

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twenty-Second Legislature
State of Maine

Volume I

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First Special Session

April 4, 2005 – May 25, 2005

Pages 1-736

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST REGULAR SESSION
8th Legislative Day
Thursday, January 20, 2005

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

Prayer by Pastor Nancy Huntington, Calvary United Methodist Church, Lewiston.

National Anthem by Martin Swinger, Augusta.

Pledge of Allegiance.

Doctor of the day, Buell Miller, M.D., Manchester.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Ensure Sufficient Staffing To Properly Enforce the Laws and Rules of the Manufactured Housing Board"

(S.P. 87) (L.D. 267)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

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

Bill "An Act To Validate Collective Bargaining Provisions That May Affect Education Policies"

(S.P. 64) (L.D. 158)

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

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion of Representative SMITH of Van Buren, **TABLED** pending **REFERENCE** and later today assigned.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of the Legislature To Enact or Increase a Tax

(S.P. 56) (L.D. 150)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Pursuant to Statute

Workers' Compensation Board

Report of the **Workers' Compensation Board** pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11 asks leave to report that the accompanying Bill "An Act To Encourage Parties To Agree to the Selection of Independent Medical Examiners in Workers' Compensation Cases"

(S.P. 97) (L.D. 302)

Be **REFERRED** to the Committee on **LABOR** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

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

Non-Concurrent Matter

Bill "An Act To Transfer Funds to the Maine Clean Election Fund"

(H.P. 157) (L.D. 206)

Unanimous **REFER TO THE COMMITTEE ON LEGAL AND VETERANS AFFAIRS** pursuant to the Maine Revised Statutes, Title 21-A, section 1124, subsection 3 Report of the **Commission on Governmental Ethics and Election Practices** **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in the House on January 18, 2005.

Came from the Senate with the Unanimous **REFER TO THE COMMITTEE ON LEGAL AND VETERANS AFFAIRS** pursuant to the Maine Revised Statutes, Title 21-A, section 1124, subsection 3 Report of the **Commission on Governmental Ethics and Election Practices** **READ** and **REJECTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Clarify Ownership and Management of Architectural Firms"

(H.P. 247) (L.D. 324)

Sponsored by Representative BRYANT-DESCHENES of Turner.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative SMITH of Monmouth, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Bill "An Act To Implement Energy Conservation Standards for Affordable Housing"

(H.P. 250) (L.D. 327)

Sponsored by Representative EDER of Portland.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative SMITH of Monmouth, the Bill was **REFERRED** to the Committee on **UTILITIES AND ENERGY**, ordered printed and sent for concurrence.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Impose Mandatory Minimum Sentences for Certain Sexual Offenses"

(H.P. 249) (L.D. 326)

Sponsored by Representative VAUGHAN of Durham.

Cosponsored by Senators: DAVIS of Piscataquis, SNOWE-MELLO of Androscoggin.

Bill "An Act Regarding the Sale of Firearms at Gun Shows"
(H.P. 256) (L.D. 333)

Sponsored by Representative GERZOFKY of Brunswick.
Under suspension of the rules, cosponsored by Senator STRIMLING of Cumberland and Representatives: BLANCHETTE of Bangor, CRAVEN of Lewiston, CUMMINGS of Portland, JACKSON of Fort Kent, KOFFMAN of Bar Harbor, O'BRIEN of Lewiston, PELLETIER-SIMPSON of Auburn, RINES of Wiscasset, TWOMEY of Biddeford, WALCOTT of Lewiston, WATSON of Bath, WEBSTER of Freeport, WHEELER of Kittery.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Lower the Minimum Age for Operating an All-terrain Vehicle to 14 Years of Age"

(H.P. 259) (L.D. 336)

Sponsored by Representative JACKSON of Fort Kent.
Cosponsored by Senator BRYANT of Oxford and Representatives: BRYANT of Windham, LUNDEEN of Mars Hill, PATRICK of Rumford, RICHARDSON of Carmel, SMITH of Van Buren, WATSON of Bath, Senator: PERRY of Penobscot.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Clarify the Definition of 'Eligible Group' in Small Group Health Insurance Plans"

(H.P. 258) (L.D. 335)

Sponsored by Representative GLYNN of South Portland.
Cosponsored by Representatives: LINDELL of Frankfort, McKANE of Newcastle, VAUGHAN of Durham, Senator: SNOWE-MELLO of Androscoggin.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Limit the Time a Campaign Sign May Be Displayed"

(H.P. 246) (L.D. 323)

Sponsored by Representative EDGECOMB of Caribou.
Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BERUBE of Lisbon, CEBRA of Naples.

Bill "An Act Concerning Recognition of Qualified Political Parties"

(H.P. 252) (L.D. 329)

Sponsored by Representative EDER of Portland.

Bill "An Act Regarding the Late Payment of Rent"
(H.P. 260) (L.D. 337)

Sponsored by Representative MILLS of Farmington.
Cosponsored by Representative: MOODY of Manchester, Senator: DAVIS of Piscataquis.

TAXATION

Bill "An Act To Clarify the Definition of 'Domiciled' for Maine Income Tax Purposes"

(H.P. 248) (L.D. 325)

Sponsored by Representative CUMMINGS of Portland.
Cosponsored by Representatives: BARSTOW of Gorham, BOWLES of Sanford, FARRINGTON of Gorham, GOLDMAN of Cape Elizabeth, TARDY of Newport.

Bill "An Act To Enhance the Maine Earned Income Tax Credit"

(H.P. 251) (L.D. 328)

Sponsored by Representative EDER of Portland.
Cosponsored by Senator STRIMLING of Cumberland.

Bill "An Act To Exempt Unemployment Benefits from State Income Tax" (EMERGENCY)

(H.P. 255) (L.D. 332)

Sponsored by Representative CLARK of Millinocket.
Cosponsored by Senator STRIMLING of Cumberland and Representatives: SMITH of Van Buren, TUTTLE of Sanford, Senator: SNOWE-MELLO of Androscoggin.

TRANSPORTATION

Bill "An Act Allowing Certain Commercial Vehicles at Canadian Weight Limits To Travel from the Canadian Border at Houlton to New Limerick and from the Canadian Border at Calais to Baileyville"

(H.P. 257) (L.D. 334)

Sponsored by Representative JOY of Crystal.
Cosponsored by Senator RAYE of Washington and Representatives: CROSTHWAITE of Ellsworth, HOTHAM of Dixfield, McFADDEN of Dennysville, SHERMAN of Hodgdon, Senator: PLOWMAN of Penobscot.

UTILITIES AND ENERGY

Bill "An Act To Protect Utility Customers from Imprudently Incurred Costs"

(H.P. 253) (L.D. 330)

Sponsored by Representative BLISS of South Portland.
Cosponsored by Senator: BARTLETT of Cumberland.
Submitted by the Office of the Public Advocate pursuant to Joint Rule 204.

Bill "An Act To Improve the Operation of Underground Damage Prevention Procedures"

(H.P. 254) (L.D. 331)

Sponsored by Representative BLISS of South Portland.
Cosponsored by Senator BARTLETT of Cumberland.
Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

Pursuant to Statute

Workers' Compensation Board

Representative SMITH for the **Workers' Compensation Board** pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11 asks leave to report that the accompanying Bill "An Act To Amend the Process for Review of Hearing Officer Decisions by the Workers' Compensation Board"

(H.P. 245) (L.D. 322)

Be **REFERRED** to the Committee on **LABOR** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 17)

ORDERED, that Representative Philip A. Curtis of Madison be excused Thursday, January 6th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Harold Ian Emery of Cutler be excused Tuesday, January 4th, Tuesday, January 11th and Tuesday, January 18th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Janet T. Mills of Farmington be excused Thursday, January 6th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Lillian LaFontaine O'Brien of Lewiston be excused Thursday, January 6th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Raymond G. Pineau of Jay be excused Thursday, January 13th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Wesley E. Richardson of Warren be excused Tuesday, January 11th and Thursday, January 13th for personal reasons.

READ and PASSED.

On motion of Representative CRESSEY of Cornish, the following House Order: (H.O. 18)

ORDERED, that the House Rules be amended by amending House Rule 501 to read:

Rule 501. Order of business. After reading of the journal, the following is the order of business:

- 1st. Senate papers;
- 2nd. Messages and documents from the Senate, the executive, heads of departments and others;
- 3rd. Reception of petitions, bills and resolves requiring reference to any committee. As bills are referred to committee, they will be referred as an entire block without objection and any bill that is objected to will be taken up individually;
- 4th. Orders;
- 5th. Expressions of legislative sentiment - Special sentiment calendar;
- 6th. Reports of committees and first reading of accompanying bills and resolves;
- 7th. Consent calendar - First Day;
- 8th. Consent calendar - Second Day;
- 9th. Bills and resolves reported by the Committee on Bills in the Second Reading and on their passage to be engrossed;
- 10th. Bills on their passage to be enacted; and
- 11th. Orders of the day.

A paper may not be taken up out of its regular order. Business may not be transacted in the House after the hour of 9:00 p.m.

READ.

On motion of Representative CRESSEY of Cornish, the House Order was **REFERRED** to the House Committee on **HOUSE RULES**, ordered printed and sent for concurrence.

On motion of Representative ADAMS of Portland, the following House Order: (H.O. 19)

ORDERED, that the House Rules be amended by amending House Rule 401, subsection 13 to read:

13. Sponsor obtains signatures. A bill or resolve in final form that is ready for signature whose primary sponsor is a member of the House may be circulated for signatures only by the sponsor or cosponsors of that bill or resolve, except that legislation presented by a department, ~~outside state~~ agency or the Governor may be circulated by agents of the department, the ~~outside state~~ agency or the Governor. This does not preclude a bill or a resolve from being held for signature in the Office of the Speaker of the House, the offices of the minority or majority party or the Office of the Revisor of Statutes.

READ.

On motion of Representative ADAMS of Portland, **TABLED** pending **PASSAGE** and later today assigned.

SPECIAL SENTIMENT CALENDAR

In Memory of:

Peter W. Cox, of Georgetown, a cofounder of the *Maine Times*. Mr. Cox and his partner John N. Cole founded the statewide weekly magazine in 1968. He served as publisher, then editor and publisher through 1985, when he sold the paper. He stayed on for a year and returned as editor in 1993-94, continuing his column until 2000. The *Maine Times* developed a national reputation for its excellent coverage. After Peter left the paper, he devoted his energies to public policy affecting Maine. Peter served on the boards of the Maine Civil Liberties Union, Maine Audubon Society and Portland Museum of Art and was an advisor from Maine to the National Trust for Historic Preservation. We acknowledge his vast contribution to the State of Maine. He will be greatly missed by his family and friends;

(HLS 28)

Presented by Representative PERCY of Phippsburg.

Cosponsored by Senator MAYO of Sagadahoc, President EDMONDS of Cumberland, Representative HUTTON of Bowdoinham.

On **OBJECTION** of Representative PERCY of Phippsburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **PERCY**: Mr. Speaker, Ladies and Gentlemen of the House. How many of you have come home at the end of a day, and you open up the paper and you find out that one of your living heroes has passed away. That's how I felt this past winter when I opened up the Times Record and learned that Peter Cox had died, and I know there are many of you in this Body who were big fans of his, and some of you had the pleasure of knowing him. And how many of us never took the time to write that letter and say, Dear Mr. Cox, you don't know who I am, but thank you so much for your words, and your wisdom, and your courage, your courage to ask questions that many of us are afraid to ask, and your courage to think out of the box.

There's a certain wonderful irony in the Legislature honoring Peter Cox. He was known to be hard on folks in Augusta for many years, but he always saw things clearly, and time and again he did all of us a real favor by pointing out where

legislators, as well as citizens, were going astray, and directions that we could pursue to do good.

I called David Platt, who worked for the *Maine Times*, and was a close friend of Peters, and I asked him if he had anything he wanted me to say today, and he sent me the following words: "Leila, I think Peter was the most civic-minded person I've ever known. He simply had a passion for public life; be it the conduct of government, the way we all discuss issues, the questions that need to be asked, or the matters that aren't being attended to. He also had passions about things like gardening, architecture, art, traffic jams, and a whole lot of other things I couldn't possibly keep track of. As a newspaperman, he had some of the best story ideas I have ever encountered, certainly, some of the highest standards. And he could be infuriating, ask Eunice, she and I know from long experience. Imagine what it was like for me, following him at the *Maine Times*. Simply talking with him was a stimulating seminar."

And then David let me know that his new memoir, Peter's, is coming out. It's being published by Tillbury House, and it will offer fascinating insights into events that all of us remember. So let's send a prayer up there for Peter Cox. We are so lucky he was here with us on this plain, and I know he's looking out for us right now. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Peter Cox was inspired to do good work on behalf of Maine. This is his legacy. The list of his civic contributions go beyond those highlighted in the Sentiment before us. For example, as President of Wolfe's Neck Farm, Peter worked enthusiastically and tirelessly to create a market strategy for Maine natural beef, a project that will benefit Maine farmers for years to come.

Concerned about the competitiveness and the challenges faced by downtown businesses, locally owned businesses, in our communities, Peter introduced the Main Street Maine Program, and the Maine Downtown Center was formed to help educate local businesses to compete with the big box stores on the edges of our communities. He wanted to revitalize Maine's communities.

As Co-Chair of the Eco Eco Civic Forum, -- Eco Eco standing for Ecology and Economics -- Peter always felt that they worked together. Peter enthusiastically contributed to creative policy options to protect our established communities, rural economies, and natural resources from development sprawl.

Before Peter became ill, he dedicated eighteen months to a comprehensive tax reform project with a team of wonderful thinkers that included Senators Peter Mills and Gagnon, and Representative David Lemoine. That bill came to the Taxation Committee a few years ago, along with many others. I hope some of the ideas that were in that bill inspired our work, our recent work. I think Peter would be pleased and impressed by the efforts we've undertaken together on that subject. There was no tough or complex problem Peter would not tackle. The harder they were, the more complex they were, the more challenging he found them intellectually and personally.

Getting to work with Peter on some of these projects over the years will be some of the best memories I'll have in my life. Most of all, I'll remember Peter for his intellectual integrity and courage, his comfort with big ideas and fresh thinking, his devotion to Maine people, his enthusiasm and persistence to accomplish good things, and his bigheartedness.

Peter will be impossible to replace but we'll remember him and thank him for all his contributions and his inspiration to the rest of us. Thank you, Mr. Speaker.

ADOPTED and sent for concurrence.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Wednesday, January 19, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Repeal the Tax on Private Nonmedical Institutions" (EMERGENCY)

(S.P. 52) (L.D. 146)

- In Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

TABLED - January 19, 2005 (Till Later Today) by Representative WOODBURY of Yarmouth.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

Bill "An Act To Restore MaineCare Mental Health Services to Children, Adults and Senior Citizens"

(S.P. 60) (L.D. 154)

- In Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

TABLED - January 19, 2005 (Till Later Today) by Representative BRANNIGAN of Portland.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

Bill "An Act To Create a Manufacturing Energy Policy for Maine"

(H.P. 236) (L.D. 312)

(Committee on **UTILITIES AND ENERGY** suggested)

TABLED - January 19, 2005 (Till Later Today) by Representative BLISS of South Portland.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **UTILITIES AND ENERGY**, ordered printed and sent for concurrence.

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

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

**ENACTORS
Emergency Measure**

An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels

(H.P. 6) (L.D. 1)
(C. "A" H-1)

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

Representative TRAHAN of Waldoboro **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 12

YEA - Adams, Babbidge, Barstow, Beaudette, Berube, Bierman, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Carr, Collins, Craven, Crosby, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marean, Marley, Mazurek, McFadden, Miller, Mills, Moody, Moore G, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Rines, Sampson, Saviello, Schatz, Seavey, Smith N, Smith W, Tardy, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Bishop, Browne W, Bryant-Deschenes, Cebra, Churchill, Clark, Cressey, Crosthwaite, Davis K, Duprey, Edgecomb, Fitts, Fletcher, Glynn, Hall, Hamper, Hanley B, Jacobsen, Joy, Kaelin, Lansley, Lewin, Lindell, McCormick, McKane, McKenney, McLeod, Merrill, Millett, Moulton, Nass, Nutting, Ott, Pinkham, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sherman, Shields, Stedman, Sykes, Thomas, Trahan, Twomey, Vaughan.

ABSENT - Clough, Dugay, Emery, Greeley, Hutton, Jodrey, Marraché, Muse. and accordingly

Yes, 92; No, 51; Absent, 8; Excused, 0.

92 having voted in the affirmative and 51 voted in the negative, with 8 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

SENATE PAPERS

The following Joint Order: (S.P. 111)

ORDERED, the House concurring, that the Joint Standing Committee on Education and Cultural Affairs shall review the following components of the Essential Programs and Services Funding Act established pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B, including proposed provisions contained in L.D. 1, Part D:

1. The replacement of existing cost-sharing agreements that were established by member municipalities of school administrative districts and community school districts prior to

January 1, 2004 to determine how member municipalities would share the costs of operating the school district;

2. The per-pupil rates established under the Essential Programs and Services Funding Act for those school administrative units that do not operate an elementary school, but pay tuition for their students to attend school in another school administrative unit;

3. The distribution of funds for special education within the model for Essential Programs and Services Funding Act as opposed to 100% state funding outside the model; and

4. Other cost components of the Essential Programs and Services Funding Act, including, but not limited to, those for vocational education, isolated small schools, gifted and talented programs, transition adjustments and the Fund for the Efficient Delivery of Educational Services; and be it further

ORDERED, that the Joint Standing Committee on Education and Cultural Affairs shall report out legislation by March 15, 2005 to the Senate based upon its review.

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

READ.

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

Representative **MILLETT**: Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, I'd like to thank the folks on the other side of the aisle and in the other Chamber for agreeing to this Joint Order in compromise fashion. It does achieve many of the goals that concerned a lot of us last evening, in the need for further review of the EPS Model. It, however, does not preempt or cause me to think that there is great intent to do harm to the overall formula, but to simply clarify, in particular, the four areas mentioned within the order. I appreciate the willingness to have this go to the Committee. I don't think it's going to cause difficulty on the timeline, and I think the clarity that we seek will be beneficial to all. I would like to just say from my reading of it, that the review that is contemplated in the opening paragraph, while it doesn't specifically say so, I hope that it would be interpreted by the Joint Standing Committee on Education and Cultural Affairs as one that provided an opportunity for public input.

Once again, I thank the members of the other side of the aisle for a willingness to do this and I urge your support. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, want to reiterate the thanks to those that helped bring this forward for us. I want to add my words of support to this Joint Order. As Chairman or Co-Chairman of the Rural Caucus and as a Representative who has two rural districts, school districts, that are affected by what we did, the effort of this Order has been requested by my selectmen and by the superintendents that I worked very closely with over the last couple of days. I appreciate being able to tell them that we will look at EPS in a little bit more detail, and it will be under a very quick timetable. My hope is at the same time the Department of Education spends some time with all of the superintendents, because one of the things that I did find as we went through this debate in the last month is there's a lot of misunderstanding about what EPS is out there, and it also gives us the time from DOT, although yesterday I was able to get some of those numbers, to get some of the more detailed things so that we can all make some good comparisons. I look forward to the Education Committee's work, I look forward to the public hearing, and the report out that comes from that, and the results that take place. Thank you, Mr. Speaker.

PASSED in concurrence.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which were **TABLED** and today assigned:

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass pursuant to Joint Order 2005, H.P. 108** - Minority (4) **Ought to Pass pursuant to Joint Order 2005, H.P. 108** - Joint Select Committee on **PROPERTY TAX REFORM** on Bill "An Act To Provide a Schedule of School Funding That Provides 55% State Coverage of the Cost of Essential Programs and Services over a Period of 2 Years"

(H.P. 225) (L.D. 300)

TABLED - January 19, 2005 by Representative DUDLEY of Portland.

PENDING - **ACCEPTANCE** of the Minority **OUGHT TO PASS PERSUANT TO JOINT ORDER** Report.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass** Report.

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

Subsequently, Representative GLYNN of South Portland **WITHDREW** his **REQUEST** for a roll call.

Representative TUTTLE of Sanford **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass** Report.

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

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. To clarify for anybody who may not already know, and I'm sure there are a few of you, that what this proposes to do is to get us to the two year ramp, but do it in a responsible way; identify how we would fund a two year ramp, and in this case what we're talking about is expanding the sales tax rate to five and a half percent, and expanding the sales tax base to cover amusements. This is all contingent upon the voters in Maine accepting this funding method. So it's a responsible approach, and it's an approach that engages the voters in a process in which they're very much interested, and certainly have already begun to give us instruction on.

Subsequently, the Minority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

On motion of Representative TRAHAN of Waldoboro, the House **RECONSIDERED** its action whereby the Minority **Ought to Pass** Report was **ACCEPTED**.

The **SPEAKER**: A roll call having been previously ordered. The pending question before the House is Acceptance of the Minority **Ought to Pass** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 13

YEA - Adams, Ash, Babbidge, Bliss, Brannigan, Brautigam, Cain, Canavan, Clark, Crosby, Cummings, Duchesne, Dudley, Eberle, Eder, Finch, Gerzofsky, Goldman, Hanley S, Harlow, Jackson, Jennings, Lerman, Lundeen, Makas, Miller, Mills, Moody, Paradis, Patrick, Perry, Pineau, Rines, Saviello, Schatz, Thompson, Twomey, Watson.

NAY - Annis, Austin, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Campbell, Carr, Cebra, Churchill, Collins, Craven, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Dunn, Duplessie,

Duprey, Edgecomb, Faircloth, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Grose, Hall, Hamper, Hanley B, Hogan, Hotham, Jacobsen, Joy, Kaelin, Koffman, Lansley, Lewin, Lindell, Mearan, Marley, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moore G, Moulton, Nass, Norton, Nutting, O'Brien, Ott, Pelletier-Simpson, Percy, Pilon, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Valentino, Vaughan, Walcott, Webster, Wheeler, Woodbury.

ABSENT - Clough, Dugay, Emery, Greeley, Hutton, Jodrey, Marraché, Muse, Mr. Speaker.

Yes, 38; No, 104; Absent, 9; Excused, 0.

38 having voted in the affirmative and 104 voted in the negative, with 9 being absent, and accordingly the Minority **Ought to Pass** Report was **NOT ACCEPTED**.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED**.

Sent for concurrence.

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

BILLS IN THE SECOND READING

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Permit Municipalities To Adopt a Higher Property Tax Rate on Secondary Residential Property

(H.P. 220) (L.D. 295)

ACCEPTED and **READ** the second time.

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative CUMMINGS of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Authorize or Require a Growth Limitation on the Taxable Value of Small Business Land

(H.P. 221) (L.D. 296)

ACCEPTED and **READ** the second time.

Representative CUMMINGS of Portland moved that the Bill be **TABLED** until later in today's session pending **PASSAGE**.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Authorize Municipalities To Adopt a Property Tax Assistance Program That Reflects a Claimant's Ability To Pay

(H.P. 222) (L.D. 297)

ACCEPTED and **READ** the second time.

Representative CUMMINGS of Portland moved that the Bill be **TABLED** until later in today's session pending **PASSAGE**.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Authorize the Legislature To Allow Municipalities To Exempt from Property Tax a Portion of the Value of Homesteads

(H.P. 223) (L.D. 298)

ACCEPTED and **READ** the second time.

Representative CUMMINGS of Portland moved that the Bill be **TABLED** until later in today's session pending **PASSAGE**.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Legislature To Allow the Current Use Valuation of Waterfront Land Used for or That Supports Commercial Fishing Activities

(H.P. 224) (L.D. 299)

ACCEPTED and **READ** the second time.

Representative CUMMINGS of Portland moved that the Bill be **TABLED** until later in today's session pending **PASSAGE**.

TABLED AND TODAY ASSIGNED

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Legislature To Allow the Current Use Valuation of Waterfront Land Used for or That Supports Commercial Fishing Activities

(H.P. 224) (L.D. 299)

Which was **TABLED** by Representative CUMMINGS of Portland pending **PASSAGE**.

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

Representative **SMITH**: Mr. Speaker, Men and Women of the House. I am very eager to speak in favor of this unanimous committee report regarding a Constitutional Amendment to allow current use valuation for waterfront. In speaking in favor of this, I'm going to refer to two phrases that I hear often that irritate the heck out of me. They both come into play in this situation.

The first is when natural resource based industries are referred to as mature. In my mind, mature means you're done growing, you're stagnant, nothing new is going to happen. I would beg to differ with that description. Looking at farming, forestry, and fisheries, who would have thought five, ten years ago that Ostrich, Buffalo, organic catnip, and organic meats and milk would be a part of farming in Maine.

Looking at forestry and wood products, we've gone from plywood to oriented strand board, to LVL. We have framing timbers that are made from woodchips and resin, and we have decking that's made from a combination of sawdust and plastic.

Looking at fisheries, who would have thought five years ago Sea Urchins and Sea Cucumbers would have been hot items. These industries are not mature, they are our heritage industries, but they are still very vital and quite capable of growth.

The second term that irritates me is highest and best use when we talk about land valuation. There are most expensive uses that are not necessarily the highest and best uses. Perhaps the highest and best use of certain parcels of land is to grow trees, to grow strawberries, to raise dairy cows. Perhaps the highest and best use of a certain parcel is to provide water access and infrastructure for the entire fisheries industry.

Both of these phrases come together when we're discussing this issue. Currently there are constitutional provisions, which allow for current use valuation for farmland, and open space, and forestland. It is right and appropriate to provide the working waterfront with the same current use valuation. In closing, I would just ask for your vote in support of LD 299, and allow our working fishermen to continue to be positioned on the land that they need in order to keep this vital, diverse heritage industry to continue growing in Maine. Thank you.

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

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Constitutional Resolution that's before us, proposing an Amendment to the Constitution to permit the Legislature to allow the current use valuation of waterfront land used for, or that supports commercial fishing activities. We have been discussing this in the last few days, and this would reach more broadly than just simply a commercial fishing pier, but would assist other support businesses in the industry, whether it be a chandlery or a boatbuilding business, and so forth.

As some of you know, I've been around the commercial fishing industry in Maine for about three decades, and in the interest of full disclosure, I own no waterfront land that would benefit from this Constitutional Amendment, but like the Good Representative who spoke earlier said, it's not correct to think of the commercial fishing industry as an industry that's on its way out. In fact, it's an industry that's changed tremendously in the five or six hundred years that it's been prosecuted here in Maine. But one of the things that is changing significantly, and perhaps becoming lost forever, is access to the waterfront by our commercial fishermen, and it is a particularly important thing to have if you have a boat, because there's really very few ways to get there, otherwise. And what we've seen is, up and down the coast, particularly in Western Maine, the loss of this access through development pressures that allow these properties to be sold for something other than commercial fishing use. And unlike open space, which we've protected over the years with tax deferrals, or tree growth, in the commercial fishing industry, this kind of tax protection has not become available up to this point. In the 119th Legislature, a similar Constitutional Amendment was sent out to the voters and unfortunately, narrowly defeated. And since that time a coalition of interests, known as the Working Waterfront Coalition, have been attempting to rekindle and restore a series of tools that municipalities could employ in their communities to assist the maintenance of the access that the commercial fishing industry needs.

In Maine today -- of course there always has been -- 7 thousand miles of coastline. And only about twenty-five miles of that supports working waterfronts, as they're called today, and only about seventeen miles of that amount directly supports commercial fishing. So this is an access problem statewide. We're losing access in the mid coast and the eastern parts of the communities for this industry which, in fact, does have a future because even though you read in the newspapers that we're in a business that is in decline, in fact we're restoring fisheries and there are more and more opportunities for people in this business every day, and it is not, as the Good Representative Smith spoke a few minutes ago, an industry in decline. It's an industry in change with a tremendous amount of potential, and sending this Constitutional Amendment out to the voters will significantly assist that industry to survive going forward, and our boat builders, and some of the ancillary industries that support commercial fishing.

There are many communities in Maine that are down to a single wharf or a single access point for the fishermen in their communities, and as I said earlier, in the southwest there's very little access left. Some of these folks have had to move inshore and go overland to prosecute their businesses.

Current use taxation for commercial fishing land creates parity between this industry and other traditional industries. As was said a minute ago; forestry and farmland, both, benefit from the opportunity to tax land at a current use value. And, of course, that's a tax deferral. When that property changes hands down

the road and is put into some other use, that tax deferral is made up by the buyer, so the municipalities could eventually become whole for the taxes that they defer in support of this amendment. And, again, this is just one tool that this working Waterfront Group has been promoting in the Legislature. There will be additional opportunities to discuss a bond issue, and a marine research bond in support of our commercial fishing industry. So I know not all of you are coastal folks, but I really would love to have your support today and let's see if we can send this out to the voters. Thank you for the opportunity to speak today, Mr. Speaker.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I do not normally support changes to the Constitution of the State of Maine. I think very hard and long when I go into the voting polls. I try and do my homework, even before I was in the Legislature, as to the long-term effects of this.

Today, we have the opportunity to set Maine back on a course that it once held, and held with great esteem. We can protect our working waterfronts. They are slowly and surely, as it stands today, leaving us, much like the lumber industry left us, the shoe industry left us, the farming and agricultural communities in this state were in dire straits. This Constitutional Amendment will take a negative and make it a very, very positive thing for everyone in Maine. That you don't live in a coastal community should not enter into this. I do not live in a coastal community, but everything that happens on every working waterfront in this state affects me, and every citizen of the State of Maine. This needs to happen and it needs to happen now. And if we pass this and send it out to the voters, the voters are going to say, For once they managed to look to the future. Because if we forget for one minute in our life where we came from, we have no idea where we're going in the future. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I also would like to lend my support to this Constitutional Amendment proposal. I live some distance from the coast, and I have no genuine interest, for any personal gain, to make this statement. I just feel that I would like to continue to see the Seaman on the Maine Seal, the Maine Emblem. And without some kind of protection, that could go away. I think we have in law right now templates to follow to develop a current use model that will work for working waterfronts, through the Tree Growth, and through Farm and Open Space Law, and Wildlife Control -- Management Area Control, and with those templates in place, and seem to be working very fine, we can develop a plan that will do the same thing for waterfronts. And so I would encourage all to support this kind of amendment. Thank you.

Subsequently, the Resolution was **PASSED BE TO ENGROSSED**.

Sent for concurrence.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Authorize Municipalities To Adopt a Property Tax Assistance Program That Reflects a Claimant's Ability To Pay

(H.P. 222) (L.D. 297)

Which was **TABLED** by Representative CUMMINGS of Portland pending **PASSAGE**.

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

Representative **WOODBURY**: Mr. Speaker, Ladies and Gentlemen of the House. This bill would be a Constitutional Amendment that would allow at a local community's option the possibility of creating a local Circuit Breaker Program. Now many of us in this Chamber have identified the Circuit Breaker Program or the Property Tax and Rent Refund Program, as a program that's extremely useful in providing property tax relief and rent relief to residents in Maine who have the greatest burden of property taxes.

We believe it's a good program at targeting relief where it's needed most. In some communities in Maine, however, the level of the benefits in the Circuit Breaker Program that the state provides aren't enough to deal with the property tax burdens that some residents within those communities are feeling. This was true in my community in Yarmouth, and we implemented for a year our own Circuit Breaker Program that enhanced the benefits that could be provided at the state level. This was important in my community because of the very high valuations of some property in my community, and the unaffordable property taxes that resulted.

The Circuit Breaker Program that the state provided wasn't enough to deal with our issue. Portland found that it was interested in creating a similar sort of program in Portland, and that was challenged in the courts. They found that they were unable to do it, and as a result of that we canceled ours as well. The purpose of this bill is to just make it possible for local communities to implement their own Circuit Breaker type program if they choose to. I believe this would be a benefit to certain communities in dealing with their property tax problem, and I urge your support for passage of this amendment. Thank you.

Representative **TRAHAN** of Waldoboro **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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 Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I'll have a hard time supporting this because I think it goes against the Constitutional Rights for the state to determine taxation, and not for local communities to have that option. So I will be voting against it. Thank you.

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

Representative **WOODBURY**: Mr. Speaker, Ladies and Gentlemen of the House. I just also wanted to point out that this was a unanimous recommendation of our Joint Select Committee. As part of our overall package, it was a unanimous recommendation that we pass this Constitutional Amendment. Thank you.

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

Representative **PERCY**: Mr. Speaker, Ladies and Gentlemen of the House. A wonderful report from the committee, yesterday we passed LD 1. That's part of the property tax package, and the wonderful thing about watching that committee work was the other tools that they have offered us to use to help our small rural communities. How many of us go out on the streets, and we hear from people constantly, How come somebody gets taxed this way and I get taxed that way? And we explain that's the way the Constitution is written, that's the way the Constitution is written. Isn't it about time that we invite a conversation with our

voters, invite them to be a part of the dialog in how they are going to have tools to assist with property tax problems.

All these Constitutional Amendments are tools in that kit. There is no one size fits all for property tax. This tool may be used by a town near Jackman, it might not be used by a town down near Saco. So I ask you all to look at them and see. Maybe your communities could use those tools. Don't forget, the rural communities, and this was a hot debate yesterday, the rural communities really suffered in some ways with the EPS Formula. It helped the urban communities, so now the rural communities are turning to Lewiston, to Bangor, to Portland, and saying, Help us, send out to the voters. Let the voters decide which of those tools they want in the amendment. That is the least we can do for our constituents. Let them be a part of that discussion. Yesterday, when I got home after our long session yesterday, I had received a correspondence from a constituent who lives in Phippsburg. She had received a phone call from a real estate broker who said we were driving down in your neighborhood, and I have a client from out of state who is very interested in your property, would you be interested in selling it for a million dollars?

That can't keep happening. We have to offer tools to our towns, whether it is primary residence, whether it's small business, so that they can make the choice. So I ask you to please open your mind, those of you in the urban districts, to see how you can help the rural communities. Offer their municipalities tools, their choice of how they want to deal with property tax relief. It is an entire package. It is not just LD 1. Thank you, Mr. Speaker.

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

Representative **TRAHAN**: Mr. Speaker, may I pose a question to the Tax Reform Committee through the Speaker?

The SPEAKER: The Representative from Waldoboro, Representative Trahan, has posed a question through the Chair to anyone who may care to respond. The Representative may proceed.

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who'd like to answer, we heard a moment ago that the Tax Reform Committee voted these things unanimously. My question is, did they vote out the ideas to put before the Legislature, this legislation, or did they vote unanimously in favor of these ideas?

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

Representative **WOODBURY**: Mr. Speaker, Women and Men of the House. This individual Constitutional Amendment that we are discussing right now was voted both as part of the overall package, but also independently received a unanimous report, with a recommendation to pass as it is, as an independent stand-alone Constitutional Amendment.

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

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

The SPEAKER: The Representative may pose her question.

Representative **TWOMEY**: Thank you, Mr. Speaker. I'd like to know who determines the ability to pay, and someone on the coast that has a \$2 million property or someone, I mean, who determines that?

The SPEAKER: The Representative from Biddeford, Representative Twomey, has posed a question through the Chair to anyone who may wish to answer. The Chair recognizes the Representative from Augusta, Representative Lerman.

Representative **LERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. For all the Constitutional Amendments

that we're considering, you may notice that the language that's before you is general in nature, and that's consistent with the approach that's taken in amending the Constitution. It is assuming that it gets on the ballot and assuming that if a majority of the voters of the State of Maine vote to amend the Constitution as proposed, then it would be back to the Legislature to decide how to fashion the program; what guidelines to create, and really, to create the ground rules, if you will, or by statute exactly how this and other Constitutional Amendments before us would be administered.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Having gotten some correspondence concerning my statement that I made on the floor, I felt that it was within my purview and my responsibility to make my statement, because I found out that the constitutionality of this kind of action is in question, and so in order to avoid any constitutional question I have decided to vote against this here in the House. Thank you.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to pose a question through the Chair, if I may. This proposed Constitutional Amendment would authorize the municipalities to refund part of the property taxes, and we do know that for other kinds of taxation provisions, the state has to refund or send money back to the towns to cover this, and will this Constitutional Amendment require state monies to be raised and sent back to the towns to cover refunds?

The SPEAKER: The Representative from Van Buren, Representative Smith, has posed a question through the Chair to anyone who may wish to answer. The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Mr. Speaker, Ladies and Gentlemen of the House. The question was would the state have any obligation for refunding to towns any expenses associated with these programs, and the answer is no, absolutely not. These would be programs financed within the municipalities that chose to use them. I can tell you a little bit more about the specific program that we had in my community that we ended because we weren't sure at the end of the day we were authorized to do it.

It was a program that just built on the state Circuit Breaker Program, and said if you're eligible under the state's program, we will increase your benefit by fifty percent more. In other words we will give you from the town half as much again. And the reason that was important in my community is that the valuations have risen so rapidly that some people in my community truly are having -- the burden has come to a level that is really quite unaffordable, and the maximum level of benefits in the state's Circuit Breaker Program aren't enough to deal with their ability to pay, so we felt it was important to be able to provide some kind of extra option to supplement that amount within our community, and we did that, and I believe it was an effective program. In order to make this continue to be available, both in my community and throughout the state in other communities where it may also be useful, we would need to pass this Constitutional change.

I just wanted to follow-up on one other thing that had been said. Representative Twomey asked about how it would be determined. Again, as Representative Lerman said, all of these Constitutional Amendments will have additional statutory language produced by the Legislature in defining exactly how these programs can be used. The Constitutional Amendment is

just an authorizing legislation that enables us to think about what kind of programs and what sort of structure we want around the programs. It enables us to do this.

What it requires is that whatever formula we create for allowing benefits under the program, it reflects a claimant's ability to pay. That's the key issue we're trying to get at with this Constitutional Amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative PINGREE: Mr. Speaker, Men and Women of the House. I first actually just want to thank the entire Body for their support of the Working Waterfront Provision, something that a lot of us in this room on both sides of the aisle worked very hard on, and I just want to make sure that that issue -- I appreciate your support and the recognition of the problem that we addressed through a first attempt to pass that Constitutional Amendment. Obviously it has to go out to the voters next, but I just want to tie that issue with this Constitutional Amendment and the next one that we'll consider. Both a local option Circuit Breaker Program and a local option Homestead Program offer towns and municipalities, if they choose to use it, another option when it comes to trying to find some solution to dealing with significant valuation issues in the towns that they represent.

I can't help but just illustrate it with one option. I know that we all have constituents, especially in coastal communities, lakefront communities, communities where people from outside of Maine want to buy summer homes, or people who want to come there to ski in the wintertime, I'm sure a lot of us have these same issues. But my story is about two of my favorite constituents named Howard and Betty Hutchinson. They live right on the water in Stonington, and they've lived there for their entire lives. Howard is in his mid 80s. He's literally lived there his entire life. They own less than a quarter acre of property. It's right on the water. He was a fisherman and a granite cutter his whole life. In the past five years, I mean this is a very new phenomenon in the Town of Stonington, their quarter acre lot that has a house that's worth less than \$40 thousand, it's got no insulation, no foundation. It's gone from \$150 thousand about five years ago to \$400 thousand, to \$600 thousand this past year. I mean, very, very rapid escalation in property value. And with the most recent revaluation, Betty called me. She was very upset. They could not pay their property taxes. They're over \$5 thousand. The two of them are living on Social Security. They couldn't pay it, and neither could their children help them pay it, they're a moderate to low income family.

So I went with Betty to her hearing with the people who had done the revaluation. I'm sure in any town that's had a revaluation people are upset about it. Betty wasn't sure what to say, so I went with her to the hearing, then we talked to the company that had done the revaluation, and they hadn't done anything wrong. The land that their house had sat on was worth this amount of money because the property next door had been sold for half a million dollars. The property behind them was a quarter of a million dollars. The property next door was \$500 thousand. So all the properties around them that had been sold to out of state residents had caused the value of the land that they lived on for their entire lives to rapidly escalate. And the Board of Selectmen, the people in Stonington, wanted to do something to help Betty and Howard, and help the countless other people who live in the Town of Stonington, wanted to give them some opportunity to be able to pay their property taxes. They're already on the Circuit Breaker, they get the maximum amount, and they still can't afford their property taxes. The town had no vehicle, no opportunity, to give these two people a break, and I don't believe that the local option Circuit Breaker and

Homestead would be right for every community. A lot of communities wouldn't want to deal with the hassle, but for the communities I represent, ten of which are islands, all of which are on the coast, we have seen rapid, rapid changes in our communities over the past ten years. People have discovered where we live, they're working class communities with a lot of fishermen who still need their docks, but they still need a house to live in. When you live on an Island, you can only move inland so far. At some point you have to leave the island. And for me, this isn't just about people being able to stay in their specific homes, it's being able to stay in their communities. I know a lot of you represent communities, not just on the coast, but communities that have changed. Communities with people who have lived in these places their entire lives eventually have to leave because they can't afford it anymore. I think that LD 1 has offered a start for a few of the things we need to do, like enhancing the Circuit Breaker Program to help people to stay in their home. But for a lot of us on the coast, we are high valuation communities, we receive no extra funding through EPS, maybe a little bit for Special Education, but not a huge boost, and we'll never receive a huge boost, and it's probably not fair that we receive a huge boost because we have the tax base through a lot of out of state residents to pay our property taxes. But not everybody in those communities can afford it.

I think that these two Constitutional Amendments are fairly general. They offer an opportunity for the Legislature to come back and consider them. I think that they're very allowable, because we're amending the Constitution to allow the state to look at this issue. I think a lot of our communities would appreciate this opportunity, I think we would be helping to preserve not just certain people staying in their homes, but entire communities in the State of Maine that are, at this point, at risk of becoming summer towns, permanent summer towns, without year round populations.

So, again, I just want to thank you for the Working Waterfront Provision. To me, these two are connected. The fishermen need to keep their jobs. We need the fish processing plants. We need the lobster buying stations. If the fishermen can't live near the water, it becomes increasingly difficult for us to keep the fishing community going. So, I know that the Working Waterfront Coalition is very supportive of the Circuit Breaker Program. They're supportive of anything that we can do to enhance this provision, and I think this Constitutional Amendment gives us an opportunity to do that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Lerman.

Representative LERMAN: Mr. Speaker, Women and Men of the House. I just want to clarify one matter in regards to what our obligation at the state level is to cover expense, if you will, incurred at the municipal level if we were to pass one of these Constitutional Amendments. I believe the Constitution makes it clear that when it's a constitution change we do not have the obligation to pay 50 percent of the cost of the implementation of a program, but if we do it on a statutory basis we do have that obligation. So that's the distinction. When we do something by statute, for example, the change in the Homestead Program that we just talked about, we have an obligation because it's by statute to pay 50 percent of the cost of that program, but when we make those changes within the Constitution itself, that obligation does not exist because in fact the people of the State of Maine have decided to amend the constitution, you know, and take responsibility for the financial implications of that decision.

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I'm a bit perplexed today for a couple of reasons. We just yesterday passed a piece of legislation that caps municipality spending and really tries to, I guess, restrain spending at both the state, local, and county levels. Yet today we're talking about passing Constitutional Amendments that are going to force our communities to raise more money locally and shift taxes within the community to pay for it. So I'm wondering if somebody could explain to me that if we're going to do this, and we're not willing to pay for it, then really should we be asking these communities to restrict their spending? Because if we do this and a community decides to do it, someone is going to have to pay for it.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Lerman.

Representative **LERMAN**: Mr. Speaker, Women and Men of the House. There's nothing in what's before us at this time that will result in additional spending on the part of the community. This affects where the funds come from, it doesn't have anything to do with spending, all right? This does not tie in, in any way, to the cap on spending. This has to do with how we collect the money, and what this is suggesting is that there's another way. That the Constitution, when it was originally put together, there was a very different situation. Land, in fact, was a reflection of wealth. These are different times. There were different pressures on property valuation and we're proposing as part of our package in accomplishing property tax reform and relief that we look at that distribution. From whom do we collect what?

One of the things that was so powerful and so effective as far as the Joint Select Committee was concerned, was the fact that we came from different parts of the state, we represented different types of communities, all of which have different situations in terms of our property tax base, and some of the issues that we face as far as taxes and spending are concerned.

What's incomplete in our package, by simply enacting LD 1, is that it doesn't result in enacting those tools that could be available, particularly to rural coastal communities, but my contention is to many communities rural in nature, both inland and along the coast, for them to be able to deal with some of the pressures that they face right now, that's putting at risk a lot of Maine residents and their ability to maintain their property, to stay in their homes. If we had had our choice, quite frankly, I believe, and I think it's reflected in the vote of the Joint Select Committee, that these pieces would have been all part of one package so that no one part of the state would be favored over the other, so that the urban communities would benefit as well as the rural communities. So that the coastal communities would benefit as well as the inland communities. Just because we have to accomplish some of these things by Constitution, requires that they be taken up the way we're deliberating today, as separate pieces. But, really, if you look at the vote of the committee, this particular Constitutional Amendment, along with most of the others that we'll be addressing this afternoon, came out of committee with a bipartisan support of 15 to 0, a unanimous report. And so I'm asking you to look at that vote as an indication of the support on both sides of the aisle, and to really take the perspective that our Joint Select Committee took, to put together a complete package that serves all the people in the State of Maine well, as opposed to favoring one type of community over another. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Moody.

Representative **MOODY**: Mr. Speaker, Men and Women of the House. I think what I'm going to say here might be better phrased by a question, but I'm concerned about something here. I understand the issues with the wealthier communities and those communities that have a lot of out of state folks who own properties, and it seems like a no-brainer with regard to those communities. But the example of Jackman is instructive, because I spend a lot of time there, and it is one of the poorer communities in the state. There's a concept in real estate law known as steering, and that's what immediately jumps to my mind when I begin to think about this particular provision, and that is that you take a poor community, begin shifting the burden from the more affluent members of the community to the property taxes of the poorer residents, does that worsen the problem by creating more of a larger poorer community and encouraging those with more means to move out of that community into a non-complying community? I'm just raising this issue. I don't know whether this has been thought through, but I'd like to hear an answer to it. Thank you.

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

ROLL CALL NO. 14

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Bierman, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Kaelin, Koffman, Lerman, Lindell, Lundeen, Makas, Marley, Mazurek, McCormick, Merrill, Miller, Mills, Nass, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Rines, Sampson, Saviello, Schatz, Smith N, Thomas, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury.

NAY - Annis, Austin, Berube, Bishop, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Fitts, Fletcher, Gerzofsky, Glynn, Hall, Hamper, Hanley B, Jacobsen, Joy, Lansley, Lewin, Marean, Marraché, McFadden, McKane, McKenney, McLeod, Millett, Moody, Moore G, Moulton, Nutting, Ott, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Smith W, Stedman, Sykes, Tardy, Trahan, Vaughan.

ABSENT - Clough, Emery, Greeley, Jodrey, Muse, Mr. Speaker.

Yes, 84; No, 61; Absent, 6; Excused, 0.

84 having voted in the affirmative and 61 voted in the negative, with 6 being absent, and accordingly the Resolution was **PASSED BE TO ENGROSSED**.

Sent for concurrence.

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:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Authorize the Legislature To Allow Municipalities To Exempt from Property Tax a Portion of the Value of Homesteads (H.P. 223) (L.D. 298)

Which was **TABLED** by Representative CUMMINGS of Portland pending **PASSAGE**.

Representative BOWLES of Sanford **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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 Augusta, Representative Lerman.

Representative **LERMAN**: Mr. Speaker, Women and Men of the House. LD 298 is very similar in many ways to LD 297, so I just want to take a minute to summarize some of the main points.

This is to provide a local option Homestead Program. I think we're all familiar with the Homestead Program, it's a program that's worked well for Maine residents for some time, and we saw fit yesterday to actually increase the amount of Homestead Exemption that we're providing across the state. This is another Constitutional Amendment that received unanimous support from the Joint Select Committee. That was a 15 to 0 vote; Democrats, Republicans, and Independents.

It's, again, part of the package. It's to make sure that all our communities have the tools that are necessary to be able to address the needs and concerns of their residents. So I guess with that, you know, the details will be worked out if this gets passed, and I urge you to support this Constitutional Amendment. Thank you.

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

ROLL CALL NO. 15

YEA - Adams, Ash, Babbidge, Barstow, Bierman, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Canavan, Craven, Crosby, Cummings, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Jackson, Jennings, Kaelin, Koffman, Lerman, Lindell, Lundeen, Makas, Marley, Mazurek, McCormick, Merrill, Miller, Mills, Moody, Moore G, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Piotti, Rector, Rines, Sampson, Saviello, Schatz, Smith N, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury.

NAY - Annis, Austin, Beaudette, Berube, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis K, Duprey, Edgecomb, Fitts, Glynn, Hall, Hamper, Hanley B, Hutton, Jacobsen, Joy, Lansley, Lewin, Marean, Marraché, McFadden, McKane, McKenney, McLeod, Millett, Moulton, Nass, Nutting, Ott, Perry, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Smith W, Stedman, Sykes, Tardy, Trahan, Twomey, Vaughan.

ABSENT - Clough, Emery, Greeley, Jodrey, Muse, Thomas, Mr. Speaker.

Yes, 81; No, 63; Absent, 7; Excused, 0.

81 having voted in the affirmative and 63 voted in the negative, with 7 being absent, and accordingly the Resolution was **PASSED BE TO ENGROSSED**.

Sent for concurrence.

CONSENT CALENDAR

Second Day

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

(H.P. 7) (L.D. 2) **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Homestead Land (C. "A" H-3)

No objections having been noted at the end of the Second Legislative Day, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

The Chair laid before the House the following item which was tabled earlier in today's session.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Authorize or Require a Growth Limitation on the Taxable Value of Small Business Land (H.P. 221) (L.D. 296)

Which was **TABLED** by Representative CUMMINGS of Portland pending **PASSAGE**.

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

Representative **SMITH**: Mr. Speaker, Men and Women of the House. I'd like to speak in favor of this motion briefly by answering three questions that have come up while I've been talking with people: Why small business? What is small business? Why only land?

Why small business? It was interesting serving on this committee, I was on the end of the horseshoe, so I spent a fair amount of the hours we put in looking out over the audience, and at any one time big business was represented by at least four, usually more, lobbyists. Perfectly fine, perfectly legitimate, that's what they're there to do, but I was struck again by the difference between big business and small business in the state. Now we need a diverse economy, and we need some of everything, and that's perfectly fine. But we focused on small business because big business seems to do okay. They have the BETR Program, there are TIFs that are generally taken advantage of more by the big businesses. We were looking for something to help small businesses. Small businesses generally are impacted by the valuation pressures, the same as Homesteads are. And that is, after all, one of the main issues that we're trying to address in property tax reform, is the high valuations.

What is small business? We had a great time with this one, trying to define it. We'd love to say Maine-based businesses. We can't, the Constitution doesn't allow that, the Federal Constitution. So we looked at different levels of number of employees or amount of income, but in the past we've set those standards. I know just in the last couple of years on legislation dealing with treatment of woods workers and in agriculture with egg farms, they tried to set those levels, and the big companies just automatically worked to split themselves up to fit below the standards, so those weren't effective. What we decided was that the definition for small business would be best and most appropriate defined in statute. So it's not defined here, but would be defined in the enabling legislation, which would come after the Constitutional Amendment was passed.

Finally, why only land? Because that is where the issue is. The valuation increases are on the land more than the structures, so we chose to focus there.

The Majority Report differs from the Minority Report in that we also take the issues of change in ownership and change in use, and have those to be defined in the future by statutory definition. The original bill said any change in ownership would trigger a penalty and pull you out of the valuation treatment, and we talked about what about if somebody owns a business and they get married and they want their partner to be a half owner, is that a change in ownership? Yes, it is. What if there's a divorce, and a husband and wife split, and that's a change in ownership.

It got very complicated very fast, and we decided that sort of definition should be in statute and not in the Constitution.

Change in use, we talked about that. One of the examples we used while working this in the committee was a hair salon. Well, what if you've got a hair salon that's a small business, owned locally, and they decide to put in tanning beds. They're diversifying, they're doing what we want, they're growing. Do we penalize them by pulling their small business out of the valuation treatment because they have diversified? It got very complicated very quick and we decided that would be most appropriately determined in statute.

So I just wanted to rise briefly to address those three questions, as those are the ones I had heard on the floor. I would appreciate your vote in favor of passage for this bill. Thank you.

Representative BOWLES of Sanford **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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 Dudley.

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I am on the Minority Report, and not in favor of this proposal. My concern is similar, actually, to the sentiments expressed by the Representative from Monmouth, Representative Smith, just a moment ago.

These halls are replete with fine members of the lobby representing the business community, and I do not need to disparage them in any way. Quite the contrary, I think they are remarkably effective at their jobs, and they do the well, and as they should. But it is true, also, that those individuals, or rather lobbyists, representing small business in particular or other interested parties, aren't so well represented in these halls. And we're leaving a lot opened up in this question. There's a lot left to be determined by this Legislature, and any future Legislature that decides to make changes to how this amendment will be instituted.

There is no definition here of what a small business is, and that will be left up to a future Legislature to decide, and I'm sure our fine friends in the business lobby will argue for a very large sized small business. I also have no doubt that we've left ourselves open up here for changes in ownership that are perhaps more beneficial in the long run than many of us are willing to accept today. I would much prefer more specific language around the size of the business, and also what constitutes an exception to the change in ownership provision that triggers the penalties. I think there's too much left here for interpretation, and I would prefer to see a more narrow approach, and I will be opposing this report.

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

ROLL CALL NO. 16

YEA - Adams, Barstow, Bierman, Blanchette, Bliss, Brannigan, Brautigam, Burns, Collins, Cummings, Davis K,

Driscoll, Dugay, Duplessie, Eberle, Finch, Fischer, Gerzofsky, Harlow, Hutton, Jacobsen, Koffman, Lerman, Marley, Mills, Moody, Norton, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Richardson E, Richardson M, Sampson, Saviello, Schatz, Smith N, Thompson, Tuttle, Valentino, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Babbidge, Beaudette, Berube, Bishop, Blanchard, Bowen, Bowles, Brown R, Browne W, Bryant, Bryant-Deschenes, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Craven, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Duchesne, Dudley, Dunn, Duprey, Eder, Edgecomb, Faircloth, Farrington, Fisher, Fitts, Flood, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Hotham, Jackson, Jennings, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeon, Makas, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Moore G, Moulton, Nass, Nutting, O'Brien, Ott, Pelletier-Simpson, Pinkham, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Seavey, Shields, Smith W, Stedman, Sykes, Trahan, Twomey, Vaughan, Walcott.

ABSENT - Clough, Emery, Fletcher, Greeley, Jodrey, Millett, Muse, Sherman, Tardy, Thomas.

Yes, 50; No, 91; Absent, 10; Excused, 0.

50 having voted in the affirmative and 91 voted in the negative, with 10 being absent, and accordingly the Resolution **FAILED PASSAGE BE TO ENGROSSED** and was sent for concurrence.

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Permit Municipalities To Adopt a Higher Property Tax Rate on Secondary Residential Property

(H.P. 220) (L.D. 295)

Which was **TABLED** by Representative **CUMMINGS** of Portland pending **PASSAGE**.

Representative BOWLES of Sanford **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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 Augusta, Representative Lerman.

Representative **LERMAN**: Mr. Speaker, Women and Men of the House. This is, I believe, the last Constitutional Amendment, the last piece of the package that the Joint Select Committee is bringing to your attention. This is a Constitutional Amendment that would allow communities to adopt a higher property tax rate on second homes, as opposed to first homes.

I think many of you know from previous statements that I've made on the floor, that I grew up in Biddeford, and I happened to go to college out of state. And one of the courses that I took in college was on Natural Resources Management, and we actually had to do a project. I remember it well. It was a project on essentially the database of developing countries, you know, and the adequacy for making appropriate natural resource management decisions. I went to my professor and said, Well, I'd like to do it on Maine, and his response was, that qualifies.

The fact of the matter is that the State of Maine for some time now, unlike its early years, has been a second cousin to our

neighbors in the south. Our economy is different, our real estate is priced differently, and in essence there are many parts of our state that have, in fact, become a playground for people from out of state. Well, have you ever wondered why in a state that's as modestly well off financially as we are, that our real estate prices are as high as they are? Has that not ever struck you as being somewhat incongruous or difficult to understand? Well, part of it is that there are people from out of state -- while the real estate prices here may appear to be high for us, they are still a deal for people from out of state. It's not uncommon these days for people from out of state to come up here and buy property \$400,000, \$500,000, \$600,000, tear the houses down and build on that property another \$500,000 or \$600,000 or \$700,000 home. You know, the ultimate extreme of that is the Shawmut Inn in Kennebunkport. I can't remember what they paid for it, it was millions of dollars, and they just tore it down because people from out of state have the money to do that.

This is an opportunity for us to take advantage of one of the resources that we have in terms of exporting some of our tax burden. This is the opportunity for us to get more value in terms of generating taxes from those people who have more money than most of us can even imagine. This is the opportunity to provide relief for communities in this state, and for people in this state, who are struggling to be able to hold onto their property because of increased valuations. The opportunity to get some relief and be able to maintain their homestead. I urge you to vote in favor of this.

I will say this, that in the discussions that we had within the Joint Select Committee, there was sensitivity to the fact that there are a lot of Maine residents who do own second homes, and we believe that we have come up with a way to buffer, if not immunize, people from the impact of this particular Constitutional Amendment. We can do that by simply saying that the first \$150 or \$200 thousand of valuation of that second home is shielded from the impact of this. We can do that by passing as a Constitutional Amendment the language before us right now, but directing the Legislature when it goes about creating the rules that will be necessary for implementing this Constitutional Amendment, to build that in. We, as a Joint Select Committee, voted to communicate in the record, and I guess that's what I'm doing right now, that it's the intention of this committee, if this amendment goes forward, to make sure that this Body in the future in implementing those rules by statute that will govern how this program gets administered, keep that in mind and do everything that it can to immunize and protect Maine owned second homes from the impact of this. You know, we keep wondering where our resources are that will make a difference for our state, and to some extent I believe we live in denial of the fact that it's our way of life, it's the beauty of our state, it's the attractiveness for recreational purposes, that's one of the biggest assets that we have. This is an opportunity to take advantage of that asset. This is an opportunity to use it, to provide some relief and benefit to those people who call Maine their home. I urge you to vote in support of this Constitutional Amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **MCKANE**: Mr. Speaker, Ladies and Gentlemen of the House. I wish to speak in opposition to this resolution. In the interest of fairness and full disclosure, my family has a second home, as do I assume sixty percent of us here, because that's the average of Mainers that have second homes. That is where most Mainers take their vacations. Most Mainers can't go to Florida, or to Bermuda, or to Hawaii. They go to camp, they go to their cottage, they go to the little house that's

been in the family for many years, and this places an undue burden on them. We assume that because someone has a second home they're wealthy, and I would differ from that assumption.

Often these second homes are built with the hands of the owners, and they're built on what was once called a swamp, and is now a valuable piece of shorefront property, and is easily worth more than \$200 thousand. That number goes by very quickly.

I think we're raising taxes on the exact people we're trying to help. What this does is transfer ownership of these second home properties, these vacation properties, to wealthier and wealthier people, and eventually to out of state people. I would urge that we oppose this resolution. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Women and Men of the House. The previous speaker just mentioned some of the things that concern me about this particular 9-1. First of all, many of our constituents are also owners of second homes. The thing that we also need to understand is that most of these, in fact in my area there are thirteen lakes, most of these second homes are owned by the residents who live in our own communities. That being waterfront, it is already taxed at a much higher rate simply because it is waterfront. On those thirteen lakes in the Town of Lincoln, I would say that at least sixty percent of the people own second homes on those lakes. So on one hand we'll be trying to do something to help them on their homestead, and at the same time we're going to be reaping the benefits and the money at the local level from the same people because they do own second homes. This makes absolutely no sense to me, and I would hope that everybody would vote against this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Frankfort, Representative Lindell.

Representative **LINDELL**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion. Initially, I intended to rise in favor of it, but the arguments that I've heard from those in favor of it convinced me that I need to vote against it.

Let me explain, for a second. The reason I intended to vote for this Constitutional Amendment, as I have for many others today, is that I believe strongly in the principle of devolving power down to the lowest possible denominator. Many of these proposals do indeed do that, they give more options to local municipalities to control the way they value property, and to control the way the tax burden is allocated within their communities. Whether it be good policy or bad, those decisions are facilitated through these Constitutional Amendments.

What troubles me about this is it appears to be an effort to shift the tax burden from not to out of staters but to out of towners. In other words, those that don't have a say in the town meeting, those that don't vote for the local officials that are making those decisions, and that's troubling. Mr. Speaker, it's a fundamental principle that this country was built upon that those that pay the taxes are the ones that also vote for the officials that determine what that tax level is. And it seems to me that this amendment, this proposed Constitutional Amendment, seeks to shift a higher tax burden to those that have no say whatsoever. Thank you, Mr. Speaker.

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

Representative **MILLS**: Mr. Speaker, Men and Women of the House. I couldn't agree more with some of the previous speakers about the possible inequities that could result from a statute that might be enacted after people vote on this Constitutional Amendment. But it's important, first of all, to think

about what we're not doing today. We are not enacting a tax, we are not raising revenue, we're not shifting any taxes, we're not enacting any law, period.

I sense from the previous debate and discussion on the previous four issues, that there's some hesitancy here about changing the Constitution when it comes to taxation. This select committee, on whom we imbued so much trust, and some of the best and brightest of our members participated and worked so hard for 40 days and 40 nights, developed an arc, of sorts, an arc of tools. This is one of many tools that they developed for our consideration, and they're promoting for our consideration. It is important to realize that amending the Constitution is a necessary first step in authorizing a tool, one of these simple tools. It's not the enactment of the tool itself. It's a first step because the Constitution, as you know, requires that property be valued, for the most part, assessed at just value, and that we not distinguish between types of properties, types of homes, types of commercial properties, and the like. This is one tool. It's important to note that the Constitution has been amended so many times, that there have been, I think, 164 proposals in the last 95 years to amend the Constitution, and 137 of those proposals were, in fact, enacted by the people at popular vote in November. Ten times in one year alone, in 1964, the Constitution was amended. This Legislature, the Legislature, sent those ten amendments out for a vote and the people approved of ten different amendments to the Constitution in one fall alone.

This Constitutional Amendment, like the others before it, does not enact or raise a tax. It will be many steps beyond this one before that might happen. If we send this out to the people, which I think we should do, I urge that we do, then the people have a right to debate it, an opportunity to debate it, statewide. If the people pass it, then we come back here and we have this sincere debate about whether or not there might be a tax shift or how we can devise a solution to the issues of Maine residents' second homeowners. Can we discuss then exempting a portion of the value of a second home, or all of the value of a second home, or what portion of that, what language can we devise then to protect Maine residents versus other people who may have more money to pay, more ability to pay. Look at the language, please, of LD 295. The Legislature may permit municipalities to apply a property tax rate to all or a portion of the value of secondary residential property that is higher than the property tax rate applied to other taxable property. This rate may not exceed the rate applied to other properties by more than twenty-five percent. Already there's a built in break there on the possible tax increase. And they define secondary residential property. Not rental properties, but properties that are used as a home, a residence of some sort, by the owner, that's not the owner's primary residence.

So if this is passed by this House and the Senate, and then, and only then, if the people of Maine vote to enact this amendment to the Constitution, and then, and only then, if we come back as a Legislature and enact implementing legislation, and implementing statute, and have the very healthy debate we're starting to have now. Then we authorize the towns, individually, depending on what, 486 towns, each of them has a very different tax mix. Some select towns may find this a very appropriate tool to give relief, real relief, to longstanding homeowners in their communities. Many others may not find this a useful tool, but it's a tool and I think we ought to give it to them. It's the first of about four or five steps that we need to take to be able to give our municipalities all the tools they need to give property tax relief to residents. Thank you.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I did sit on the town council for six years in the City of Biddeford, and just recently our mayor appointed a committee to speak about taxation, and we had public hearings in Biddeford, and everything that they did agree on is looking at doing this on second homes. And for the disclosure, I don't have a second home, I have a hard time keeping one. And we talk about tax and equity. If you read a report on who is really paying the tax freight in this state, it's people who earn a little less than \$38 thousand a year. It's two-family incomes who are carrying the weight. It's time to shift that tax inequity, and I believe that looking at this, you know, we have Biddeford Pool in my community, we have a lot of ocean properties, we have a lot of summer homes, and they come into our community, and I welcome them. I welcome everyone. The State of Maine is a great place to live. But they come in and they build million dollar homes and, you know, that raises the assessment of everyone who lives there. I have little memeres peperes who have lived at Hill's Beach and Fortune's Rocks forever. And now they're being forced out of their homes because the assessment, the valuation, has gone so high they can't afford to stay there. Where are my fishermen? My fishermen are gone because, you know what, we didn't care about them soon enough. We didn't look to the future, we weren't visionaries. So I think this is the beginning, and I'm telling you from the mayor and the council, and there are Republicans on that council, believe it or not, in Biddeford, Maine, and they did agree that this was something that we should look at, so I would urge that you support this. Thank you.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. This is a golden opportunity. I can't believe we're not all jumping at it. This is an opportunity for us to export tax burden away from Maine residents. If the voters adopt this, we are then in charge of designing a program any way that we want, that will try to exclude as many Maine residents as possible. We could set the exemption at a million dollars. No home valued at a million dollars or under would be subject to the second rate. We could say any second home valued at more than a million dollars gets a higher property tax rate. Why would we stop, why would we hesitate? This is a great opportunity to export the burden.

Quickly, regarding the point of the Representative from Frankfort, he talks about the American Principle of no taxation without representation. That's all well and good, but there's another principle called One Person, One Vote. If you want to vote in this community, you choose this community as your home. You don't get to vote in two different places. Secondly or thirdly, I should say, there's been concern about how this would apply to apartment buildings in communities like mine, and communities like Lewiston. An apartment building is not residential property. The amendment is very clear, "Secondary residential property means property used as a residence by the owner, that is not the owner's primary's residence." Further, the Legislature may define secondary residential property further, if we choose to. So, if we were to pass this, we can be more explicit and say secondary residential property is not an apartment building. Let's not lose sight of what we're talking about here. We're talking about exporting our tax burden. This is the most exciting thing to come along in this whole discussion of Constitutional Amendments.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. I will not be supporting this measure, and the reason is, is that we have a Constitution, and as we've been working today, we seem to be finding more and more ways to tinker with this, but keep in mind that our Constitution is the first law of our state, and it wasn't designed to address every immediate measure. It was designed to be a wall that would protect us from going too far simply because of the exigencies of a particular moment. It is designed to take care of the future. Not just today, but protect us in the future. Now our law on taxation states very clearly that taxes shall be apportioned and assessed equally. That is what is being proposed, that we move away from equal taxation. That's wrong.

The other thing to keep in mind is that have we learned anything on what's happened on the Coast of Maine when the property valuations went up and taxes rose on those coastal properties. What happened? Maine people couldn't afford those properties any more. What are we going to do when we raise the taxes of secondary homes? You're going to see less and less Maine people able to afford secondary homes. Let's not set up unjust and unequal taxation, because it's going to hurt Maine people the worst. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Dugay.

Representative **DUGAY**: Mr. Speaker, Ladies and Gentlemen of the House. I'm not sure you're aware of it or not, but over the last couple of weeks this spreadsheet came out, and the spreadsheet talked about the EPS Funding Formula for schools. I'm just joking, I'm sure you've all seen it.

My particular school district -- rural, small, isolated school district -- took the second largest hit on that spreadsheet. I actually stayed down here for 21 days in a row basically because I didn't dare to go home because of that spreadsheet. That's when this particular amendment that was passed in this House a couple of years ago by the Representative from Pittsfield, Representative McGowan, came to light for me. And I was thinking, to give us the tools in areas throughout the state, as in my Legislative District on the coast, give us those tools, to look at this to see if we can look at the valuation of these homes, because the basic problem with the EPS Funding Formula right now is escalating valuation, declining pupil count. I asked the State Planning Office to put a map together while we were in the committee, isn't that right, Senator Perry, back there, and there was two clusters. One cluster, red cluster on that map, was my entire Legislative District. The other cluster was over in Fryeburg, and that part of the state. There were two major clusters on that map.

I can't see the entire State of Maine wanting to adopt this. I see a few communities in the state, through an ordinance, that may want to adopt this to help offset the high valuation in those school districts. So I'd at least ask you to consider supporting this today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Neddick, Representative Moulton.

Representative **MOULTON**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this amendment to the Constitution. As many of you realize, that the Town of York, which Representative David Ott and I share, is one of the most highly valued in the state, rising even above the value of Augusta, if I'm not mistaken. I mention that for a reason, because it was our Representative from Augusta that just a few minutes ago so eloquently stated the reason why people come to

the State of Maine. In the Town of York, which I am happy to represent a portion of, for well over a hundred years we've had almost a 50/50 split of people both within and from away, and although it's getting more and more difficult for my family, which has been in York for well over 350 years, to put up with the tax burden that has resulted from the influx of our summer guests and visitors, it is nevertheless a burden that is better addressed by things like looking at just what it is that we spend our money on rather than trying to pit towns against one another. After all, if we impose such a tax within the Town of York, who knows but they all might get the idea that they should go up to Van Buren. Although this time of year it might be a little trying on them. But, seriously, it isn't going to be accomplished by towns being pitted against one another. We have to approach this in a more cohesive fashion, and that's the principal reason for my opposition to this amendment. And, secondly, to get us to focus again on the need of this Body to address the fact that we've got to stop spending more than we're bringing in. After all, my wife might be tempted to sell our house out from under us for all of those out of staters that come in and want to spend big bucks on it. I hope she doesn't, but I think we need to get to the task at hand, and thank you very much.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Mr. Speaker, Women and Men of the House. As we're looking at LD 295 as a tool to solve the problem, I feel compelled to shed some light on the problem. As a carpenter I've had the privilege of working on one of Maine's islands. The folks that I met at the island, and I worked and lived on the island while I worked there, were very gracious. They were proud of their island and they invited outsiders to visit their island. One of these outsiders happened to be the CEO of a large pharmaceutical company, who was also impressed with the island. He bought some property on the island, and he commenced to building three large mansions on the island, and then each mansion had a carriage house to go along with it. These weren't million dollar houses, they were multimillion dollar mansions with million dollar carriage houses, and the effect that it had on the people on this island was that it raised their taxes and forced many of them off the island and out of business. That's the problem that we're looking at, and this Constitutional Amendment simply opens up a toolbox for us to help solve that problem. Thank you.

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

Representative **PERCY**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to bring up the point that this is a tool, again, that we will send out and let the voters be a part of this dialog. They may not vote for it, or they may. My selectmen in Phippsburg like this. They're not happy that I voted for LD 1, because we got zip. So there are many of us here who have selectmen calling us and talking to us about it. The selectmen in Boothbay may love this, we don't know. But let's get it out there for them to talk about it. The one thing I'd like you to also think about, somebody mentioned the future, right now we have a lot of timberland up there owned in the unorganized territories by paper companies. And there is talk, as many of you already know, about developments happening in the LURC territories where many of us have constituents who have camps. So what is going to happen to the taxes for those people when we have rich homes developed up in Moosehead Lake? This is a tool that we are offering our towns, if they decide to take it, that they can deal with it. And an important piece of it is, that if we get it back from the referendum in November, then we, the legislature, can deal

with it. We can deal with the second home part. Many, many of us have second home people in our districts. Thank you.

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

Representative **VALENTINO**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak against LD 295. I do own a second home, along with my 76-year-old parents who bought a home 22 years ago for \$85 thousand on Sebago Lake, which I don't even want to tell you what it's worth now. And along with my 83-year-old mother-in-law, who has a second home on Ossipee Lake, and that land has been in her family for 70 years. And my father-in-law and my husband built that small, tiny, little home with their own two hands on it. If this goes through, I understand you're talking about tools in the toolbox, the other amendments are all tools that are targeting property tax relief to a certain element of the Maine citizens. This tool in the toolbox, though, is doing totally the opposite. It is targeting increased taxes to a certain segment of the population in Maine. It was said that times are different now, that land is not considered a determination of wealth. I also think that second homes are not considered a determination of wealth. Second homeowners are not all like Martha Stewart or John Travolta. Many of the homeowners are elderly people who bought the property 30, 40, 50 years ago. Not too many Mainers now can actually afford to buy property on the waterfront, and these homes that they have, have been in their family for generations. We must remember that Maine is not a vacationland just for out of staters. We must also remember that Maine is a vacationland for the people that live here in the State of Maine. As one representative said, she had constituents who were living on the waterfront property, and they've seen people come in year after year and raise the assessments on the property beside them, and these people are part of the community, and they don't want to move. The same is true for people who have second homes and vacation homes, that they've become part of this summer community, and they've become part of their clubs and their organizations. And these people, also, do not want to move, because this has become part of their lifestyle and their second homes. I think second homes are very much a part of the Maine culture, and I think that having an exemption, as it was stated, that we are exporting this tax burden. I do not feel that we are exporting the tax burden. Whereas it was stated 60 percent of the second homes are owned by Maine people, therefore the majority of people that are going to be hurt by this are Maine people. This is not an exportation of that tax. And if you put in an amendment for \$200 thousand or a million dollars, that will not help the Maine residents solely, that will also help the Maine residents and the out of state residents. So they can talk about a \$200 thousand exception or a million dollar exception, but that goes equally to both the Maine and the out of state, and I do not think we are exporting these taxes out, I think that this is going to hurt the citizens of Maine. Thank you.

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

Representative **PERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I am a little baffled by the tools, because this one, I think we're already doing, and we already did it when we passed LD 1. We are giving benefit for residential property owners who cannot afford to pay their taxes. We're giving benefit for homesteads for residential property owners. Are we not already taxing the second homeowners at a higher rate? And I may be incorrect, but did we not also pass that property cannot be -- there's a limitation on how quickly valuation can go up on residential property? If that's the case, I think we're already doing this.

If we're taxing property at the same value, and I suspect that we are already at the point where we are taxing and getting more money from second homes because of the things we've just passed, I will not vote for this.

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

ROLL CALL NO. 17

YEA - Barstow, Blanchette, Bliss, Brannigan, Brautigam, Burns, Dudley, Dugay, Duplessie, Eberle, Eder, Faircloth, Fischer, Gerzofsky, Goldman, Grose, Harlow, Koffman, Lerman, Marley, Mills, Norton, Patrick, Percy, Pineau, Pingree, Piotti, Sampson, Saviello, Schatz, Smith N, Tuttle, Twomey, Watson, Webster, Wheeler, Woodbury.

NAY - Adams, Annis, Ash, Austin, Babbidge, Beaudette, Berube, Bierman, Bishop, Blanchard, Bowen, Bowles, Brown R, Browne W, Bryant, Bryant-Deschenes, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dunn, Duprey, Edgcomb, Farrington, Finch, Fisher, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hanley S, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeon, Makas, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Moody, Moore G, Moulton, Nass, Nutting, O'Brien, Ott, Paradis, Pelletier-Simpson, Perry, Pilon, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Valentino, Vaughan, Walcott, Mr. Speaker.

ABSENT - Clough, Emery, Greeley, Jodrey, Muse, Rines.

Yes, 37; No, 108; Absent, 6; Excused, 0.

37 having voted in the affirmative and 108 voted in the negative, with 6 being absent, and accordingly the Resolution **FAILED PASSAGE BE TO ENGROSSED.**

By unanimous consent, this matter having been acted upon was **ORDERED SENT FORTHWITH.**

SENATE PAPERS

The following Joint Order: (S.P. 110)

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 206, subsection 1 to read:

1. **Number; Governor's Bills.** A bill, resolve, order, resolution or memorial may have up to 10 sponsors: one primary sponsor, one lead cosponsor from the other chamber and 8 cosponsors from either chamber. By mutual agreement the presiding officers may authorize additional cosponsors on a case-by-case basis. Each bill or resolve requested by the Governor or a department, agency or commission must indicate the requestor below the title.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 310, subsection 5 to read:

5. **Committee Voting.** The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required. If all members are not present for the vote, the bill must be held until the following periods have expired.

A. If any member is absent from the State House and the State Office Building at the time of the vote, that member's vote may be registered with the clerk up until noon on the 2nd business day following the vote.

B. If any member is absent from the committee at the time of the vote but present in the State House or the State Office Building, that member's vote may be registered with the clerk up until 5:00 p.m. on the day of the vote.

A member may ~~abstain~~ be excused from voting only for a conflict of interest under Joint Rule 104.

Except for a motion to adjourn, a question may not be decided and official action may not be taken in the absence of a quorum. No committee vote on a bill may be taken after 10:30 p.m. or before 7:30 a.m. unless authorized by the presiding officers. If the presiding officers provide this authorization, they shall notify the other members of the Legislative Council concurrently.

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

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

The House recessed until 3:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

Bill "An Act To Validate Collective Bargaining Provisions That May Affect Education Policies"

(S.P. 64) (L.D. 158)

Which was **TABLED** by Representative SMITH of Van Buren pending **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

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

On motion of Representative ADAMS of Portland, the following House Order: (H.O. 19)

ORDERED, that the House Order amend House Rule 401.

Subsequently, the House Order was **PASSED**.

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

SENATE PAPERS
Non-Concurrent Matter

An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels (EMERGENCY)

(H.P. 6) (L.D. 1)
(C. "A" H-1)

FAILED of **PASSAGE TO BE ENACTED** in the House on January 20, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1) AS AMENDED BY SENATE AMENDMENT "J" (S-11)** 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 Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels

(H.P. 6) (L.D. 1)
(S. "J" S-11 to C. "A" H-1)

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

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

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

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

ROLL CALL NO. 18

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Berube, Bierman, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Carr, Collins, Craven, Crosby, Cummings, Curley, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McKenney, Miller, Mills, Moody, Moore G, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Richardson D, Rines, Sampson, Saviello, Schatz, Seavey, Smith N, Smith W, Tardy, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bishop, Browne W, Bryant-Deschenes, Cebra, Churchill, Clark, Cressey, Crosthwaite, Curtis, Davis K, Duprey, Edgecomb, Fitts, Fletcher, Glynn, Hall, Hamper, Hanley B, Jacobsen, Joy, Kaelin, Lansley, Lewin, Lindell, McCormick, McFadden, McKane, McLeod, Merrill, Millett, Moulton, Nass, Nutting, Ott, Pinkham, Richardson M, Richardson W, Robinson, Rosen, Sherman, Shields, Stedman, Sykes, Thomas, Trahan, Twomey, Vaughan.

ABSENT - Clough, Emery, Finch, Greeley, Jodrey, Muse, Richardson E.

Yes, 95; No, 49; Absent, 7; Excused, 0.

95 having voted in the affirmative and 49 voted in the negative, with 7 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**.

SENATE PAPERS

The following Joint Order: (S.P. 122)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 25, 2005, at 3:00 in the afternoon.

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

READ and **PASSED** in concurrence.

On motion of Representative DAVIS of Falmouth, the House adjourned at 8:09 p.m., until 3:00 p.m., Tuesday, January 25, 2005 pursuant to the Joint Order (S.P. 122) and in honor and lasting tribute to Peter W. Cox, of Georgetown and Hugh Morris, of East Millinocket.