really interested in it, you tend to sit back, unless you have been called or been notified, you are going to sit this one out. I think that no matter how we feel about Carol Palesky's plan, even though I think we all agree it is pretty devastating, I think that the highest turnout will be in November. That is when we will get the true reading of the people of the State of Maine. I really support doing this in November. Thank you.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. There will be a very well financed campaign indeed behind Palesky. Given time, that campaign will be on television and will be in front of us and will be full of all the reasons that Proposition 13 passed in California. The way to beat Palesky is with the simple truth. The simple truth comes from our municipalities. My town manager in an interview with the *Times Record* could name names as to municipal employees who may face layoffs if Palesky passes. He could point out specifically to the dollar, right now, what this will cost my city. He doesn't need six months to do that. He can do that now. Palesky can be beaten with the truth. If we give a well financed campaign paid for by people from out of state six months to bombard us on television along with all the other stuff we are going to get on television, the truth will not get out. It is a risk, but I think it is a risk with the odds in favor of beating Palesky simply by cutting the legs out from under her and getting this to a ballot before that well financed campaign can take place. Let the municipalities answer Palesky with the facts and figures that they already have at hand that need not be transmitted with expensive television acts, but by simple forms of communication that carried elections for years and years and years before the last round. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. I have sat here and listened to the debate going back and forth. I think that the good Representative from Biddeford, Representative Twomey, and the good Representative from Bangor, Representative Blanchette, are right on target. If you try to put this out in June, this initiative is going to pass. There is no two questions about it. The people right now do not know enough about it. I heard earlier that a lot of people are away. They are on vacations. They are in Florida. I know that a lot of people in my area are down there. You are not going to have a very good turnout on this election. I urge you to follow the two Representatives from the other side of the aisle and vote with them. Thank you.

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

ROLL CALL NO. 496

YEA - Adams, Bliss, Bull, Bunker, Canavan, Cowger, Cummings, Dunlap, Earle, Gerzofsky, Grose, Jackson, Kane, Koffman, Lemoine, Mailhot, Moody, O'Brien L, O'Neil, Paradis, Richardson J, Rines, Simpson, Smith N, Smith W, Suslovic, Thomas, Usher, Walcott, Watson, Wheeler, Mr. Speaker.

NAY - Andrews, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Blanchette, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dudley, Dugay, Duplessie, Duprey G, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Glynn, Goodwin, Hatch, Heidrich, Honey, Hotham, Hutton, Jennings, Jodrey, Joy, Ketterer, Landry, Ledwin, Lerman, Lessard, Lewin, Lundeen, Maietta, Makas, Marley, McCormick, McGlocklin, McKee, McLaughlin, McNeil, Millett, Mills J, Mills S, Moore, Murphy, Muse, Norton, Nutting, O'Brien J, Peavey-Haskell, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Rector, Richardson M, Rogers, Rosen, Saviello, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sullivan, Tardy, Thompson,

Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Woodbury, Wotton, Young.

ABSENT - Churchill J, Clark, Craven, Duprey B, Fletcher, Greeley, Jacobsen, Kaelin, Marraché, McGowan, McKenney, Norbert, Patrick, Piotti, Richardson E, Sampson, Sykes.

Yes, 32; No, 102; Absent, 17; Excused, 0.

32 having voted in the affirmative and 102 voted in the negative, with 17 being absent, and accordingly the Joint Order **FAILED PASSAGE in NON-CONCURRENCE** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-553)** on Bill "An Act To Promote Economic Growth by Retaining Engineers in Maine"

(S.P. 334) (L.D. 993)

Signed:

Senators:

CATHCART of Penobscot
ROTUNDO of Androscoggin

Representatives:

BRANNIGAN of Portland
MAILHOT of Lewiston
COWGER of Hallowell
DUDLEY of Portland
PINGREE of North Haven
FAIRCLOTH of Bangor
MILLS of Cornville
O'BRIEN of Augusta

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

ROSEN of Bucksport
MILLETT of Waterford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-553).**

READ.

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

The Bill was **READ ONCE.** Committee Amendment **"B" (S-553)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-553)** in concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS
Non-Concurrent Matter

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

(H.P. 1420) (L.D. 1919)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932), "T" (H-935), AND "V" (H-937) thereto in the House on April 15, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932), "T" (H-935), AND "V" (H-937) AND SENATE AMENDMENTS "A" (S-518) AND "P" (S-543) thereto in NON-CONCURRENCE.**

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

The same Representative **PRESENTED House Amendment "Z" (H-958) to Committee Amendment "A" (H-904), which was READ** by the Clerk.

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House. This amendment, because it appears that we will not be able to have a two-thirds vote to make this an emergency, this strips off the emergency preamble and makes all the adjustments necessary given that this bill will not take affect until after July 1.

House Amendment "Z" (H-958) to Committee Amendment "A" (H-904) was ADOPTED.

Representative O'NEIL of Saco **PRESENTED House Amendment "Y" (H-951) to Committee Amendment "A" (H-904), which was READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Men and Women of the House. In my eighth year here I believe this is the first time I have ever ventured into the world of the budget and offered an amendment to one. By way of explanation, this was in the works before we broke a couple of weeks ago, but there was considerable math to be done downstairs in Fiscal so we didn't get it back up in time when we broke for the evening. Since we backed up the bill, it is my opportunity to offer it.

It is a really simple amendment, Mr. Speaker. It goes back to a request by the good chair, Representative Brannigan, who made it many times throughout the session starting in January where he would look at us longingly and say that I wish somebody would find us some money. Painful cuts were proposed, revenue enhancements were proposed. Some were suggested in the document that is before us that is pending adoption. Most folks within that committee, if not all of them, found them painful, although artfully done, they didn't want to do them. I felt terrible too. We were cutting some necessary services for folks who were very vulnerable. I went out and did the Representative from Portland's bidding and I found him some money. What this amendment (H-951) does is it restores some of those painful cuts and it alleviates the need for some of the more dubious revenue lines.

The money that I found, by the way, is found by adding some efficiencies, correcting some deficiencies, mostly in the insurance code and Mainecare and the State Employee Health Plan and booking those savings. By booking these savings, sorry to be so

late, but I am pleased to tell my friends in Appropriations and in the House that they can restore funding to some of those priorities that ended up on the cutting room floor, as it were.

Fortunately because the savings were booked with this amendment, we can also address another little nuisance issue that has been confounding us lately and that is tax relief and tax reform. There should be enough money left over there to do pretty much what the Homestead Plus proposal wants to do. It does so without raising the sales tax or a sin tax, which is an action that has caused lots of us plenty of anxiety. Both the restorations to the budget and the ancillary property tax relief are paid for by these savings and efficiencies that we realize in the amendment. There is more. I think it has stronger societal benefits in terms of us doing things in a comprehensive way that takes into account the synchronicity among economic development, taxation, health care and education funding under the umbrella of the budget. I please ask my House members to support House Amendment "Y." It has been before you for a couple of weeks. I know I have talked to lots of you about it. I think it puts us in a very good posture moving forward. Thank you.

Representative BRANNIGAN of Portland moved that **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "Y" (H-951) to Committee Amendment "A" (H-904).**

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 Portland, Representative Brannigan.

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House. I hope you don't think that I asked for this. I know that certainly we wanted help wherever we could. I certainly encourage people to look at this amendment. It really is a total rewrite of many things, the bill and taxation and Dirigo Health. It is a major piece of work. I certainly admire the Representative from Saco, Representative O'Neil, for the energy and thought that went into this. It is astounding, actually, that this would be in front of us at this late time. I hope you will stay with the budget that we have been working on and proposing and will just take this amendment as an exercise for learning and for possibly future changes here and there. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative CLOUGH: Mr. Speaker, Men and Women of the House. I would ask my good friend from Saco, Representative O'Neil, if he could identify the source of the funding for this? It seems like quite a bit of money and I would like to know what the source is of all this extra money.

The SPEAKER: The Representative from Scarborough, Representative Clough has posed a question through the Chair to the Representative from Saco, Representative O'Neil. The Chair recognizes that Representative.

Representative O'NEIL: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the question, there is a fiscal note attached to pretty much move some money around. The source of the money, as I mentioned, is correcting deficiencies and streamlining some things that have some glaring holes in them. When we do this, we book, without having people in the State Employee Health Plan suffer any decrease in benefits, we booked between \$28 and \$30 million from the State Employee

Health Plan. We book about \$120 million by making sure that there are no more uninsured in Maine. We maximize under the current and proposed Mainecare eligibility levels about \$80 million in federal funding. One of the unknowns could be savings booked from the same efficacies that were proposed, but likely not to be realized under the existing Dirigo. Those savings could be anywhere from \$100 to \$200 million. There are unquantifiable at this time.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I just found a copy of this amendment. I am noticing on Page 36 and I will read it. It is quite interesting. It says, "Financing for coverage under the Dirigo Health Insurance Program is provided through an individual health assessment. Beginning January 1, 2005, all resident individuals and non-resident individuals subject to income tax liability must pay an individual health assessment of 5 percent for the first \$150,000 of that individuals adjusted gross income and an additional 1 percent of any portion of that adjusted gross income that exceeds \$150,000, so 6 percent of everything over \$150,000. The amendment repeals the provision in current law relating to savings offset payments by health insurers and third-party administrators." It sounds to me like a pretty healthy increase on your income tax.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Saco, Representative O'Neil, and I have had discussions about health care now for several years. I am really going to miss his presence in future sessions. When I saw this amendment come across the desk, I realized that this is a culmination of everything he had been talking about for a very long time. Some time ago when we were discussing the universal health care bill, I asked for some estimates from the budget office about what it would take to fund an effort. One of the outcomes from that surprised me. I was expecting an astronomical number that would be unrealistic. It came out to be something that actually sounded quite attractive. The 5 percent of your adjusted gross income taxed on the State of Maine to pay for all of your medical insurance, I thought about my own situation. That would be a bargain. I thought about everybody I know, my family and my relatives. That would be a bargain.

Yes, there are some details about whether your employer starts to pay you more because they dropped their health insurance policies. Yes, there are some things to work out. I can't think of anybody I know that wouldn't look at this outcome and say, I will take that in a heartbeat.

I know it is a difficult time of year to do this, but I think he is really onto something here. I intend to support this. If it fails to pass, I intend to keep it in my briefcase for next year. We seriously need to ask ourselves, if we pass this thing, the dramatic change we have all asked for would be a legacy for this Legislature to come up with this. I can totally support this. I hope you give it serious thought. The time may be right now.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Mr. Speaker, Men and Women of the House. This proposal has any number of innovative aspects toward health insurance. I seriously commend my colleague from Saco for bringing this forward. Often when we talk about universal health insurance we talk about something that has first dollar coverage for any kind of health care that you may want or need. That clearly is a kind of

universal health insurance. It is extremely expensive and in my judgment unaffordable. What Representative O'Neil has put forward with this amendment is a totally different concept of universal health insurance. It is one that has substantial cost sharing using medical savings accounts as a vehicle to do that. I believe this is a model that we all should study very carefully as we consider where to go forward with health insurance in this state in the future. I suspect that this year is probably not the time, but I seriously commend my colleague for working so hard on this and bringing these very innovative and good ideas forward. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Ladies and Gentlemen of the House. I had a baseball coach when I was a kid who used to after a 2 and 14 season, he said, "You guys had an awful lot of moral victories." I grew to detest moral victories. I also realized that you don't win all of them. In that spirit, I thank my colleagues, the Representative from Scarborough, the Representative from Arundel, the Representative from Yarmouth for their interest. They brought up a couple of points that I think need clarification, lest anybody in here thinks that my motives were less than pure. The Representative from Scarborough, Representative Clough, pointed out the healthy increase in the income tax. In answer to his question originally, the savings that are booked to fund the property tax and the property tax relief and the restorations to the budget do not come from any income tax at all. They come from the savings resulting from a comprehensive and fair entitlement to health care in a market based system.

As the Representative from Yarmouth, Representative Woodbury pointed out, that is probably a very good thing.

The Representative from Arundel, Representative Daigle indicated that there may be some question as to whether an employer who now contributes to health insurance for their employees would be required or not required to maintain that effort. I just wanted to clarify that there is no ambiguity at all in reference to that question. This is not an employer mandate. This is what we would call an individual mandate. We have an individual mandate in automobile insurance, but we have a hammer to hold over the head of those who fail to comply, pull their license, their registration or their vehicle. We have no such hammer in the realm of health insurance. The only way to really design and enforce an effective individual mandate in health insurance is to tax them for it. There is a little semantic difference. We call it an individual health assessment. It sounds nicer. It is a tax. Bear in mind, ladies and gentlemen, over the years I have sent you things that have showed that people who are in health plans where basic coverage happens with reasonable copays and cost sharing, if the employer pays for that, it is generally on the line of about 20 percent of what the employer pays in people costs, wages and salaries. As a percentage of the state budget out of the general fund, it would include the highway fund too, as a percent of the people cost, those wages and salaries, we are at about 18 something percent to pay for our health care. This is not including the cost of out of pocket contributions for family members. You have people in the individual market, non-group who pay 30 or 40 percent of their income to buy an individual policy. Again, to reiterate the Representative from Arundel's point about bargain, you tell me which is a better deal.

Ladies and gentlemen, vote for this if you feel like it. Save it if you feel like it. Chew it up and spit it out if you feel like it. I tell you today that on the 28th of April that this has to happen. Something along these lines has to happen. The economy of

Maine is standing on the edge of an abyss. We are in a fiscal morass looking down and it ain't getting better. One of the biggest drivers is the vice that health care has on our businesses and our individuals. I submit to you that a model like this would make Maine a haven for businesses to locate, businesses who are now paying 20 percent of their payroll for people costs and are going up.

I submit that you don't need a ton of command and control regulations to control the costs of health care that empower consumers that would perform that better, consumers who are spending their own money on their health care. Ask the doctor is a \$75 x-ray would work just as well as the \$750 MRI because it is my money. If I don't spend all that \$750, then I get to keep it under the new rules under the HSAs. Medical savings accounts, my friends, you have heard me decry over the years and vote against it and kill it. The Representative from South Portland can attest. He has championed the idea. It is an idea whose time has come, but they just been improved as of December when Congress passed the HAS legislation. Now the medical savings account is no longer a cost shifting tax shelter for the healthy wealthy. It is not. Poor people can afford them. They can afford to set aside money. Their employer may decide to set it aside for them because as the Representative from Arundel says, the employer is getting a good deal. Poor people can fund education for their kids. They can have a vehicle to fund their retirement. Ladies and gentlemen, my colleagues who are contemporaries in the baby boom, the crippling effect our generation will have via long-term care, funds for HSAs will go for those. Why are we not rolling out the red carpet for this?

Mercier, leading actuarial firm in the nation, two days ago released a study saying that 73 percent of over 900 employers that they surveyed, almost 1,000 employers, said that by the year 2006 they will be offering health plans with HAS compatibility. The nugget behind that is you get a higher deductible, which I have always hated, but let's face it, that is all that is out there being bought now. Now you give tax advantage to the employee, pre-tax money that can come out and be carried over and it is pre-tax coming out. It brings the premium way down, folks. Why not make that progressive, slide the scale by making an attachment point or a deductible that is the same as the proportion of income, which is what this amendment does and you eliminate the cost shifting. You eliminate the uninsured. You eliminate a lot of the bad debt and charity care. It will work.

Again, do what you want with this. It is out here to make a point. I would love to see us pass it. It might take until July before we can figure out all the details. I would be willing to have somebody call us back in to work for it. Ladies and gentlemen, if you are afraid of that morass, if you are afraid of that abyss, if you are afraid of the structural gap and afraid to tackle that sucker, this is the way out. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. My first four years here I was a member of the Banking and Insurance Committee. If your head is spinning right now, you need to know what a freshman sitting on Banking and Insurance with Representative O'Neil there with one term under his belt. When this came out, I have to tell you we are doing the exact same thing that everybody else does. If you are doing your taxes, chances are a lot of you are doing them on April 14. My husband was driving them up here so I could sign them and we could get them in the mail. When this came through, I simply said to Representative O'Neil that that was interesting reading. That was last week. I can't hold it up, but there was a little salmon colored sheet that he had out here. I took it home and I

looked at it. This morning when I saw the Representative upstairs, I said, what has happened to your amendment? He said that we hadn't been able to get the budget back to talk about it. This will work. You want to pass tax reform. You want to do the number one thing walking outside going door to door campaigning or anything else, they tell you to do something about health care. Wealthy people tell you that. Poor people tell you that. Employers tell you that. Employees tell you that. I am beginning to think that the dogs are barking it somehow. This will work.

I have to tell you that in the last week and a half there are more people paying attention right now than I have seen in a long time. You want to be bold, this is bold. You want people to say, have you done anything? Have you really tried to make a change? Yes, we have tried to make a change and this will do it. I think it is interesting. We don't seem to be getting very far on tax relief. This might be worth taking the time and doing it right and listening. We have had it on our desks for over two weeks now, because we were off a week. Shame on us for not looking at it. Shame on us for digging our heels in and saying that we would only look at one thing or another. Whatever side you were on, we are all guilty. Shame on us. This is worth looking at. This is worth looking at now. It is worth passing and going from there. I am willing to take the risk and maybe this Legislature will do something that will have people talking, not about Palesky, not about 1A, but, wow, did you see what they finally came up with? Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "Y" (H-951) to Committee Amendment "A" (H-904). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 497

YEA - Adams, Barstow, Beaudette, Bennett, Berube, Bierman, Blanchette, Bliss, Brannigan, Breault, Browne W, Bryant-Deschenes, Bull, Clark, Clough, Cowger, Cressey, Crosthwaite, Cummings, Davis, Dudley, Duplessie, Duprey G, Earle, Faircloth, Gagne-Friel, Gerzofsky, Glynn, Hatch, Hutton, Joy, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, McGowan, McKee, McLaughlin, Millett, Muse, Norton, O'Brien L, Paradis, Pellon, Percy, Perry A, Pingree, Richardson J, Shields, Smith N, Snowe-Mello, Stone, Suslovic, Tardy, Tobin D, Trahan, Usher, Vaughan, Walcott, Wheeler, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Ash, Austin, Berry, Bowen, Bowles, Brown R, Bruno, Bunker, Campbell, Carr, Churchill E, Collins, Courtney, Curley, Daigle, Dunlap, Eder, Finch, Fischer, Goodwin, Grose, Heidrich, Honey, Hotham, Jackson, Jennings, Jodrey, Kaelin, Landry, Ledwin, Lewin, Maietta, Marley, McCormick, McGlocklin, McNeil, Mills S, Moody, Moore, Murphy, Nutting, O'Neil, Peavey-Haskell, Perry J, Pineau, Rector, Richardson E, Richardson M, Rines, Rogers, Rosen, Sherman, Simpson, Smith W, Sukeforth, Sullivan, Thomas, Thompson, Tobin J, Treadwell, Twomey, Watson, Woodbury, Young.

ABSENT - Canavan, Churchill J, Craven, Dugay, Duprey B, Fletcher, Greeley, Jacobsen, Marraché, McKenney, Mills J, Norbert, O'Brien J, Patrick, Piotti, Sampson, Saviello, Sykes.

Yes, 67; No, 66; Absent, 18; Excused, 0.

67 having voted in the affirmative and 66 voted in the negative, with 18 being absent, and accordingly **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) was INDEFINITELY POSTPONED.**

Representative BOWEN of Rockport **PRESENTED House Amendment "H" (H-919) to Committee Amendment "A" (H-904), which was READ by the Clerk.**

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Bowen.

Representative **BOWEN**: Mr. Speaker, Men and Women of the House. I will be quick. I know we want to get some supper. I have a quick amendment to fix an oversight when the bill was put together. It has to do with Section DDDD. It is at the very end of the document if you start flipping through it. You may recall that this section of the budget bill makes a substantial change in the level of the state's commitment to funding health care benefits for our state retirees, state employees, state police, community college, turnpike and I think as it was amended even Maine Maritime folks were covered by this. Unfortunately for whatever reason, a major recipient of these benefits are left out of this commitment language and that is the teachers of Maine. As most of you know, one of the benefits promised to teachers in this state is that the state will pay a certain percentage of health insurance costs and retirements is currently 40 percent. According to a document I had here back along that the Representative from Cornville, Representative Mills gave me, said that the state as we sit here is obligated already to pay over the distant future something in the order of \$50 million in post retirement benefits just for teachers. We have made a substantial promise to these people. The language, as I recall, it was explained very well last week by the Representative from Portland, Representative Brannigan, that we got some money for the budget out of the State Retiree Health Insurance Fund and to sort of offset their fears that we were going to renege on our promise. We put some language in the budget. It doesn't really cost anything in this budget. It is simply language that strengthens our promise to them. There was a great quote from Representative Brannigan I wrote down. He said, "We put this in here to give retirees some security that we would not do away with or change benefits in a way that would be bad for them." In summary, that is the promise that we were making to these state employees. This amendment, very simply, which is very short, would include teachers among those beneficiaries for whom the state is making this very strong promise that we will not do away with or take away their benefits. Clearly at some point in the history of this institution it was decided that one of the benefits of a career in the classroom in this state would be that the state would contribute a chunk of money and a promise to provide some support for health care costs and teacher's retirement.

We have heard a lot in this session with the educational policy and contract negotiation bills about teacher workload and the effect it is having on driving some teachers out of the business. We know about our national rankings for teacher's salary and we know that we ruffled them a lot when we forced them to line up like criminals and get fingerprinted here a few years ago. I think it is time for a positive message for Maine's teachers to come out of this institution. We even heard in the debate the other day on the regionalization bill about how important our schools, our educational system is to this state. It only seems fair to me that if we mean it, we really mean it, then we will extend to teachers the same type of promise at no cost, I would add, in this budget, the same promise of security and retirement that we extend to state employees, Community College System employees, Turnpike Authority, State Police and virtually everybody else. I would appreciate your support. Thank you.

Representative **BRANNIGAN** of Portland moved that **House Amendment "H" (H-919) to Committee Amendment "A" (H-904)** be **INDEFINITELY POSTPONED**.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. Our relationship with teachers, we pay 40 percent now. There is a big hope and effort over the years and over the coming years is to get a larger portion of help to the retired teachers. This is a different situation than with our state employees. Teachers are not our employees. We don't have the same relationship. It was my understanding that when this was discussed earlier that we are not even sure that the teacher's union wanted to tie themselves in this way even if they could. This ties working employees of the state, which teachers are not, to the retiree benefits. This, I believe, is not an appropriate amendment, not appropriate part of this piece of the budget. Thank you Mr. Speaker.

Representative **RICHARDSON** of Brunswick **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "H" (H-919) to Committee Amendment "A" (H-904)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "H" (H-919) to Committee Amendment "A" (H-904). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 498

YEA - Adams, Ash, Barstow, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Cowger, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, McGlocklin, McKee, McLaughlin, Mills S, Moody, Norton, O'Brien L, O'Neil, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Richardson J, Rines, Rosen, Simpson, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Glynn, Heidrich, Honey, Hotham, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, Maietta, McCormick, McNeil, Millett, Mills J, Moore, Murphy, Muse, Nutting, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Churchill J, Clark, Craven, Duprey B, Fletcher, Greeley, Jacobsen, Marley, Marraché, McGowan, McKenney, Norbert, O'Brien J, Patrick, Piotti, Sampson, Saviello, Smith N, Sykes.

Yes, 73; No, 59; Absent, 19; Excused, 0.

73 having voted in the affirmative and 59 voted in the negative, with 19 being absent, and accordingly **House Amendment "H" (H-919) to Committee Amendment "A" (H-904)** was **INDEFINITELY POSTPONED**.

Representative **BRANNIGAN** of Portland **PRESENTED House Amendment "AA" (H-964) to Committee Amendment "A" (H-904)**, which was **READ** by the Clerk.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. This is an amendment that will allow small libraries with a certain help to be able to gain federal funds. Thank you Mr. Speaker.

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

Representative **ROSEN**: Mr. Speaker, Men and Women of the House. Would it be possible to receive some elaboration from some folks that have dealt with this issue? It would be appreciated just to clarify what the intent of the amendment is and the difficulties that libraries face in terms of what this amendment is attempting to rectify.

Currently schools and libraries in the state receive funds through this PUC source to connect and upgrade some access and to provide some other interconnection capabilities. This is not clear to me reading the amendment what problem they are now facing. It talks about the inability to comply with certain standards and apparently \$300,000 worth of additional funds will be made available to compensate for that. If there is someone here that can give us a little more enlightenment as to what this amendment is designed to alleviate, it would be very helpful?

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I think I understand what this amendment is alluding to. As a requirement by the federal government that libraries that provide Internet access, install some kind of filtering or other process to protect children who are using library computers from reaching pornographic sites. There are many libraries in the State of Maine and many librarians which gristle at the suggestion of any censoring at all, even those that are intended to protect our children. They don't wish to comply, under the federal requirement, libraries that do not wish to protect children would lose their funding. This is a mechanism to protect those libraries. It is a policy that I do not support. I, therefore, cannot support this amendment. I believe that children should be protected. When you drop your kid off at the library and you know that they are going to go on the Internet, knowing the Internet as well as I do, we absolutely need that firewall up there. It is a very reasonable thing in society. Therefore, Mr. Speaker, I request a roll call.

Representative **DAIGLE** of Arundel **REQUESTED** a roll call on the motion to **ADOPT House Amendment "AA" (H-964) to Committee Amendment "A" (H-904)**.

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 Portland, Representative Brannigan.

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. I do believe it has to do with the screening. My understanding was that some libraries cannot afford the screening. It would have to do with smaller libraries. They needed this assistance in order to get federal funds. My understanding is it was not to get around any particular law. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I rise here at this time because of a concern I have about what the origin of this piece of legislation is. This document has never been in front of the Utilities Committee. I sit here and look at my committee chair and both of us look at each other and go, huh. No one has talked to either one of us about this that I know of. I am concerned about this piece of legislation coming in here. We have a universal service fund that is available. There are two funds collected, federal and state, in this state that provide money to libraries. Therefore, I move that this document be Indefinitely Postponed.

Representative **BERRY** of Belmont moved that **House Amendment "AA" (H-964) to Committee Amendment "A" (H-904) be INDEFINITELY POSTPONED**.

Representative **DUNLAP** of Old Town **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "AA" (H-964) to Committee Amendment "A" (H-904)**.

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 Portland, Representative Brannigan.

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. I would just like to clarify that this amendment was requested by the State Librarian.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Just to amplify briefly my remarks earlier, filtering software is available and libraries can avail themselves to it. Some of it is free. It does require it to be set up and requires librarians who choose not to use the filtering software to otherwise enact policies and to make sure that the computer is in a public space, open space, rather than a closed cubicle or a closed room. The idea being that an adult can walk by and supervise these things. I know some libraries claim they may not have the facilities, but in all cases I think we see a pattern from the libraries resisting this, believing that completely unrestricted free speech is the only standard they think is appropriate. Unrestricted free speech, I think we all understand that, the way our founding fathers conceived it, but the Internet is a dangerous place. It is a very dangerous place. The federal standards are very reasonable. I encourage you to support the pending motion to Indefinitely Postpone this. It is about protecting our children. It very seriously is about that and nothing more. Thank you.

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

Representative **BLISS**: Mr. Speaker, Men and Women of the House. It is, in fact, true that this appeared almost out of nowhere and did not come to the Utilities and Energy Committee. It is, in fact, true that none of us seem to have any knowledge of it coming here. It is also true that the Public Utilities Commission does administer this fund and libraries can avail themselves of it. It seems to me though that if the State Librarian has asked for this, then there must be a reason. If there are strings on receipt of federal funds and if small libraries from not particularly wealthy towns and communities in our state aren't able to access the federal funding because of the inability to cover the costs of those strings, it is the very least that we can do as a state to ask the Public Utilities Commission to take that into consideration when they are administering and dispensing the funds that are available. I would ask you to defeat the motion for Indefinite Postponement and go onto pass this amendment. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "AA" (H-964) to Committee Amendment "A" (H-904). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 499

YEA - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Glynn, Goodwin, Heidrich, Honey, Hotham, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, Maietta, McCormick, McNeil, Millett, Mills S, Moore, Murphy,

Muse, Nutting, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

NAY - Adams, Ash, Barstow, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Cowger, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jennings, Kane, Ketterer, Koffman, Lemoine, Lessard, Mailhot, Makas, McGlocklin, McGowan, McKee, McLaughlin, Mills J, Moody, Norton, O'Brien L, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Richardson J, Simpson, Smith N, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

ABSENT - Churchill J, Clark, Craven, Duprey B, Fletcher, Greeley, Jackson, Jacobsen, Lerman, Lundeen, Marley, Marraché, McKenney, Norbert, O'Brien J, O'Neil, Patrick, Piotti, Rines, Sampson, Saviello, Smith W, Sykes, Twomey.

Yes, 60; No, 67; Absent, 24; Excused, 0.

60 having voted in the affirmative and 67 voted in the negative, with 24 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "AA" (H-964) to Committee Amendment "A" (H-904) FAILED.**

Subsequently, Representative DAIGLE of Arundel **WITHDREW** his **REQUEST** for a roll call.

Subsequently, **House Amendment "AA" (H-964) to Committee Amendment "A" (H-904) was ADOPTED.**

Representative BRANNIGAN of Portland **PRESENTED House Amendment "BB" (H-965) to Committee Amendment "A" (H-904)**, which was **READ** by the Clerk.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. This amendment is almost a technical amendment. When we did the tax and match for PNMI's, which are private non-medical institutions, which serve handicapped people with disabilities, people in or around nursing facilities, anyway, when we did a tax and match we put in the date when the tax would be collected, but we neglected to put in a time in which reimbursement to the facilities would be made. This just fills that in to be August 1. Thank you Mr. Speaker.

House Amendment "BB" (H-965) to Committee Amendment "A" (H-904) was ADOPTED.

Representative McGOWAN of Pittsfield moved that the House **RECONSIDER** its action whereby **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) was INDEFINITELY POSTPONED.**

Subsequently, with unanimous consent of the House, the same Representative **WITHDREW** his motion to **RECONSIDER** whereby **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) was INDEFINITELY POSTPONED.**

Representative GLYNN of South Portland moved that the House **RECONSIDER** its action whereby **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) was INDEFINITELY POSTPONED.**

Representative RICHARDSON of Brunswick **REQUESTED** a roll call on the motion to **RECONSIDER** whereby **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) was INDEFINITELY POSTPONED.**

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 to **Reconsider** whereby **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904)**

was **Indefinitely Postponed.** All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 500

YEA - Andrews, Annis, Ash, Austin, Beaudette, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Carr, Churchill E, Clark, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Eder, Glynn, Goodwin, Heidrich, Honey, Hotham, Jennings, Jodrey, Kaelin, Ledwin, Lewin, Maietta, McCormick, McGowan, McNeil, Millett, Mills S, Moore, Murphy, Muse, Nutting, O'Neil, Peavey-Haskell, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tardy, Thomas, Tobin D, Tobin J, Treadwell, Woodbury, Young.

NAY - Adams, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Canavan, Clough, Cowger, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Joy, Kane, Ketterer, Koffman, Lemoine, Lessard, Mailhot, Makas, Marley, McGlocklin, McKee, McLaughlin, Mills J, Moody, Norton, O'Brien L, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Simpson, Smith N, Sullivan, Suslovic, Thompson, Trahan, Usher, Vaughan, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

ABSENT - Churchill J, Craven, Duprey B, Fletcher, Greeley, Jackson, Jacobsen, Landry, Lerman, Lundeen, Marraché, McKenney, Norbert, O'Brien J, Patrick, Piotti, Sampson, Saviello, Smith W, Sykes, Twomey.

Yes, 69; No, 61; Absent, 21; Excused, 0.

69 having voted in the affirmative and 61 voted in the negative, with 21 being absent, and accordingly the House **RECONSIDERED** its action whereby **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) was INDEFINITELY POSTPONED.**

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending the motion to **INDEFINITELY POSTPONE House Amendment "Y" (H-951) to Committee Amendment "A" (H-904)** and later today assigned.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1418) (L.D. 1916)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907) AS AMENDED BY HOUSE AMENDMENTS "A" (H-923), "B" (H-946), "C" (H-947), "D" (H-950), "E" (H-952), AND "F" (H-953) thereto in the House on April 16, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907) AS AMENDED BY HOUSE AMENDMENTS "A" (H-923), "B" (H-946), "C" (H-947), "D" (H-950), "E" (H-952), AND "F" (H-953) AND SENATE AMENDMENTS "A" (S-552), "B" (S-555), AND "C" (S-559) thereto in NON-CONCURRENCE.**

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

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

ENACTORS

Acts

An Act To Promote Economic Growth by Retaining Engineers in Maine

(S.P. 334) (L.D. 993)
(C. "B" S-553)

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

An Act To Clarify Legislative Pay

(S.P. 806) (L.D. 1961)
(S. "D" S-544)

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

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE**.

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

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

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Protect Forest Products, Loggers and Haulers"
(H.P. 1471) (L.D. 1964)

Sponsored by Representative SMITH of Van Buren. (GOVERNOR'S BILL)

Cosponsored by Senator MARTIN of Aroostook and Representatives: HATCH of Skowhegan, HUTTON of Bowdoinham, JACKSON of Fort Kent, PINEAU of Jay, Senators: BRYANT of Oxford, EDMONDS of Cumberland, HATCH of Somerset, STANLEY of Penobscot.

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

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. This Governor's bill was brought to us as a result of some legislation that was previously passed here in the House, which will allow the forest products workers in northern Maine to form associations and then use the board of arbitration and mediation within the organization of the state to do price setting for forest products work for cutting and hauling of the forest products. This, in itself, I think is bad public policy to put the State of Maine in the price fixing, if you will, for forest products. We have a very fragile connection between the woodland owner, the loggers and haulers and the manufacturers, the paper mills and the lumber mills here in the State of Maine. If we do anything to disrupt that, it is going to create major problems. This bill before us now is an indication of what I am talking about. What this bill does is to take the number of companies affected, the number of landowners affected by this bill, there were three to begin with, Irving, Wagner and Plum Creek. This bill will limit the applicability of the bill to one forest

product and one landowner. It does that by reducing the amount of land controlled by that landowner to below 30 percent in any labor market area, which leaves only one, Irving Woodlands, as the only one that will be affected. Irving Woodlands has the ability, I understand, to reduce their holdings to below 30 percent, therefore, the bill is going to null and void if that does happen. We have done all kinds of political manipulation here and it may not even have any effect of helping those loggers and haulers that we have been trying to help. We may just have wasted our time in doing this. I don't intend to oppose the bill, Mr. Speaker, I just wanted to make this statement.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. This bill and this amendment seek to give relief to those small businesses who are caught in a situation where they are dealing with a landowner who has a monopoly control. This is about giving an opportunity for bargaining and negotiation to a small business that is faced with monopolies.

This amendment does nothing more than bring into the act the criteria that the qualification is going to be 400,000 acres in any market area. That was already in the bill. What is added into it is that the acreage will constitute more than 30 percent of the total landowner in that labor market area. We are looking to try and identify those areas where there is near monopoly control. This is the harm that we are trying to elevate. This is the relief we are trying to give.

Let's just consider that if a landowner wants to reduce their holding to below 30 percent, so be it. That means that they won't have that mass of ownership. They won't have that extended control. You are going to have more of a free market system. The whole point of this bill is to give the small businesses an opportunity to work in an economy that is not going to be dominated by a monopoly. The policy of this amendment is in keeping with what the act did. It looks to protect against monopoly power and the policy that will develop from the 30 percent, if indeed it results in a landowner electing to divest himself, then fine. We will have more landowners. We have better opportunity to negotiate and bargain.

This makes a lot of sense. The vast weight of evidence presented to us in the past few years, whether it is academic studies, legislative studies, committee hearings or in the halls of the State House, it points to the north and to a problem in the market condition. We wanted to establish a sound policy that would stand the test of time and that would look to see what makes the market fail to provide fair rates for logging and log hauling services. That is when you have domination and control by one landowner. It is now clear that the 400,000 acre threshold doesn't tell the full story. We need to look at the 30 percent. There are landowners with holdings that reach that threshold, but whose logging and trucking rates neither provoke the outrage of loggers and haulers nor draw the special attention of the academic policy reports.

What seems to distinguish the decent rates from the bad rates in addition to the raw acreage controlled by the landowner is the percentage of the total acreage in the labor market area that the controlled land accounts for. This bill adds that factor.

It is fairly common to express market concentration or market power in terms of a percentage of the market. Adding this term is also better adapted to the changing ownership patterns in the Maine woods that may develop over time as well as the possible changes in labor market area designations. Nearly five years ago the state got a report that listed amongst its key findings the north woods logging industry is a market characterized by imperfections, including relatively concentrated land ownership.

These imperfections limit the extent of market competition at various levels of the industry and have implications for relative bargaining power amongst industry participants at all levels, including logging contractors and workers. In this report we used the term monopoly to describe these imperfect market conditions. The market imperfections are felt most acutely in northern Maine. LD 1964 alleviates that pain felt most acutely in northern Maine, but it is a policy that will benefit the entire state. I ask you to support this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. Any action you take on this bill, either one way or the other is actually not going to help our loggers in any way. If you will recall in the not too distant past, three townships were sold by Irving and on Sunday I learned that have three more up for sale. One of those townships was bought by a lady who has no intention of allowing trees to be cut on her land. If she should wind up being the purchaser of those other three townships, that makes four townships that are out of production as far as our timber goes. I just wanted to make sure that the House was aware that one way or the other that this bill goes, it has no bearing on the future well being of our contractors. Thank you.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

An Act To Clarify Legislative Pay

(S.P. 806) (L.D. 1961)

(S. "D" S-544)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

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

ROLL CALL NO. 501

YEA - Adams, Ash, Barstow, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Canavan, Carr, Clark, Clough, Cowger, Cummings, Curley, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGlocklin, McGowan, McKee, McLaughlin, Mills J, Moody, Norbert, Norton, O'Brien L, O'Neil, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Richardson J, Rines, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Tobin J, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Churchill E, Collins, Courtney, Cressey, Crosthwaite, Daigle, Goodwin, Heidrich, Honey, Hotham, Jodrey, Joy, Kaelin, Ledwin, Lewin, Maietta, McCormick, McNeil, Millett, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tardy, Tobin D, Trahan, Treadwell, Vaughan, Young.

ABSENT - Churchill J, Craven, Duprey B, Eder, Fletcher, Greeley, Jacobsen, Landry, Marraché, McKenney, Mills S, Patrick, Piotti, Sampson, Saviello, Sykes.

Yes, 80; No, 55; Absent, 16; Excused, 0.

80 having voted in the affirmative and 55 voted in the negative, with 16 being absent, 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 Chair laid before the House the following item which was **TABLED** earlier in today's session:

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

(H.P. 1420) (L.D. 1919)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending the motion to **INDEFINITELY POSTPONE House Amendment "Y" (H-951) to Committee Amendment "A" (H-904).**

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Colleagues of the House. I encourage the body to vote against the pending motion. We had a bit of a flurry of activity when we considered this a little while ago. Since then I guess people have talked about it a little bit. I maintain what I said earlier. This is very straightforward and simple. It simplifies the insurance code greatly and really bails us out of a big, big mess.

Just to clear up one thing that one of my good colleagues just bounced off from me. He said that this somehow might hurt labor in general, the state employees specifically. This can't be further from the truth in that regard. If anything, those folks should love this. On day one this improves their benefits. A couple years down the road, God forbid we are facing a horrible structural gap, that is a pretty big piggy bank that is liable to be raided. The bill has provisions in it that account for that. I just wanted to make that clear Mr. Speaker.

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House. There is nothing simple or easy about this particular amendment. It is a major change in our budget, our health care system and in our taxes. I urge you to support the budget as you have and to defeat this amendment by voting for indefinite Postponement. Thank you Mr. Speaker.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. I find some of the ideas that the Representative from Saco proposes intriguing. I found them intriguing when I first saw them over a year ago in a bill that he proposed before the Insurance and Financial Services Committee. It was the committee that the Representative from Saco serves as a chairman of, a bill that that committee rejected. I also had an opportunity to spend a good deal of time with the Representative from Saco and others in the context of the Dirigo work and in further discussing some of the Representative from Saco's ideas. In the end, I decided to go ahead with ideas closer to what the Chief Executive had proposed relative to Dirigo Health. Many of these ideas are in conflict. I chose the Dirigo Health route. Frankly, at this point, I don't want to spend tonight, tomorrow and each day between now and the middle of the summer ironing out

the difficulties that this amendment proposes and the threat it proposes to Dirigo Health in order to someday a few months later begin to offer the promise of what Dirigo Health offers to Maine people and Maine businesses who so desperately need it, not several months from July, but they need it right now. Dirigo Health is set to enter the stage in July. I certainly don't want to delay it a single day more than it needs to. If there are ideas here that are worth discussing, and I think there are, I would be happy to take them up in the next legislative session.

I will finish my remarks by saying what perhaps concerns me more than any other aspect of the bill is its proposal to repeal all the mandates, all the health insurance mandates that we passed over the years. I know some of us might like to see some of them gone, but there are an awful lot of those mandates that an awful lot of us would support, including the mental health parity mandate that we passed just last year and which has not yet taken full effect. That mandate has made promises to certain people that it has yet to deliver upon. I, for one, am not prepared to remove that promise before it has had a chance to take affect. For that reason, I will be supporting the motion to Indefinitely Postpone.

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

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

The SPEAKER: The Representative may pose his question.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who may care to answer, can the Legislature pass a piece of legislation that affects the terms of a binding legal contract labor agreement?

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. I strongly urge you to vote against the pending motion to Indefinitely Postpone this amendment and give it a chance. I know as I walk around the halls and people stop me and they ask me how can you possibly support this. Please put yourself through the same three basic steps that I did with myself. First of all you ask yourself, is this a good deal for a good price? It is very simple. You just did you taxes back in April. What is 5 percent of your adjusted gross income? How much was that for you and your family, your sisters, your brothers, your neighbors and everybody else? Whatever that number was, ask yourself, would health care be a good deal to get it for this price? The answer is yes. The second question that you are going to have is one that I had, is this too good to be true? How could this possibly work? You understand the bill a little bit further. Talk to the Representative from Saco, Representative O'Neil on the side and listen to him when he talks about the cost of charity care and case management and health savings accounts and other factors that make this work. You realize that yes, this could work. This could be true. The third and final question you say is, could we possibly do it this late in the session? I know that is the one we are probably most sticking on right now. It is too late. This is too big. We couldn't possibly do it. Ladies and gentlemen, there was never another time when we were in a position to accept something this dramatic. There just never has been any. The euchre to overcome in this body is just phenomenal. It takes the position we are in right now to do this. Ask yourself this, which is what I asked myself, six years this makes that I have been up here, if we could come home with this, it could be the proudest moment of my legislative experience to do this. Are there problems with it? Are there flaws and things that I would like better? Yes there are. You know, if it meant coming back, I would do that. Nothing else we have done compares. In the

magnitude of this, nothing comes even close to this. It is affordable. It does work. We can do it in the time that we have. Please vote against the pending motion.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. I am supporting the Indefinite Postponement motion here and I am doing it for a number of different reasons. First, for those who were in the chamber when this first vote was taken, those who did vote obviously in favor of the good Representative from Saco's amendment, did so and increased as I understand it, the largest tax increase in Maine history, \$1.5 billion. That is done through a 5 percent income tax surcharge. That was voted on here earlier today. This is the eleventh hour and unfortunately as far as I can see, this shifts the state employees and retirees into Dirigo Health and violates what I consider to be a bipartisan agreement that was negotiated not that long ago. It takes the state employee health insurance contract and amends it without any input from state employees. That, I think, is something that we nor the state employees bargain for.

More importantly, it drains \$28.5 million from the State Employee Health Plan. Lastly, this is where I part ways with the good Representative from Saco. It takes millions of dollars away to conform with the Bush estate tax giveaway that I think further enriches 300 estates in this state to the decrement of many people who need the help. Frankly, the people in this state, those 300 wealthiest families. They don't need it and in many occasions they don't want this kind of relief. They would rather see the people who need it who are less advantaged who will get that kind of assistance. I am asking you to vote tonight to Indefinitely Postpone this particular amendment for the reasons I just stated. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Men and Women of the House. I appreciate and I relish the chance to talk health care. I always have and I always will. It is great that this body is embracing the idea. This is the final word on this from the sponsor. I would just like to clear up a couple of misreads that have happened. I understand it is a budget amendment and misreads can happen on two accounts. An earlier speaker, my great friend from Portland, Representative Dudley, talked about a former bill that was killed in the Insurance and Financial Services Committee. It was a bill that I sponsored. It is not this amendment, but in fairness to the Representative from Portland, Representative Dudley, there are some provisions within that bill whose spirit live on in this amendment.

Secondly, the implementation date of current Dirigo Health had been set in statute in July. We have since been told that it might be forthcoming in the fall, if then. The implementation date under this amendment would be January. One season doesn't seem to be that long a time.

A couple of other points, with respect to repealing the mandates, community rating, guaranteed issue, I maintain it would be wonderful to jettison those because we wouldn't need them. It would be like having an umbrella indoors to leave them in statute.

As to the question of whether labor agreements we violated, that is provided for in the bill. If not, it might be a coincidence with a contract that might be in conflict by a little bit of time, but that certainly could be dealt with.

Lastly, Mr. Speaker, in reference to a white sheet that landed on my desk distributed just a minute ago, I would just like to clear up a couple things on that that were probably the result of

misreads also. House Amendment "Y" would do the following. It uses words like crippling Dirigo Health. Mr. Speaker, quite to the contrary, it is not in conflict with Dirigo, it compliments it. It doesn't cripple Dirigo. It fixes it. It violates Medicaid law in Part FFFF. There is a provision there too Mr. Speaker that Dirigo's board would seek any waivers necessary. It violates the State Employee Health Insurance contracts without any input from state employees. Again, as I mentioned, that is accounted for.

Mr. Speaker, my friends in the House, substantial administrative costs would be subtracted not added. We have had numerous studies. I sponsored the study that the Health Security Board brought in. Several of our colleagues served on that and most of us have read it. There is no need to twist that either. Again, with respect to the state review of health insurance premium increases, superfluous. It is an extra layer of government that we don't need. We don't need an umbrella indoors. Mr. Speaker, again, I offered this not be obstructive. I offered this to be constructive. I didn't want to make it a political gain. I realized that I revere the work of the good folks on the Appropriations Committee. I value that. I will support what they have done. I maintain, Mr. Speaker, that if we need to tackle our band-aid mentality here. It is a tough spot that we are in, but we need to help ourselves. Maine doesn't have a whole lot to offer. We have nice weather a few months out of the year. We have a nice coastline with pretty views. We don't have a whole lot going for us in terms of bailing ourselves out. This would be a major step towards it.

Mr. Speaker, as I leave my service here there are many things of which I am very proud. I am most proud of what I have done to try to advance the lot of those who were consumers of health care in Maine. Without a single nefarious motive, Mr. Speaker, in my estimation, you can trust me on this, this is the best stab at it. Thank you Mr. Speaker.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I don't relish for a moment getting up to speak in opposition to my good friend, the Representative from Saco, whose motives I would never impugn. He is a fine man with fine motives. He does mistakenly understand that Dirigo Health has been delayed. In fact, it has not. The Mainecare expansion within Dirigo Health is proposed to be delayed in this budget. However, Dirigo Health in its entirety is still on schedule and set to get off the ground in the middle of this summer. I wanted to correct him in that regard in particular. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to briefly explain why I supported the good Representative from Saco in his effort to present this amendment tonight in voting for the reconsideration. I did so earlier in the evening for three reasons. First, I respect the individual. As Representative Dudley indicated earlier, I had the chance and the privilege of serving with him on the joint select committee that produced the Dirigo legislation. I found him to be intelligent, fair-minded, an independent thinker and trustworthy. I like those characteristics. We need more of them.

Secondly, I felt for the first time when I heard someone from the other side of the aisle express the concern in very basic terms that I have tried to express over the last year and quarter that seemingly feeling like a voice in the wilderness at time about the economic morass, to use his words, and the closeness to the fiscal abyss and the fear of the structural gap upcoming. It was nice to hear those words.

Thirdly, I supported the reconsideration because of empathy for the way in which he was treated earlier in the evening, which I can empathize with and just want to share, very briefly, some concerns. First of all, it is degrading to anybody who spends a fair amount of time and energy coming up with what they think is a good idea, presenting it here in an open forum in full print explaining it, presenting it, opening oneself up to questions and debates and challenges and so on.

The SPEAKER: Would the Representative please defer? The Representative is straying quite far from motion at hand, which is the Indefinite Postponement of House Amendment "Y." The Chair would require that the Representative confine his remarks to that item. The Representative may proceed.

The Chair reminded Representative MILLETT of Waterford to confine his debate to the question before the House.

Representative **MILLETT**: Mr. Speaker, Men and Women of the House. I intend to vote for the Indefinite Postponement this evening, but I felt that I would like to express the concern over the way in which his efforts were subjective to the Indefinite Postponement treatment when, at the same time, this budget bill that we are talking about here tonight is so loaded up like a Christmas tree with ideas that floated out in the early morning hours with no preparation, no advanced warning, nothing in writing and here this individual has done his homework and presented some decent ideas to us this evening. I commend him for that. The ideas are novel. They are much beyond where I can go this evening. I will be voting against them. I would just like to thank him for this courage.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. It is very difficult for me to oppose my colleague from Saco. We have served together here for eight years, both on the health care areas, he on Insurance and me on Health and Human Services. We have both been equally committed to developing the strongest and most cost effective health care systems as possible. I don't have any issues with the content. As Representative Dudley said earlier, there are some great ideas here. My problem is with the process. To have presented to us a complex and gargantuan piece of legislative work that will have profound impact for good or ill on our health care system without being subjected to the kind of scrutiny and process that all of us have experienced in our work. In our committee work everything that comes before this body is scrutinized by the committee and gets reviewed by the committee with recommendations and we act in the light of these recommendations. I am concerned not so much with potential benefits of the ideas that are in there. I think they will play out and they will find a place in our health care system in Maine. My concern is the pervasive impact and unforeseen and unanticipated consequences that none of us even know about and that we cannot even speculate on. We are going to be going home having made a decision that we don't understand the consequences of. With all due regard, respect and affection for my good friend from Saco, I encourage you to vote for the motion to Indefinitely Postpone. Thank you.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I agree with Representative Millett and I also would like to speak to Representative Clark's question. Aren't you breaking the contract of the state workers? I was assured that you are. They have a contract. If you put this them in Dirigo without any negotiations it seems to me that you are breaking good faith and

you are breaking the contract. I will definitely be voting for Indefinite Postponement. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. If the Dirigo Health Program benefits are good enough for my constituents and for the employees of the small businesses that I represent, why isn't it good enough for the state employees of the Maine?

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

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. I would certainly have to apologize to many people if I did not get up as a state employee of 27 years and say that for anything to be presented to any group of employees without having always the chance to negotiate what they had, contracts negotiated are to be respected until they are changed by mutual agreement of all the parties, whether one is an employee or the employer, whether you are talking benefits, wages or anything to do with the area of employment. If there is a contract, it must be respected. I stand here to say not that the intentions were I am sure very honorable, but without considering the group that you are asking to just accept what was being put in front of them. Therefore, I, like many others, will vote to Indefinitely Postpone. Thank you.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "Y" (H-951) to Committee Amendment "A" (H-904)**.

Representative **DAVIS** of Falmouth **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "Y" (H-951) to Committee Amendment "A" (H-904)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "Y" (H-951) to Committee Amendment "A" (H-904). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 502

YEA - Adams, Andrews, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Blanchette, Bliss, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Clark, Clough, Collins, Cowger, Crosthwaite, Cummings, Davis, Dudley, Dugay, Dunlap, Duplessie, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Honey, Hotham, Jackson, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lewin, Lundeen, Mailhot, Makas, Marley, McCormick, McGlocklin, McKee, McLaughlin, Millett, Mills J, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Richardson E, Richardson J, Richardson M, Rogers, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Stone, Sullivan, Suslovic, Tardy, Thomas, Thompson, Tobin D, Trahan, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Annis, Bierman, Bowen, Courtney, Cressey, Curley, Daigle, Goodwin, Heidrich, Ledwin, Maietta, McGowan, McNeil, Mills S, O'Neil, Peavey-Haskell, Rector, Rosen, Sherman, Sukeforth, Tobin J, Treadwell.

ABSENT - Churchill J, Craven, Duprey B, Duprey G, Eder, Fletcher, Greeley, Hutton, Jacobsen, Landry, Marraché,

McKenney, Moody, Patrick, Piotti, Rines, Sampson, Saviello, Sykes.

Yes, 110; No, 22; Absent, 19; Excused, 0.

110 having voted in the affirmative and 22 voted in the negative, with 19 being absent, and accordingly **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) was INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-904) as Amended by House Amendments "Q" (H-932), "T" (H-935), "V" (H-937), "Z" (H-958), "AA" (H-964) and "BB" (H-965) and Senate Amendments "A" (S-518) and "P" (S-543) thereto was ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-904) as Amended by House Amendments "Q" (H-932), "T" (H-935), "V" (H-937), "Z" (H-958), "AA" (H-964) and "BB" (H-965) and Senate Amendments "A" (S-518) and "P" (S-543) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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

**ENACTORS
Emergency Measure**

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 1418) (L.D. 1916)

(H. "A" H-923, H. "B" H-946, H. "C" H-947, H. "D" H-950, H. "E" H-952, H. "F" H-953, S. "A" S-552, S. "B" S-555 and S. "C" S-559 to C. "A" H-907)

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. 124 voted in favor of the same and 5 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**.

At this point the Speaker recognized all members who have served as Speaker Pro Tem during the 121st Legislature.

The SPEAKER: It is my great pleasure to recognize the 15 members of the House who have served this chamber as Speaker Pro Tems. It is with pleasure that I recognize these leaders. I thank them on behalf of all the members of the House for their service to this chamber. I want to present them with some ceremonial gavels. As I call your name would you please approach the rostrum on my right to receive your gavel. Representative Patricia A. Blanchette of Bangor who served as Speaker pro tem on January 8, and March 6, 2003. Representative Thomas D. Bull of Freeport who served as Speaker pro tem on May 21, 2003 and April 15, 2004. Representative Joseph E. Clark of Millinocket who served as Speaker pro tem on April 2, 2003, May 13, 2003, May 27, 2003, March 2, 2004 and April 1, 2004. Representative Glenn Cummings of Portland who served as Speaker pro tem on May 15, 2003. Representative Matthew Dunlap of Old Town who served as Speaker pro tem on March 6, 2003, March 27, 2003,

April 28, 2003, May 19, 2003, May 21, 2003, June 4, 2003, June 13, 2003, February 12, 2004, March 17, 2004, March 19, 2004, March 23, 2004, April 5, 2004, April 12, 2004, April 13, 2004, April 14, 2004 and April 16, 2004. Representative Robert W. Duplessie of Westbrook who served as Speaker pro tem on June 11, 2003 and April 8, 2004. Representative Albion D. Goodwin of Pembroke who served as Speaker pro tem on on May 19, 2003. Representative David G. Lemoine of Old Orchard Beach who served as Speaker pro tem on April 3, 2003. Representative Linda Rogers McKee of Wayne who served as Speaker pro tem on March 25, 2003 and April 14, 2004. Representative Janet L. McLaughlin of Cape Elizabeth who served as Speaker pro tem on May 7, 2003 and April 7, 2004. Representative William S. Norbert of Portland who served as Speaker pro tem on March 19, 2003, May 23, 2003, January 22, 2004, March 25, 2004 and April 7, 2004. Representative Lillian LaFontaine O'Brien who served as Speaker pro tem on March 31, 2004. Representative Joseph C. Perry of Bangor who served as Speaker pro tem on April 15, 2004. Representative Rosaire "Ross" Paradis, Jr. of Frenchville who served as Speaker pro tem on March 18, 2004. Representative John Richardson of Brunswick who served as Speaker pro tem on May 9, 2003, June 12, 2003 June 13, 2003, January 14, 2004 and March 4, 2004. Would the House please join me in thanking these wonderful members for their service.

At this point, the House performed the Ceremony of Lights.

The SPEAKER: At this time the House will proceed with the Ceremony of Lights. As the Clerk calls your name please vote green. The Clerk will read the names.

The CLERK: The Representative from Sanford, Representative Jonathan T. E. Courtney, 2 years of legislative service. The Representative from Sanford, Representative Roger A. Landry, 2 years of legislative service. The Representative from Cornville, Representative S. Peter Mills, 2 years of legislative service. The Representative from Holden, Representative Mary Ellen Ledwin, 4 years of service. The Representative from Topsham, Representative Paul J. Lessard, 4 years of service. The Representative from Pittsfield, Representative Bernard E. McGowan, 4 years of service. The Representative from Cape Elizabeth, Representative Janet L. McLaughlin, 4 years of service. The Representative from Greenbush, Representative Anita Peavey-Haskell, 4 years of service. The Representative from Limestone, Representative Florence T. Young, 4 years of service. The Representative from York, Representative Mary Black Andrews, 6 years of service. The Representative from Oxford, Representative Theodore H. Heidrich, 6 years of service. The Representative from Old Orchard Beach, Representative David G. Lemoine, 6 years of service. The Representative from Rockland, Representative Deborah K. McNeil, 6 years of service. The Representative from Portland, Representative William S. Norbert, 6 years of service. The Representative from Biddeford, Representative Nancy B. Sullivan, 6 years of service. The Representative from Windham, Representative David L. Tobin, 6 years of service. The Representative from Belmont, Representative Donald P. Berry, Sr., 8 years of service. The Representative from Freeport, Representative Thomas D. Bull, 8 years of service. The Representative from Millinocket, Representative Joseph E. Clark, 8 years of service. The Representative from Gardiner, Representative Patrick Colwell, 8 years of service. The Representative from Hallowell, Representative Scott W. Cowger, 8 years of service. The Representative from Old Town, Representative Matthew Dunlap, 8 years of service. The Representative from Buckfield, Representative Rosita Gagne-

Friel, 8 years of service. The Representative from Pembroke, Representative Albion D. Goodwin, 8 years of service. The Representative from Boothbay, Representative Ken Honey, 8 years of service. The Representative from Saco, Representative Thomas J. Kane, 8 years of service. The Representative from Lewiston, Representative Richard H. Mailhot, 8 years of service. The Representative from Wayne, Representative Linda Rogers McKee, 8 years of service. The Representative from Augusta, Representative Julie Ann O'Brien, 8 years of service. The Representative from Saco, Representative Christopher P. O'Neil, 8 years of service. The Representative from Bangor, Representative Joseph C. Perry, 8 years of service. The Representative from Poland, Representative Lois A. Snowe-Mello, 8 years of service. The Representative from Dexter, Representative James H. Tobin, Jr., 8 years of service. The Representative from Carmel, Representative Russell P. Treadwell, 8 years of service. The Representative from Raymond, Representative Joseph Bruno, 10 years of service. The Representative from Westbrook, Representative Ronald E. Usher, 10 years of service. The Representative from Orland, Representative Eugene L. Churchill, 12 years of service. The Representative from Kennebunk, Representative Thomas W. Murphy, Jr., 16 years of service. The Representative from the Penobscot Nation, Representative Donna M. Loring, 8 years of legislative service.

**ENACTORS
Acts**

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

(H.P. 1420) (L.D. 1919)
(H. "Q" H-932, H. "T" H-935, H. "V" H-937, H. "Z" H-958, H. "AA" H-964, H. "BB" H-965, S. "A" S-518 and S. "P" S-543 to C. "A" H-904)

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

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

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hutton who wishes to address the House on the record.

Representative **HUTTON**: Mr. Speaker, Men and Women of the House. Mr. Speaker, on Roll Call 502, I was here in the chamber and I pushed the green button and it lit up here and since my button has never malfunctioned, I never check the board and according to the roll call, I was absent when I was indeed here. I wish to be recorded as yes if that is possible.

**ENACTORS
Acts**

An Act To Protect Forest Products, Loggers and Haulers

(H.P. 1471) (L.D. 1964)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the

Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

On motion of Representative SMITH of Monmouth, the House adjourned at 10:40 p.m., until 10:00 a.m., Thursday, April 29, 2004.