

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 1, 2004 - March 30, 2005

First Special Session

April 4, 2005 – May 25, 2005

Pages 1-736

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST REGULAR SESSION
15 Legislative Day
Tuesday, February 15, 2005

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

Prayer by Reverend Kyung-hee Sa, Wayne Community Church.

Pledge of Allegiance.

Doctor of the day, Andrew Tenenbaum, M.D., Portland.

The Journal of Thursday, February 10, 2005 was read and approved.

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue for the Downeast Institute for Applied Marine Research and Education" (S.P. 251) (L.D. 753)

Bill "An Act To Issue a General Fund Bond Issue for the Challenger Learning Center of Maine" (S.P. 252) (L.D. 754)

Bill "An Act To Authorize a General Fund Bond Issue for Fort Knox" (S.P. 253) (L.D. 755)

Bill "An Act To Authorize a General Fund Bond Issue To Revitalize Downtown Areas, Support Cultural Tourism and Expand Maine's Creative Economy" (S.P. 254) (L.D. 756)

Bill "An Act To Authorize a General Fund Bond Issue To Promote Affordable Workforce Housing" (S.P. 255) (L.D. 757)

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Exempt from License Fees Small Businesses That Collect Returnable Bottles" (S.P. 226) (L.D. 689)

Bill "An Act To Clarify Reporting Responsibilities to Licensing Boards" (S.P. 234) (L.D. 697)

Bill "An Act To Clarify the Authority of Podiatrists To Use Assistants" (EMERGENCY) (S.P. 248) (L.D. 750)

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 Ensure Access to Swing Beds in Hospitals" (S.P. 225) (L.D. 688)

Bill "An Act To Restore Fair MaineCare Payments to Critical Access Hospitals" (EMERGENCY) (S.P. 231) (L.D. 694)

Bill "An Act To Designate the Department of Health and Human Services as the Official State Agency Responsible for Programs for Persons Affected by Brain Injury" (S.P. 239) (L.D. 741)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Limit the Harvesting of Eels in Maine Rivers" (S.P. 157) (L.D. 531)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act To Streamline the Appeals Process for the Determination of Certain Health Insurance Benefits" (S.P. 241) (L.D. 743)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act To Increase Public Safety through the Enhancement of Law Enforcement for the Houlton Band of Maliseet Indians" (S.P. 230) (L.D. 693)

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

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

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

Bill "An Act Requiring Equal Retirement Benefits for Corrections Officers and Mental Health Workers with 25 Years of State Service" (S.P. 246) (L.D. 748)

Came from the Senate, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** in concurrence.

Bill "An Act To Limit the Political Activity of the Members of the Commission on Governmental Ethics and Election Practices" (S.P. 247) (L.D. 749)

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

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Bill "An Act To Provide Public Health Protection Authority to the Department of Marine Resources" (S.P. 228) (L.D. 691)

Came from the Senate, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

Bill "An Act To Require That Hazardous Waste Be Removed from Junked Vehicles"

(S.P. 229) (L.D. 692)

Came from the Senate, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** in concurrence.

Bill "An Act Regarding Constitutional Officers"

(S.P. 232) (L.D. 695)

Bill "An Act To Amend the Requirements for Publishing Municipal Legal Notices"

(S.P. 233) (L.D. 696)

Bill "An Act To Make Technical Changes to the Laws Establishing the Lincoln and Sagadahoc Multi-county Jail Authority" (EMERGENCY)

(S.P. 242) (L.D. 744)

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.

Bill "An Act To Provide Tax Benefits for Sale of Leased Land Used as a Primary Residence"

(S.P. 237) (L.D. 700)

Bill "An Act To Amend Maine's Nonresident Income Tax Provisions"

(S.P. 238) (L.D. 740)

Bill "An Act To Clarify the Definition of 'Grocery Staples' To Include Pure Maple Syrup under the Tax Laws"

(S.P. 243) (L.D. 745)

Bill "An Act To Exempt Tax on Leased Property Used by Maine's Public Higher Education Institutions"

(S.P. 244) (L.D. 746)

Bill "An Act To Provide a Sales Tax Exemption during the Holiday Season for Nonprofit Organizations That Purchase Gifts for Underprivileged Children"

(S.P. 245) (L.D. 747)

Bill "An Act Concerning Counties' Share of the Real Estate Transfer Tax"

(S.P. 249) (L.D. 751)

Bill "An Act Regarding Equipment Used in Food Preparation under the BETR Program"

(S.P. 250) (L.D. 752)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

Resolve, Authorizing Relocation of a Certain Private Driveway on Route 26

(S.P. 227) (L.D. 690)

Bill "An Act To Provide for the Temporary Suspension of the Tax on Motor Fuel"

(S.P. 235) (L.D. 698)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in concurrence.

Bill "An Act To Protect Maine's Groundfishing Industry"

(S.P. 205) (L.D. 650)

Committee on **TAXATION** suggested and ordered printed. Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed. **REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

Non-Concurrent Matter

Bill "An Act To Preserve the Fund for a Healthy Maine"

(H.P. 390) (L.D. 514)

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in the House on February 1, 2005.

Came from the Senate **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Recruit and Retain College Graduates through Loan Repayment"

(H.P. 302) (L.D. 399)

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in the House on January 25, 2005.

Came from the Senate **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

COMMUNICATIONS

The Following Communication: (H.C. 51)

STATE OF MAINE

122ND MAINE LEGISLATURE

January 13, 2005

John Fitzsimmons, President
Maine Community College System
131 State House Station
Augusta, ME 04333

Dear President Fitzsimmons:

We are pleased to invite you to address a Joint Session of the 122nd Maine Legislature on Tuesday, February 15, 2005 at 11:00 a.m. concerning the State of the Maine Community College System and any other matters that you may care to bring to our attention.

On the same day, following your address, Joseph Westphal, Chancellor of the University of Maine System, will be addressing the Joint Convention.

We look forward to seeing you then.

Sincerely,

S/Beth G. Edmonds
President of the Senate
S/John Richardson
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 52)

MAINE COMMUNITY COLLEGE SYSTEM

OFFICE OF THE PRESIDENT

323 STATE STREET

AUGUSTA, MAINE 04330-7131

January 20, 2005
The Honorable Beth G. Edmonds
President of the Senate
122nd Maine Legislature
3 State House Station
Augusta, ME 04333-0003
The Honorable John Richardson
Speaker of the House
122nd Maine Legislature
2 State House Station
Augusta, ME 04333-0002

Dear President Edmonds and Speaker Richardson:
Thank you for your letter of January 13, 2005, inviting me to address a Joint Session of the 122nd Maine Legislature on Tuesday, February 15th. On behalf of Maine's Community College trustees, employees and students, it is with great pride that I accept your kind invitation. I look forward to sharing with you my thoughts on the state of the Maine Community College System.

Thank you again for your invitation.

Sincerely yours,
S/John Fitzsimmons
President

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 53)
**STATE OF MAINE
122ND MAINE LEGISLATURE**

January 13, 2005
Joseph Westphal, Chancellor
University of Maine System
P.O. Box 409
Bangor, ME 04402-0409

Dear Chancellor Westphal:
We are pleased to invite you to address a Joint Session of the 122nd Maine Legislature on Tuesday, February 15, 2005 concerning the State of the University of Maine System and any other matters that you may care to bring to our attention. We will begin the Joint Session at 11:00 a.m. with an address from John Fitzsimmons, President of the Maine Community College System. You will address the Joint Convention directly following the President.

We look forward to seeing you then.

Sincerely,
S/Beth G. Edmonds
President of the Senate
S/John Richardson
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 54)
**MAINE'S PUBLIC UNIVERSITIES
UNIVERSITY OF MAINE SYSTEM
OFFICE OF THE CHANCELLOR
107 MAINE AVENUE
BANGOR, ME 04401-4380**

January 31, 2005
The Honorable Beth G. Edmonds
President of the Senate
122nd Maine Legislature
State of Maine
Augusta, ME 04333

The Honorable John Richardson
Speaker of the House
122nd Maine Legislature
State of Maine
Augusta, ME 04333

Dear President Edmonds and Speaker Richardson:
Thank you for your January 13, 2005 invitation to address a Joint Session of the 122nd Maine Legislature on Tuesday, February 15, 2005 on the topic of the state of the University of Maine System. I accept your invitation and am grateful to have the opportunity.

As you know from your direct involvement and leadership in higher education policy matters, the University of Maine System plays a strong and influential role in Maine's economy and quality of life. More than ever, Maine depends on the programs and potential of our universities' teaching, research, and public service outreach missions. We do it in many ways: by graduating nearly 5,000 individuals annually who use their university education to enhance their careers and personal lives; by partnering with the State, the Federal government, and the private sector to address policy needs and to promote economic development; and by serving the needs of families, communities, businesses, and industries through public service and outreach. Maine people receive a tremendous benefit from the tax dollars and tuition dollars they invest in their universities and in themselves.

Thank you again for the invitation. I look forward to addressing the 122nd Maine Legislature on February 15. I offer my sincere best wishes as you work to lead Maine in positive directions.

Sincerely,
S/Joseph W. Westphal, Ph.D.
Chancellor

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 37)
**MAINE SENATE
122ND LEGISLATURE
OFFICE OF THE SECRETARY**

January 13, 2005
Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear Speaker Richardson:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Business, Research and Economic Development, the nomination of Elisabeth Biemann of New York, New York, for appointment as the Director of the Maine Technology Institute.

Upon the recommendation of the Joint Standing Committee on Business, Research and Economic Development, the nomination of Dale McCormick of Augusta for appointment as the Director of the Maine State Housing Authority.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 65)
MAINE SENATE
122ND LEGISLATURE
OFFICE OF THE SECRETARY

February 10, 2005
Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, ME 04333
Dear Speaker Richardson:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Judiciary, the nomination of Jadine R. O'Brien of Portland for reappointment to the Maine Human Rights Commission.

Upon the recommendation of the Joint Standing Committee on Judiciary, the nomination of Kristin L. Aiello of Hallowell for appointment to the Maine Human Rights Commission.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

At this point, a message came from the Senate borne by Sen. Brennan of Cumberland of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable John Fitzsimmons, President of the Maine Community College System, and the Honorable Joseph W. Westphal, Chancellor of the University of Maine System, an invitation to attend the Joint Convention and to make such communication as pleases them.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 11:00 in the morning and the Speaker appointed Representative DUPLESSIE of Westbrook to convey this message to the Senate.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves 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:

AGRICULTURE, CONSERVATION AND FORESTRY

Resolve, To Create Sebago Lake Village State Park

(H.P. 558) (L.D. 781)

Sponsored by Representative CRESSEY of Cornish.
Cosponsored by Representative: CEBRA of Naples.

Bill "An Act To Allow Park Passes To Be Used at Scarborough Beach State Park"

(H.P. 568) (L.D. 803)

Sponsored by Representative CURLEY of Scarborough.
Cosponsored by Senator BARTLETT of Cumberland and Representative: CLOUGH of Scarborough, Senator: BROMLEY of Cumberland.

Bill "An Act To Make Technical Changes in Laws Relating to Conservation"

(H.P. 578) (L.D. 813)

Sponsored by Representative PINEAU of Jay.

Cosponsored by Representative: FLOOD of Winthrop, Senator: NUTTING of Androscoggin.

Submitted by the Department of Conservation pursuant to Joint Rule 204.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Support the New Century Community Program"

(H.P. 543) (L.D. 766)

Sponsored by Representative KAELIN of Winterport.

Cosponsored by Senator ROTUNDO of Androscoggin, Senator WESTON of Waldo and Representatives: BOWLES of Sanford, TARDY of Newport, Senators: DAVIS of Piscataquis, President EDMONDS of Cumberland, MAYO of Sagadahoc.

Bill "An Act To Provide a Stable Source of Funding for the Safe Drinking Water Revolving Loan Fund"

(H.P. 552) (L.D. 775)

Sponsored by Representative TRAHAN of Waldoboro.

Cosponsored by Senator COWGER of Kennebec and Representatives: BOWEN of Rockport, BOWLES of Sanford, KOFFMAN of Bar Harbor, MILLETT of Waterford, PINGREE of North Haven, Senators: ROSEN of Hancock, SAVAGE of Knox, WOODCOCK of Franklin.

Bill "An Act To Authorize a General Fund Bond Issue for Maine Resident College Graduates Employed in Maine"

(H.P. 563) (L.D. 786)

Sponsored by Representative CUMMINGS of Portland.

Cosponsored by Representatives: CAIN of Orono, FARRINGTON of Gorham, GOLDMAN of Cape Elizabeth, NORTON of Bangor, RECTOR of Thomaston, Senator: BRENNAN of Cumberland.

Bill "An Act To Authorize a General Fund Bond Issue for the Enhanced Development of Public Geographic Information"

(H.P. 564) (L.D. 787)

Sponsored by Representative KOFFMAN of Bar Harbor.

Cosponsored by Senator COWGER of Kennebec and Representatives: BLISS of South Portland, PINGREE of North Haven, PIOTTI of Unity, SAVIELLO of Wilton, SMITH of Monmouth, WATSON of Bath, Senators: DAMON of Hancock, MARTIN of Aroostook.

Bill "An Act To Authorize a General Fund Bond Issue To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wilderness and Fish Habitat"

(H.P. 570) (L.D. 805)

Sponsored by Representative ADAMS of Portland.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: CANAVAN of Waterville, EBERLE of South Portland, FITTS of Pittsfield, FLETCHER of Winslow, MUSE of Fryeburg, PIOTTI of Unity, RINES of Wiscasset, Senator: SCHNEIDER of Penobscot.

Bill "An Act To Authorize a General Fund Bond Issue To Encourage Rural High-speed Internet Access"

(H.P. 571) (L.D. 806)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator DAMON of Hancock and Representatives: BLISS of South Portland, BOWEN of Rockport,

FINCH of Fairfield, FISCHER of Presque Isle, MILLER of Somerville, RECTOR of Thomaston, SMITH of Monmouth, THOMPSON of China.

Bill "An Act To Provide Funding for 'Camp To Belong' To Reunite Siblings Separated by Foster Care"
(H.P. 573) (L.D. 808)
Sponsored by Representative MOODY of Manchester.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act Requiring the Disclosure of Odometer Changes"
(H.P. 553) (L.D. 776)
Sponsored by Representative SMITH of Monmouth.
Cosponsored by Senator BROMLEY of Cumberland.
Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

Bill "An Act To Establish Consumer Protections and Regulations for Deferred Deposit Loans"
(H.P. 565) (L.D. 788)
Sponsored by Representative DUPLESSIE of Westbrook.
Cosponsored by Senator SULLIVAN of York and Representatives: PERRY of Calais, TARDY of Newport, Senators: DAVIS of Piscataquis, TURNER of Cumberland.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Assist Municipalities in Recruiting Emergency Services Personnel"
(H.P. 537) (L.D. 760)
Sponsored by Representative RECTOR of Thomaston.
Cosponsored by Senator SAVAGE of Knox and Representatives: BLANCHETTE of Bangor, BOWEN of Rockport, CLARK of Millinocket, DUPLESSIE of Westbrook, NASS of Acton, PINGREE of North Haven, RINES of Wiscasset, Senator: SNOWE-MELLO of Androscoggin.

Bill "An Act To Make Illegal Possession of Certain Narcotic Drugs a Class C Crime"
(H.P. 577) (L.D. 812)
Sponsored by Representative PERRY of Calais.
Cosponsored by Senator DAMON of Hancock and Representatives: FAIRCLOTH of Bangor, VAUGHAN of Durham.

EDUCATION AND CULTURAL AFFAIRS

Resolve, To Study Ways To Create More Teachers of Modern and Classical Languages
(H.P. 541) (L.D. 764)
Sponsored by Representative BOWLES of Sanford.
Cosponsored by Senator COURTNEY of York and Representatives: CARR of Lincoln, CUMMINGS of Portland, DUPLESSIE of Westbrook, EDGECOMB of Caribou, MOULTON of York, NASS of Acton, OTT of York, Senator: BRENNAN of Cumberland.

Bill "An Act To Require That the Pupil Evaluation Team Set Graduation Standards for Special Education Students" (EMERGENCY)
(H.P. 560) (L.D. 783)
Sponsored by Representative MARLEY of Portland.
Cosponsored by Senator MITCHELL of Kennebec and Representatives: BARSTOW of Gorham, DAVIS of Falmouth, DUGAY of Cherryfield, HUTTON of Bowdoinham, MAREAN of

Hollis, NORTON of Bangor, STEDMAN of Hartland, TARDY of Newport.

Resolve, Directing the Department of Education To Conduct a Fiscal Analysis of State Requirements That School Administrative Units Implement Local Assessment Systems
(H.P. 561) (L.D. 784)
Sponsored by Representative GOLDMAN of Cape Elizabeth.
Cosponsored by Senator TURNER of Cumberland and Representatives: CAIN of Orono, FINCH of Fairfield, NORTON of Bangor, STEDMAN of Hartland, Senator: MITCHELL of Kennebec.

Bill "An Act Regarding Veterans' Educational Assistance Benefits at the University of Maine System"
(H.P. 572) (L.D. 807)
Sponsored by Representative MOODY of Manchester.

Bill "An Act To Assist the Implementation of the Essential Programs and Services School Funding Model"
(H.P. 576) (L.D. 811)
Sponsored by Representative PERRY of Calais.
Cosponsored by Senator RAYE of Washington and Representatives: JACKSON of Fort Kent, MERRILL of Appleton, NORTON of Bangor, PINGREE of North Haven, SAVIELLO of Wilton, SMITH of Van Buren, Senator: NUTTING of Androscoggin.

HEALTH AND HUMAN SERVICES

Bill "An Act Regarding General Assistance under Special Circumstances"
(H.P. 545) (L.D. 768)
Sponsored by Representative GLYNN of South Portland.

Resolve, To Examine Smoking Prevention and Cessation Programs for Maine's Youth
(H.P. 546) (L.D. 769)
Sponsored by Representative BARSTOW of Gorham.
Cosponsored by Representatives: BLANCHARD of Old Town, BURNS of Berwick, PINGREE of North Haven, THOMPSON of China.

Resolve, Directing the Department of Health and Human Services to Develop Strategies to Reduce Tobacco Use and Improve Public Health
(H.P. 566) (L.D. 801)
Sponsored by Representative CUMMINGS of Portland.
Cosponsored by Senator COURTNEY of York and Representatives: ADAMS of Portland, BURNS of Berwick, KOFFMAN of Bar Harbor, MARLEY of Portland, PINEAU of Jay, PINGREE of North Haven, THOMPSON of China, WHEELER of Kittery.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Provide For Special Antlerless Deer Permits to Certain Disabled Hunters"
(H.P. 536) (L.D. 759)
Sponsored by Representative JACKSON of Fort Kent.
Cosponsored by Senator PERRY of Penobscot and Representatives: LUNDEEN of Mars Hill, MOODY of Manchester, PARADIS of Frenchville, SMITH of Van Buren, WHEELER of Kittery, Senator: MARTIN of Aroostook.

Bill "An Act To Extend the Deer Hunting Season by One Week"

(H.P. 538) (L.D. 761)

Sponsored by Representative TUTTLE of Sanford.

Bill "An Act To Provide Moose Permits to Persons 75 Years of Age or Older with Hunting Experience"

(H.P. 539) (L.D. 762)

Sponsored by Representative JACOBSEN of Waterboro.
Cosponsored by Senator COURTNEY of York and Representatives: CARR of Lincoln, CHURCHILL of Washburn, FLOOD of Winthrop, JOY of Crystal, MAREAN of Hollis, McLEOD of Lee, TARDY of Newport, WHEELER of Kittery.

Bill "An Act To Require the Use of Reflective Material on Ice Fishing Shacks"

(H.P. 575) (L.D. 810)

Sponsored by Representative PERRY of Calais.
Cosponsored by Senator RAYE of Washington and Representatives: JACKSON of Fort Kent, MOORE of the Passamaquoddy Tribe, SMITH of Van Buren.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolve 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:

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Improve the Affordability of Health Insurance"

(H.P. 544) (L.D. 767)

Sponsored by Representative GLYNN of South Portland.
Cosponsored by Representatives: LINDELL of Frankfort, McKANE of Newcastle, RICHARDSON of Warren, VAUGHAN of Durham, Senator: MILLS of Somerset.

Bill "An Act To Provide Disclosure Related to Workers' Compensation Insurance"

(H.P. 547) (L.D. 770)

Sponsored by Representative LERMAN of Augusta.

JUDICIARY

Bill "An Act To Protect Consumers' Use of Gift Cards"

(H.P. 548) (L.D. 771)

Sponsored by Representative THOMPSON of China.
Cosponsored by Senator COWGER of Kennebec and Representatives: BARSTOW of Gorham, CANAVAN of Waterville, DAIGLE of Arundel, HUTTON of Bowdoinham, MARRACHÉ of Waterville, NORTON of Bangor, SAMPSON of Auburn, WALCOTT of Lewiston.

Bill "An Act To Prohibit the Placement of Expiration Dates on Gift Cards"

(H.P. 549) (L.D. 772)

Sponsored by Representative MARLEY of Portland.

Bill "An Act To Allow Municipalities To Collect Debts through the Placement of Liens on Property"

(H.P. 550) (L.D. 773)

Sponsored by Representative JACOBSEN of Waterboro.
Cosponsored by Senator COURTNEY of York and Representatives: BOWLES of Sanford, CHURCHILL of Washburn, CRESSEY of Cornish, CROSTHWAITE of Ellsworth, MAREAN of Hollis, McFADDEN of Dennysville, McLEOD of Lee, WHEELER of Kittery.

Committee on JUDICIARY suggested.

On motion of Representative PELLETIER-SIMPSON of Auburn, the Bill was REFERRED to the Committee on STATE AND LOCAL GOVERNMENT, ordered printed and sent for concurrence.

Bill "An Act To Allow a Landlord To Discover Whether Sewer and Water Bills Have Been Paid"

(H.P. 557) (L.D. 780)

Sponsored by Representative GLYNN of South Portland.

Committee on JUDICIARY suggested.

On motion of Representative PELLETIER-SIMPSON of Auburn, the Bill was REFERRED to the Committee on UTILITIES AND ENERGY, ordered printed and sent for concurrence.

LABOR

Bill "An Act To Increase Retired Teachers' Health Insurance Benefits"

(H.P. 535) (L.D. 758)

Sponsored by Representative GLYNN of South Portland.

Bill "An Act To Facilitate Testimony in Workers' Compensation Proceedings"

(H.P. 574) (L.D. 809)

Sponsored by Representative PERRY of Calais.
Cosponsored by Representative: SMITH of Van Buren.

LEGAL AND VETERANS AFFAIRS

Bill "An Act Requiring That Contributions for a Clean Election Candidate Be from the Candidate's Political Party"

(H.P. 542) (L.D. 765)

Sponsored by Representative TUTTLE of Sanford.
Cosponsored by Senator PLOWMAN of Penobscot and Representatives: ADAMS of Portland, CLARK of Millinocket, COLLINS of Wells, CUMMINGS of Portland, DUPLESSIE of Westbrook, FISHER of Brewer, HOTHAM of Dixfield, PATRICK of Rumford.

Bill "An Act To Enhance Enforcement of Liquor Laws"

(H.P. 554) (L.D. 777)

Sponsored by Representative FISHER of Brewer.
Cosponsored by Senator MITCHELL of Kennebec and Representatives: BARSTOW of Gorham, HOTHAM of Dixfield.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act Allowing Certain Clean Election Campaign Reports To Be Filed by Telephone"

(H.P. 556) (L.D. 779)

Sponsored by Representative TUTTLE of Sanford.

Bill "An Act To Prohibit Clean Election Candidates from Using Clean Money for Personal Profit or Use"

(H.P. 569) (L.D. 804)

Sponsored by Representative CRESSEY of Cornish.
Cosponsored by Senator BARTLETT of Cumberland and Representatives: CEBRA of Naples, CURTIS of Madison, JACOBSEN of Waterboro, MILLETT of Waterford, NASS of Acton, PINKHAM of Lexington Township, RICHARDSON of Skowhegan, THOMAS of Ripley.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Improve the Efficiency of the Legislature"

(H.P. 567) (L.D. 802)

Sponsored by Representative BOWEN of Rockport.
Cosponsored by Representatives: BARSTOW of Gorham, CROSTHWAITE of Ellsworth, JOY of Crystal, MOULTON of York, PINGREE of North Haven, SCHATZ of Blue Hill, TRAHAN of Waldoboro.

TAXATION

Bill "An Act To Exempt the Sale of Electric, Hybrid or Hydrogen-Fueled Vehicles from State Sales Tax and Excise Tax"

(H.P. 555) (L.D. 778)

Sponsored by Representative CRESSEY of Cornish.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: GERZOFKY of Brunswick, HAMPER of Oxford, MAREAN of Hollis, NASS of Acton, RINES of Wiscasset, SMITH of Monmouth, THOMPSON of China, WALCOTT of Lewiston.

Bill "An Act To Provide a Capital Gains Tax Exemption for the Sale of a Business or Unimproved Property for a Taxpayer 50 Years of Age or Older"

(H.P. 559) (L.D. 782)

Sponsored by Representative SCHATZ of Blue Hill.
Cosponsored by Representatives: CLARK of Millinocket, PILON of Saco, SAVIELLO of Wilton, THOMPSON of China.

Bill "An Act To Allow Employers To Take a Tax Deduction for Their Employees' Transportation Costs"

(H.P. 562) (L.D. 785)

Sponsored by Representative MARLEY of Portland. (BY REQUEST)

TRANSPORTATION

Bill "An Act To Prohibit the Issuance of a Driver's License to an Undocumented Illegal Alien"

(H.P. 540) (L.D. 763)

Sponsored by Representative JACOBSEN of Waterboro.
Cosponsored by Senator COURTNEY of York and Representatives: CARR of Lincoln, CHURCHILL of Washburn, FLOOD of Winthrop, JOY of Crystal, MAREAN of Hollis, McFADDEN of Dennyville, McLEOD of Lee, TARDY of Newport.

Resolve, To Require the Department of Transportation To Put a Bicycle Lane on Route 5 in Waterboro

(H.P. 551) (L.D. 774)

Sponsored by Representative JACOBSEN of Waterboro.
Cosponsored by Senator COURTNEY of York and Representatives: BOWLES of Sanford, CAMPBELL of Newfield, CRESSEY of Cornish, DAIGLE of Arundel, FAIRCLOTH of Bangor, GLYNN of South Portland, MAREAN of Hollis, WHEELER of Kittery.

REPORTS OF COMMITTEE

Change of Committee

Representative TUTTLE from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Clarify City Election Procedures" (EMERGENCY)

(H.P. 363) (L.D. 488)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 13) (L.D. 8) Resolve, Regarding Legislative Review of the Repeal of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 27) (L.D. 24) Bill "An Act To Provide for the Efficient Administration of Family Development Accounts" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 77) (L.D. 101) Bill "An Act To Amend the Membership of the InforME Board" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-22)**

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

CONSENT CALENDAR

Second Day

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

(H.P. 183) (L.D. 244) Bill "An Act To Standardize Water Lien Provisions"

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

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

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

SENATE PAPERS

Bill "An Act To Reauthorize Funding for the Lobster Promotion Council"

(S.P. 260) (L.D. 793)

Came from the Senate, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

At this point, pursuant to his authority under House Rule 401.1, the Chair temporarily assigned Representative HUTTON of Bowdoinham to Seat 91 and Representative PERRY of Calais to Seat 111

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

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

In Convention

The President of the Senate, the Honorable Beth Edmonds, in the Chair.

The Convention was called to order by the Chair.

On a motion by Senator Brennan of Cumberland, it was Ordered, that a Committee be appointed to wait upon the Honorable Joseph W. Westphal, Chancellor of the University of Maine System, the Honorable John Fitzsimmons, President of the Maine Community College System, the Campus Presidents and the Board of Trustees of the two systems to inform them that the two branches of the Legislature are in Convention assembled, ready to receive such communications as pleases them.

The Order was Read and Passed.

The Chair will appoint the following:

The Sen. from Kennebec, Sen. Mitchell

The Sen. from Penobscot, Sen. Schneider

The Sen. from Cumberland, Sen. Turner

The Rep. from Bangor, Rep. Norton

The Rep. from Fairfield, Rep. Finch

The Rep. from Lewiston, Rep. Makas

The Rep. from Orono, Rep. Cain

The Rep. from Cape Elizabeth, Rep. Goldman

The Rep. from Appleton, Rep. Merrill

The Rep. from Hartland, Rep. Stedman

The Rep. from Falmouth, Rep. Davis

The Rep. from Caribou, Rep. Edgecomb

The Rep. from Sabattus, Rep. Lansley

Subsequently, Senator Mitchell of Kennebec, for the Committee, reported that the Committee had delivered the message with which it was charged and are pleased to report that the Honorable Joseph W. Westphal, Chancellor of the University of Maine System, the Honorable John Fitzsimmons, President of the Maine Community College System will attend forthwith

The Chair is pleased to welcome the Honorable Joseph W. Westphal, Chancellor of the University of Maine System, the Honorable John Fitzsimmons, President of the Maine Community College System, the campus presidents, the Board of Trustees and guests of the two systems.

The Chair recognized in the House Gallery, representing the University of Maine System, Board of Trustees: James Mullen, Chair; Charles Johnson, III of Augusta; Victoria Murphy of Portland; Dr. Wickham Skinner of Tenants Harbor; Margaret Weston of Yarmouth; Barry McCrum of Mars Hill; William Johnson of Saco; James Dowe, Jr. of Bangor and Susan Gendron, Commissioner of Education.

Also, the Chair recognized in the House Gallery, representing the University of Maine System Presidents: Dr. Robert Kennedy, Interim President, the University of Maine; Dr. Charles Lyons, University of Maine at Augusta; Dr. Richard Cost, University of Maine at Fort Kent; Dr. Cynthia Huggins, University of Maine at Machias; Dr. William A. Shields, Acting President, University of Maine at Presque Isle and Richard Pattenaude, University of Southern Maine.

Also, the Chair recognized in the House Gallery members of the Maine Community College System Board of Trustees: Joanna Jones of Waldoboro; Dennis King of Freeport; Cynthia Phinney of New Sharon; Brian Hamel of Presque Isle; Bridget Healy of Freeport; William Cohen of Cape Elizabeth and the Honorable Daniel Wathen of Augusta.

Also, the Chair recognized in the House Gallery representing the Maine Community College System Colleges, the College Presidents: Dr. Scott Knapp, Central Maine Community College in Auburn; Dr. Joyce Hedlund, Eastern Maine Community College in Bangor; Dr. Barbara Woodlee, Kennebec Valley Community College in Fairfield; Mr. Timothy Crowley, Northern Maine Community College in Presque Isle; Dr. James Ortiz, Southern Maine Community College in South Portland; Dr. William Cassidy, Washington County Community College in Calais and Dr. Patricia Ryan, York County Community College in Wells.

The Chair is pleased to present to you the Honorable John Fitzsimmons, President of the Maine Technical College System

President of the Maine Technical College System, John Fitzsimmons, then addressed the Convention.

President FITZSIMMONS: President Edmonds, Speaker Richardson, honorable members of the 122nd Maine Legislature, Chancellor Westphal, colleagues and friends of higher education, I am honored to come before you this morning to speak to you on behalf of the students, employees and trustees of the Maine Community College System.

For the past fifteen years I have had the great privilege of serving as president of this system. I work with a dedicated Board of Trustees and a talented group of colleagues who keep our students' best interests at the heart of everything we do. We never forget how much our students have sacrificed in order to achieve their dream of a college degree.

I could not be prouder to say that I work with such a dedicated and accomplished group of people. They are

professionals who have a passion for their jobs and compassion for the students we serve. But my pride has never been greater than it is today, as I report for the first time on the progress of Maine's new Community College System.

Two years ago, the 121st Maine Legislature passed the landmark legislation establishing a community college system in Maine. The bill was led by Governor Baldacci and sponsored by 117 members of this body. Sixty of those original sponsors are in this chamber today. I want to thank you for your leadership in making access to higher education—for all our citizens—a top priority for Maine.

We came together on this initiative because we knew that Maine needed a new option for high school graduates, who were capable of going to college but were not going on and to give more adults a flexible, affordable option for college, to upgrade their skills and find their place in the new economy, and to give citizens, who are not ready to step right into a university, a bridge to a baccalaureate degree.

We knew that bringing an affordable, accessible community college system to Maine was essential to turning around our state's chronic low college participation rate, and preparing our citizens for the changing economy.

The early progress, I believe, proves that your bold public policy decision was right. By creating a community college system in Maine, you have truly opened the doors of higher education wider.

In just two years, we have added 2,700 more college students—a 36% jump—to surpass for the first time in our history 10,000 degree students. When combined with those taking credit and non-credit courses, we are now serving over 20,000 Mainers.

We are making inroads to attracting the next tier of high school students who traditionally have not gone on to college. The number of students entering our colleges directly from high school has jumped 41% in two years. We have employed a number of strategies to engage this group of students. One of the most successful was our Early College Pilot Program, which targets students who don't have plans for college, and provides them with scholarships and support through the college admissions process. I am pleased to report that the first 200 students have entered college and they are doing well academically. One in four Early College students—students who did not see themselves going to college—made the Dean's List this past semester. As Governor Baldacci announced last month, thanks to a \$1 million gift from the Bernard Osher Foundation, we will be working with Maine's Department of Education to take the Early College for ME program statewide.

We are also making real progress in increasing the number of students transferring on to our universities. Our graduates enrolling in one of Maine's seven universities has increased by 21% in two years. I would be remiss if I didn't acknowledge Chancellor Westphal and the seven university presidents for their support in developing new articulation agreements and making the path between our two systems virtually seamless.

When we proposed the Community College change, some were concerned that we might abandon our career programs. Well, I am pleased to report that enrollment in our career programs is up 18% in two years. We've added or expanded programs in education, automotive, machine tool and adventure tourism. And thanks to creative partnerships with healthcare providers, we have brought a new Nursing Program to Dover Foxcroft, a Surgical Technology Program to Bangor, and a Radiological Technology Program to Presque Isle.

We are adding more entrepreneurial courses and services, to give our students who aspire to own their own businesses the tools and knowledge to succeed. All over Maine there are

businesses started by our graduates, ranging in size from 5 to 150 workers. Businesses like Technology Services of Maine in Auburn, JSI Store Fixtures in Milo, Federal Spice Restaurant in Portland, Mid-State Machine in Winslow, and Professional Home Nursing in Caribou. With our niche of offering programs tied directly to the Maine economy, we are in a unique position to prepare more people to successfully launch their own businesses and create more new jobs in Maine.

One of the major concerns we have in Maine is the cost of college, as a barrier to enrolling and a debt burden when students graduate. The mission of a community college is to be accessible, and to be accessible you must be affordable. It is for that reason that we have frozen our tuition for the past six years. While the decision has been a difficult one, the result is: more students enrolling in college, students graduating with less debt and, equally important, our tuition and fees are now within \$350 of the national average for community colleges.

And finally, our most important indicator of how well we are doing our jobs: We have maintained our placement rate of 95% of graduates in jobs or continuing their education and 96% of those employed find jobs in Maine.

As you know, these results didn't just happen. Our new system was launched during a recession with limited financial support. With just a two percent increase in state funding over the past two years, our colleges have pulled off a 36% jump in enrollment, and embraced a new, broader mission. This could not have been accomplished if not for the exceptional people who work in our system. I want to sincerely thank our faculty, staff and administrators for delivering a phenomenal start to our new Community College System.

While the early progress is impressive, I am concerned that it may lead people to believe that the job is done. In fact, this system is still in its infancy. We must still invest in the personnel and infrastructure necessary to achieve the full potential of what a strong community college system can offer in our great state. These are the formative years of our new system, and what you do now will shape how well it delivers—for students and for Maine—for years to come.

We have pushed this new system hard, and we need your support to continue our positive momentum. We need the state to invest in our core operations and support a bond issue to upgrade and expand our facilities.

We recognize how difficult it is to find new money in this budget environment, which is why we deeply appreciate Governor Baldacci increasing our base budget by 2.5% each year of the biennium. He has taken us from a crisis to a challenge. However, we are still finding ourselves with a shortfall of \$1.4 million next year, and \$2.9 million in FY'07. Without additional relief, we will have to raise tuition, and we will have to make some reductions in staffing, which will limit our enrollment growth over the next two years.

Our hope is that during the course of this session you will be able to find additional resources to maintain our current programs and services, and continue our progress.

We also need a significant investment in our infrastructure. In four years, we have added 4,400 more college students to our campuses. If that was just one college, it would be the third largest in Maine. That's 4,400 more people using parking lots, classrooms, science and computer labs, program equipment, libraries, dining halls, and residence halls. Each year we submit a list of our capital needs to the Bureau of General Service. Based on the Bureau's assessment, our Community Colleges have 51 million dollars in mandatory and essential capital repair needs. In addition, our colleges are pressed for more classroom space, labs and program equipment.

The Community Colleges are poised to address some of the most challenging issues facing our people, and our economy, but we cannot do it without your support.

If you are concerned that only 55% of Maine's high school graduates are going on to college—with 6,000 graduates stepping into the world of work each year with limited options for their future—then you need a strong community college system.

If you are concerned that too many Maine adults are shut out of the better-paying jobs in our changing economy because they lack the qualifications—with 90,000 working adults express a strong desire to pursue a college degree—then you need a strong community college system.

If you are concerned about the future of our health care system - a system already being taxed by a serious shortage of qualified workers - while one of the state's top producers of health care graduates, our community colleges, were forced to turn away 1,800 applicants to our health programs last year alone—then you need a strong community college system.

If you are concerned about attracting new businesses and growing good jobs in Maine—while our own State Chamber reports that nearly 50% of its members are having a difficult time finding skilled workers—then you need a strong community college system.

I know you share my belief in the innate talent of Maine people and their willingness to work hard. Whether a person is born in Calais or Caribou, Belfast or Rumford, Lewiston or Sanford, we want them to know that we are doing everything in our power to give them an opportunity to be a full participant in everything this great country has to offer. It doesn't matter if their parents are bankers or millwrights; teachers or bricklayers. You live in a state that says—by its words and its deeds—we believe in you. Confidence follows competence. Let me repeat that, confidence follows competence. Let us give all Maine people the skills and competencies they need, so that they will have the confidence to follow their dreams. As the temporary guardians of the public trust, that is our responsibility and our gift to the future.

Thank you.

The Chair is pleased to present to you the Honorable Joseph W. Westphal, Chancellor of the University of Maine System.

Chancellor of the University of Maine System, Joseph W. Westphal, then addressed the Convention.

Chancellor **WESTPHAL**: Madam President; Mr. Speaker; Members of this Joint Convention of the 122nd Maine State Legislature; My good friend and colleague President Fitzsimmons; Members of the Board of Trustees; Presidents; guests and friends:

I am also honored to join you today to report on the state of Maine's University System. Your invitation underscores this Legislature's support for higher education, and acknowledges the tremendous value and potential for this great State.

In many ways, the state of the University System is truly great - record high student enrollments, record high levels of faculty and staff productivity, record high success in winning federally funded research grants, more partnerships with the public and private sectors than ever before.

Generally speaking, the mission of the University System is three-fold: to offer the highest levels of academic programs; to promote and advance the economic, social, and cultural interests

of Maine and its people; and to use its vast array of resources to be a catalyst for Maine's future.

Three short phrases define the goal of our mission – high quality, affordable and accessible, visionary and accountable.

Since its creation in 1968, the University System has been the state's most influential public asset. It affects every aspect of Maine life.

Our universities have graduated most of Maine's schoolteachers, principals, guidance counselors, and superintendents. A large percentage of Maine's health care providers, attorneys, business owners, engineers, and other professionals have at least one degree from a University of Maine institution. Our senior Senator Olympia Snowe, Governor Baldacci, and most of the Governor's cabinet and his senior advisors are alumni of our universities. Many of you in this chamber participating or observing this Joint Convention attended one of our universities.

Today one out of every nine adults living in Maine is an alumnus or alumna of one of our universities and that's over 110,000 people. They contribute to our State in so many ways – through their work, their family life, civic and community involvement, and of course, like you, public service.

The U.S. Census Bureau reports that a Maine resident with a four-year college degree earns \$10,000 more per year than a Maine resident with a high school degree. A person with a graduate-level or professional degree does even better: \$16,000 on the average more a year with a master's degree; and \$30,000 more each year with a doctorate or professional degree. That extra earning power helps them enjoy the fruits of their labor and the benefits of living in Maine. It also helps lessen the tax burden on the rest of Maine people.

Today, the University of Maine System serves many important and essential purposes. It is the State's largest provider of higher education, with more than 34,000 students currently enrolled. That's 74% of those enrolled in all public institutions. We have over 5,400 students taking classes over the Internet, at outreach centers, and through interactive television. A large number of them being place-bound adult learners with jobs and families to attend to. The University System is Maine's largest generator of a skilled workforce, awarding nearly 5,000 university degrees per year. Our universities are respected partners, resources, and innovators to ensure the quality and protection of our environment and the prudent, sustainable use of our natural resources. Through outreach and public service, Maine's public universities provide consumers, policy makers, entrepreneurs, non-profit organizations, and families with easy access to the expertise and resources they need to confront life's challenges and opportunities. Collectively, we are the State's largest public provider of visual and performing arts, a major factor in Maine's overall quality of life. We are the largest magnet for federal, state and private-sector research money with over \$145 million in grants and contracts.

That's the University System of today - productive, innovative, and reaching out to people of all ages and walks of life.

In many ways things are going very well for our students and our universities. But in other ways, our universities are facing very difficult challenges. With your support, and that of Governor Baldacci, the Board of Trustees and I have the responsibility of addressing these challenges and finding appropriate solutions. In my recent testimony before the Appropriations and Education Committees, I described a budget gap of \$20 million that we will face in the coming biennium. It is a growing problem and one that needs a systematic and comprehensive approach to solving. Therefore, today I want to focus on the future of the University System, share with you some ideas about how we might work

together to ensure, for Maine, the availability and sustainability of world-class public higher education. Together we need to firmly establish the importance and value of public higher education as equal in prominence, consequence and significance as any other policy or public program receiving state support.

I am proud of what has been accomplished and what our faculty and staff do today across all campuses and regions of the State. But we cannot divorce the current state of our University System and the need to further develop and sustain its future. Placing the student as our highest priority, I ask you to think about Hilarie Blunt. Hilarie is a seventh grader living in Hampden. I used to teach with her dad, who was one of my dearest and closest friends.

For Hilarie, college is a few years away. What will our universities be like when she is ready to choose a school? If current trends and conditions stay as they are, Hilarie might choose to go to school outside of Maine, perhaps for a change of scenery, or perhaps because she believes she will experience greater excitement and opportunity elsewhere.

Five years from now, Hilarie might find that tuition here in Maine costs more than one and one-half times what it does today. The availability of state-supported student financial aid could remain flat and federal aid could actually decline, despite rising tuition, housing, and transportation costs. If current trends continue, tuition could become the largest single source of university funding. That would have been unthinkable 15 years ago, when the State provided two dollars out of every one-dollar for tuition paid by students and their families.

Five years from now, Hilarie might visit a university campus and find several of its buildings lacking in functionality and aesthetics. The University System's operating budget would be woefully insufficient to sustain the necessary renewal and modernization of its campuses while still maintaining basic operational costs. Technology infrastructure—one of the qualities that placed Maine ahead of most other states—could be inadequate to support the needs of our most rural and place-bound students.

Five years from now, if current conditions continue, we could find ourselves without some of our best faculty members and staff – lured away by better compensation offers from other universities and the private sector. If these current trends remain constant, we could lack the resources necessary to replace or recruit additional faculty. No investment in the future is more important than our faculty and their development.

With all these possibilities, Hilarie might find that Maine's universities lack an inspiring and vibrant campus environment. Those qualities are essential to learning. No matter what type of learner we are talking about, students today and in the future must have what Vanderbilt sociologist Steven Tepper describes as a "campus climate of creativity."

Tepper's work and that of Richard Florida, and his book, "The Rise of the Creative Class," argue that students learn best when they are immersed in a learning culture that includes interdisciplinary exchanges, diversity, inspirational teachers and scholars, and opportunities to be innovative and collaborative with others.

I agree.

Florida and Tepper point out that art, music, theatre, and other ways of stimulating creativity, enhance critical thinking and expand learning. I not only agree, I think it must be an important priority on every campus of this University System.

I would add to this the need for university faculty and staff to pursue new models of learning, and research and public service—and to think of students as partners in scholarship

rather than as clients. I believe that approach is essential to energizing students and exciting them about learning.

A few years from now, when Hilarie will be looking at colleges, what should she see on her visits to a Maine public university? She should see new or renovated residence halls that feature modern technology and are comfortable and conducive to learning. She should see new or remodeled classrooms that are efficient, comfortable, safe, and technologically advanced, allowing her to focus on learning.

She should see new or renovated laboratories for science and the arts. She should feel confident that the campus is a great place to interact with fellow students and faculty. She should see and sense that she will enjoy being on this campus because of its creative components.

Whether she commutes to school, lives on campus, or takes courses through distance learning, she should know that she will experience and receive quality instruction and services; that she will learn in a safe environment; that she will be able to graduate on schedule; and that she will work with faculty and staff concerned about her needs both as a student and as a person.

Five years from now, one improvement over today's conditions that Hilarie might also notice is that our universities include a greater number of male students. Today, in Maine and across the country, the number of female students outnumbers males by large numbers. Currently males are increasingly passing up opportunities to get an education; instead they are seeking the short-term benefits of under-skilled jobs and immediate personal rewards. All of us in this chamber today must work to stress to both males and females that pursuing higher education provides much greater benefits and personal rewards in both the short-term and the long-term.

Providing the environment I have described here is our collective challenge. It involves the creative thinking of our faculty and staff, and the support and commitment of our public leaders, the business community, and the people of Maine.

I believe all of us must work in partnership to do three things. First, continuously plan. Second, develop a financing strategy. Third, talk to our people and excite them about what is available. We must not drift into the future; we must be assertive to influence it. Hilarie and the people of Maine should understand that planning must be a common and consistent part of our dialogue.

Almost a year ago, a strategic plan for the University System was presented for public comment. The plan was based on an assessment of Maine's current and future needs—educational, economic, social, cultural, and environmental. Its purposes were many: to find practical ways to enhance and sustain quality, to improve efficiency, cost-effectiveness, and performance, and to enhance our ability to serve Maine and its people as a resource and partner.

The Board adopted the plan in September of 2004. It contains nine specific strategic directions designed to improve the University System's quality, focus, innovation, resourcefulness, and accountability. The goals of the plan are clear and aimed at addressing the needs of the future:

1. Strive for quality of services and support for students
2. Support our faculty
3. Build a state-of-the-art distance education program
4. Build the libraries of the 21st Century
5. Strengthen research and development
6. Improve accountability through better planning
7. Reduce operating costs
8. Reorganize our structure to better serve students
9. Enhance advocacy and grow revenues to overcome increases in expenses

Your packets include a copy of the University Strategic Plan.

Since the Board adopted the plan, we have been working to develop the method by which we begin the important, inclusive implementation process for the nine strategic directions. That dialogue—this work—is campus-centered and campus-led. I have also included a copy of the implementation planning process in your packet.

It will take several years to fully implement the strategic plan. The educational programs and services we currently offer will continue. But by the time Hilarie Blunt is ready to start college in five years or so, some aspects will indeed be different. She will enroll in a university that is fulfilling its mission through greater collaboration, enhanced partnerships, and new gateways to technology, innovation, and creativity.

We ask for your patience as we undergo this laborious, complex, and essential effort. Through this vision articulated in the Strategic Plan, Hilarie and her friends won't be giving serious consideration to leaving Maine to go to college. With the encouragement of family, friends, teachers, guidance counselors, policy makers, and others, this next generation will be aware of Maine's emerging status as an educational magnet—a place where both Maine students and students from away come because our Universities reputation for high-quality, affordable, accessible education are primary. Who benefits under that scenario? Everyone.

I ask for your help in achieving a new vision for building a world-class public university system. First, we need to remind and reinforce the public of the enormous benefits that public universities provide. A study I conducted last year found that Maine's people strongly approve of, and appreciate, the role of our universities as providers of higher education.

However, that research also showed that Maine, as a whole, expressed little understanding or knowledge of our universities' role as partners in economic development, policy analysis, environmental monitoring, and any other functions. We are working harder to explain the benefits of education to key constituencies—prospective students, parents, policy makers, opinion leaders, guidance counselors, teachers, and many others. They need to be part of our efforts to remind future generations of Mainers of the quality, value, and importance of education and the education they receive from our public institutions. Your packet contains one of those tools we have produced to convey that message—a publication that directly addresses the issues identified in our research.

Our universities simply cannot meet the state's future needs on the current mix of revenue sources. Unfortunately, the appropriations you approve and the tuition and fees students pay must also subsidize greater proportions of financial aid and modernization of facilities. In essence, we are talking about students paying more for financial aid and for the modernization of our facilities. This fact reduces our ability to invest in faculty and enhance research and scholarship.

I intend to work with the Education and Cultural Affairs Committee, the Appropriations and Financial Affairs Committee,

and the Executive branch to develop a new model for financing education. With strong leadership of the committee chairs, the support and commitments of our Governor and strong bipartisan leadership of both chambers, I believe we will find the solutions.

Our mission goals and strategic plan priorities will result in more Mainers with a college degree, stronger partnerships with industry, new opportunities for workforce development and economic gain and greater support for hundreds of thousands of Maine people who depend on Maine's universities for programs, services and outreach.

Without serious public and private re-investment and partnerships, we will see the aspirations and achievements of Maine people held back. We must ensure that they recognize and benefit from academic quality, effective programs, and services; maximize our research potential; and contribute in multiple ways to the overall betterment of our state.

These priorities will result in more Mainers with a college degree, stronger partnerships with industry, new opportunities for workforce development and economic gain, and greater support for the hundreds of thousands of Maine people who depend on Maine's universities for programs, services, and outreach.

I realize this is a great challenge to all and difficult to envision in light of our current fiscal condition. As my colleague President Fitzsimmons just outlined in his remarks a vibrant community college also depends on that support. As partners in this effort we must all work together to achieve these goals and these ends for Maine people.

I also believe we must focus on the future and the legacies that we must continue to foster. Our country has always been proud of the fact that every succeeding generation of Americans would be better off than the previous generation. Our grandparents worked hard, saved, and left us a legacy of pride and a foundation of opportunity. Our parents learned that opportunity could grow and if you continued to work hard, save, and get an education you would succeed.

As our greatest generation returned from World War II, our veterans hoped for a better life. And with the support of the GI Bill, education became a promise of a stronger future. Today we need a commitment to a new vision to ensure that all Maine people have access to quality, affordable post-secondary education.

We are the ones who determine the legacy we leave for the next generations. They, too, share a similar responsibility for the generations that follow them. We need to empower them through education. But now it must be more than a key to the doors of the academy; it must also include the creative and innovative pathways within education to sustain learning and enhance value. Higher education offers hope and promise – hope for a fuller, more rewarding life; and the promise to Hilarie and to future generations that education will be a priority.

The Board of Trustees and I stand ready to work with you and the Governor to meet this challenge.

Thank you for the support of the Universities of Maine and the good work you do every day to serve our state. Thank you Madam Chair.

The Chair is pleased to recognize in the House Gallery, Hilarie Blunt, a seventh grade student from Hampden, who is accompanied by her mother Andrea. Would she please rise and accept the greetings of the Convention

President Fitzsimmons and Chancellor Westphal withdrew amid the applause of the Convention, the audience rising.

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

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

(After the Joint Convention)

The House was called to order by the Speaker.

On motion of Representative MARLEY of Portland, the House adjourned at 11:55 a.m., until 9:00 a.m., Wednesday, February 16, 2005.