

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 SPECIAL SESSION
10th Legislative Day
Tuesday, May 3, 2005

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

Prayer by Reverend Richard A. Bamforth, Augusta (retired).
National Anthem by Biddeford High School Chamber Singers.
Pledge of Allegiance.

The Journal of Thursday, April 28, 2005 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 582)

JOINT RESOLUTION RECOGNIZING BATH AS ONE OF AMERICA'S DOZEN DISTINCTIVE DESTINATIONS

WHEREAS, each year since 2000, the National Trust for Historic Preservation has chosen a dozen communities from across the country that offer visitors enjoyable natural, historic, aesthetic, recreational and cultural experiences. Criteria include a dynamic downtown, commitment to historic preservation, interesting architecture, cultural diversity, an economic base of locally owned small businesses and walking access for residents and visitors; and

WHEREAS, the National Trust for Historic Preservation named the City of Bath as one of America's Dozen Distinctive Destinations for 2005, calling it "a jewel hidden in plain sight" and describing it as "a small, historic and relatively unspoiled New England town." The National Trust also proclaimed that "Bath had the good sense to hang on to what makes it so special" and that "the result is a vibrant community that offers travelers an ideal retreat"; and

WHEREAS, the National Trust cited Bath as "an old seafaring town that has reinvented itself as one of the best small cities in America. The area's proud maritime history dates from the launching in 1607 of the first ship built in the New World by English settlers. For centuries, shipyards that lined the river's edge sent wooden sailing ships, steel vessels, and graceful yachts around the world. Today the Bath Iron Works, founded in 1884, carries on the proud shipbuilding tradition of turning out frigates and destroyers"; and

WHEREAS, this is not the first time that Bath has been honored by the National Trust, as the National Trust presented its President's Award in 1977 to Sagadahoc Preservation, Inc., the Maine Maritime Museum, the Bath Area Chamber of Commerce and the Bath city government for their exemplary cooperative preservationist achievement in downtown restoration; and

WHEREAS, the city is home to the acclaimed Maine Maritime Museum and has a historic district that shows the carefully preserved homes and businesses that exemplify classic American architecture and displays an important part of Maine's heritage; now, therefore be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled on behalf of the people we represent, take this opportunity to extend our congratulations to the City of Bath on being named one of America's Dozen Distinctive Destinations; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the City of Bath with our best wishes for its continued dedication to preserving and protecting that city's character and sense of place.

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

READ and ADOPTED in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 168)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON BUSINESS RESEARCH AND ECONOMIC
DEVELOPMENT**

April 14, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 837 Resolve, Regarding a New Certification for Health Care Attendants
L.D. 993 Resolve, Directing the Plumbers' Examining Board to Update the State Plumbing Code to the Current Version of the Uniform Plumbing Code
L.D. 1016 An Act Regarding Dental Hygienists and Public Health Supervision Status

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

Sincerely,

S/Sen. Lynn Bromley

Senate Chair

S/Rep. Nancy E. Smith

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 169)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON BUSINESS RESEARCH AND ECONOMIC
DEVELOPMENT**

April 19, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 641 An Act To Create a Limited License for Solar Electric Generation System Installers
L.D. 647 An Act To Provide Incentives to Businesses That Locate to Existing Buildings

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

Sincerely,

S/Sen. Lynn Bromley

Senate Chair

S/Rep. Nancy E. Smith

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 170)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 25, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 15 An Act To Inform Patrons of Food Service Establishments about the Use of Latex Gloves in Food Preparation
- L.D. 817 An Act To Fix within State Government the Responsibility for Mental Health Services to Maine's Elderly
- L.D. 1013 An Act To Improve Access to Ambulatory Diabetes Education and Follow-up

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

Sincerely,
S/Sen. Arthur F. Mayo, III
Senate Chair
S/Rep. Hannah Pingree
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 171)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 26, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 181 Resolve, Requiring the Department of Health and Human Services To Reimburse Henrietta D. Goodall Hospital for 2002 MaineCare Costs
- L.D. 182 An Act To Provide Funding for Domestic Violence Shelters
- L.D. 401 Resolve, Directing the Department of Health and Human Services To Develop a Proposal To Create the Office of Minority Health
- L.D. 402 An Act To Require Able-bodied Welfare Recipients To Seek Employment and Work or Volunteer BY REQUEST
- L.D. 514 An Act To Preserve the Fund for a Healthy Maine
- L.D. 559 An Act To Require a Study and Comparative Report on Welfare

- L.D. 609 An Act To Reconcile General Assistance Prescription Drug Payments with Changes in Federal Prescription Drug Card Benefits and with MaineCare Prescription Drug Payments

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

Sincerely,
S/Sen. Arthur F. Mayo, III
Senate Chair
S/Rep. Hannah Pingree
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 172)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 21, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 165 Resolve, Directing the Department of Inland Fisheries and Wildlife To Support All-terrain Vehicle Clubs in Their Efforts To Mark Trails
- L.D. 336 An Act To Lower the Minimum Age for Operating an All-terrain Vehicle to 14 Years of Age
- L.D. 857 An Act To Increase Fines for Unregistered ATVs
- L.D. 858 An Act To Establish an All-terrain Vehicle Trail Pass System
- L.D. 865 Resolve, To Improve the Information and Education Services of the Department of Inland Fisheries and Wildlife
- L.D. 940 An Act To Amend the Law Pertaining to All-terrain Vehicle Violations BY REQUEST
- L.D. 976 An Act To Enhance the Safety of Whitewater Rafters
- L.D. 980 An Act To Distribute Fees from All-terrain Vehicle Registrations
- L.D. 1039 Resolve, Implementing the Recommendations of the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine
- L.D. 1041 An Act To Create a Short-term All-terrain Vehicle Registration System
- L.D. 1104 An Act To Design and Implement a Pilot Program for Improved Fishing on Mount Desert Island That May Serve as a Model for Maine
- L.D. 1142 Resolve, To Increase the Efficiency and Effectiveness of the Department of Inland Fisheries and Wildlife
- L.D. 1253 Resolve, Directing the Department of Inland Fisheries and Wildlife To Adopt and Follow a Rules Policy Regarding Inland Fishing
- L.D. 1344 An Act To Promote Nonconsumptive Use of Maine's Fish and Wildlife Resources

- L.D. 1351 Resolve, Directing the Department of Inland Fisheries and Wildlife To Prepare an Implementation Plan for Recommendations That Were Based on a Review of the Department
- L.D. 1370 An Act To Change the Membership of the Inland Fisheries and Wildlife Advisory Council

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

Sincerely,
S/Sen. Bruce Bryant
Senate Chair
S/Rep. Thomas R. Watson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 173)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON JUDICIARY**

April 14, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1365 An Act To End Discrimination

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Barry J. Hobbins
Senate Chair
S/Rep. Deborah Pelletier-Simpson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 174)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LABOR**

April 14, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1384 An Act To Assist Businesses To Retain Seasonal Employees and Reduce the Burden on the Bureau of Unemployment Compensation

L.D. 1410 An Act To Require That the Maine Unemployment Insurance Commission Maintain Its Principal Office in the Augusta Area

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

Sincerely,
S/Sen. Ethan Strimling

Senate Chair
S/Rep. William J. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 175)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LABOR**

April 19, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1143 An Act To Protect Workers in the Mortgage and Mortgage Refinance Services Fields

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Ethan Strimling
Senate Chair
S/Rep. William J. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 176)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

April 26, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1149 Resolve, To Review the Responsibilities of the Board of Environmental Protection

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Scott W. Cowger
Senate Chair
S/Rep. Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 177)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TAXATION**

April 26, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 12 An Act To Implement the School Finance and Tax Reform Act of 2003

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Joseph C. Perry

Senate Chair

S/Rep. Richard G. Woodbury

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 178)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 25, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 614 An Act To Eliminate the Rebate Process for Refunding the State Gas Tax

L.D. 774 Resolve, To Require the Department of Transportation To Put a Bicycle Lane on Route 5 in Waterboro

L.D. 850 Resolve, Directing the Department of Transportation To Use Composite Manufactured Materials

L.D. 960 Resolve, To Study the Feasibility of Off-road Bike and Walking Paths along the Busiest Commuting Corridors of the State

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

Sincerely,

S/Sen. Dennis S. Damon

Senate Chair

S/Rep. Boyd P. Marley

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 179)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 26, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1233 An Act To Reorganize the Northern New England Passenger Rail Authority

L.D. 1333 Resolve, To Require the Department of Transportation To Improve Highway Signs in the Greater Augusta Area

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

Sincerely,

S/Sen. Dennis S. Damon

Senate Chair

S/Rep. Boyd P. Marley

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 180)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

April 26, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 642 An Act To Limit Telephone Utility Expenses Related to the Relocation of Call Centers

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Philip L. Bartlett II

Senate Chair

S/Rep. Lawrence Bliss

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 181)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 28, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has

voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 968 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit the Imposition of Any New or Increased Tax or Fee through the Citizen Initiative Process
- L.D. 1243 An Act To Make Election Day a State Holiday
- L.D. 1354 An Act To Amend the Procedure for Auditing Municipalities

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

Sincerely,
S/Sen. Elizabeth M. Schneider
Senate Chair
S/Rep. Christopher R. Barstow
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 182)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 28, 2005
Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1279 Resolve, To Study Improving the Affordability and Predictability of College Tuition for Maine Students

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Elizabeth H. Mitchell
Senate Chair
S/Rep. Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 183)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 26, 2005
Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 603 An Act To Ensure Accommodation of Students with Disabilities or Illnesses in the University of Maine System and the Maine Community College System

- L.D. 708 An Act Regarding Transferability of Credits Earned at All Campuses within the University of Maine System
- L.D. 807 An Act Regarding Veterans' Educational Assistance Benefits at the University of Maine System
- L.D. 1241 An Act To Ensure Public Accountability in the Delivery of Higher Education Services

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

Sincerely,
S/Sen. Elizabeth H. Mitchell
Senate Chair
S/Rep. Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 184)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TAXATION**

April 28, 2005
Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1181 An Act To Change the Property Tax Year for the Unorganized Territory

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Joseph C. Perry
Senate Chair
S/Rep. Richard G. Woodbury
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 186)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TAXATION**

May 2, 2005
Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 177 An Act To Increase the Homestead Property Tax Exemption
- L.D. 313 An Act To Expand Benefits Available under the Maine Residents Property Tax Program
- L.D. 319 An Act To Exempt Retirement and Pension Income from the State Income Tax

- L.D. 356 An Act To Increase the State Income Tax Exemption for Retired Workers in the Maine State Retirement System to the Same Level as That of Retirees under the Social Security System
- L.D. 734 An Act To Establish a Long-term Capital Gains Tax Rate
- L.D. 1534 An Act To Encourage the Production of Biodiesel from Forest Products, Agricultural Products and Waste Vegetable Oil
- L.D. 1556 An Act To Promote and Facilitate Programs That Teach Thinking Skills and Problem Solving
- L.D. 1564 An Act To Include Intangible Assets when Determining the Value of Property

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

Sincerely,
S/Sen. Joseph C. Perry
Senate Chair
S/Rep. Richard G. Woodbury
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 589)
**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

April 25, 2005
Sen. Bruce S. Bryant
Senate Chair, Joint Standing Committee on Inland Fisheries and Wildlife
Rep. Thomas R. Watson
House Chair, Joint Standing Committee on Inland Fisheries and Wildlife
122nd Legislature
Augusta, ME 04333
Dear Senator Bryant and Representative Watson:
Please be advised that Governor John E. Baldacci has nominated Ronald Usher of Westbrook and Sheridan Oldham of Waterville for appointment and Robert Savage of Limington for reappointment as members of the Inland Fisheries and Wildlife Advisory Council.
Pursuant to Title 12 M.R.S.A. §10151, these nominations will require review by the Joint Standing Committee on Inland Fisheries and Wildlife.
Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

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

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

The Following Communication: (S.P. 592)
**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

April 25, 2005
Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on Business, Research and Economic Development
Rep. Nancy E. Smith
House Chair, Joint Standing Committee on Business, Research and Economic Development

122nd Legislature
Augusta, ME 04333
Dear Senator Bromley and Representative Smith:
Please be advised that Governor John E. Baldacci has nominated Anne Connors of Waterville and Edward Kane of South Portland for appointment as members of the Maine Educational Loan Authority.

Pursuant to Title 20-A M.R.S.A. §11415, these nominations will require review by the Joint Standing Committee on Business, Research and Economic Development.

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

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

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

The Following Communication: (S.C. 204)
**MAINE SENATE
122ND LEGISLATURE
OFFICE OF THE SECRETARY**

April 28, 2005
Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, ME 04333-0002
Dear Speaker Richardson:
In accordance with Joint Rule 506 of the 122nd Maine Legislature, please be advised that the Senate today confirmed the following nominations:
Upon the recommendation of the Committee on Marine Resources, to the Marine Resources Advisory Council
Vincent M. Balzano of Saco for appointment
Susan E. Farady of Cape Elizabeth for appointment
Glen A. Libby of Port Clyde for appointment
Timothy J. Kief of Hancock for appointment
Dana B. Rice of Birch Harbor for reappointment
Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 205)
**MAINE SENATE
122ND LEGISLATURE
OFFICE OF THE SECRETARY**

April 28, 2005
Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, ME 04333-0002
Dear Speaker Richardson:
In accordance with Joint Rule 506 of the 122nd Maine Legislature, please be advised that the Senate today confirmed the following nominations, upon the recommendation of the Committee on Judiciary:
Donald G. Alexander of Winthrop for reappointment as a Maine Supreme Court Justice

Susan W. Calkins of Portland for reappointment as a Maine Supreme Court Justice
G. Arthur Brennan of York for reappointment as a Superior Court Justice

Kevin L. Stitham of Dover-Foxcroft
for reappointment as a District Court Judge.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 206)

**MAINE SENATE
122ND LEGISLATURE
OFFICE OF THE SECRETARY**

April 28, 2005

Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Richardson:

In accordance with Joint Rule 506 of the 122nd Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Labor, the nomination of Anthony J. Peverada, Jr. of South Portland for appointment to the Maine Unemployment Insurance Commission.

Sincerely,
S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**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, Directing the Department of Conservation, Bureau of Parks and Lands To Restore the Taylor Camps

(H.P. 1148) (L.D. 1630)

Sponsored by Representative JACKSON of Fort Kent.

Cosponsored by Senator MARTIN of Aroostook and Representatives: CARR of Lincoln, CLARK of Millinocket, PINEAU of Jay, SMITH of Van Buren, Senator: BRYANT of Oxford.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Sent for concurrence.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Restore Funding for the Reading Recovery Program"

(H.P. 1138) (L.D. 1615)

Sponsored by Representative SAVIELLO of Wilton.

Cosponsored by Representatives: BARSTOW of Gorham, BROWNE of Vassalboro, CARR of Lincoln, CLARK of Millinocket, FINCH of Fairfield, MARLEY of Portland, Senators: HASTINGS of Oxford, PERRY of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Enable Bulk Purchasing of Heating Oil Eligible for Federal Reimbursement"

(H.P. 1147) (L.D. 1629)

Sponsored by Speaker RICHARDSON of Brunswick.

Cosponsored by Senator MARTIN of Aroostook and Representatives: JACKSON of Fort Kent, PARADIS of Frenchville, SMITH of Van Buren.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Require the Secretary of State To Collect Information on Operating-under-the-influence Convictions from Other Jurisdictions before Issuing a Driver's License in Maine"

(H.P. 1150) (L.D. 1632)

Sponsored by Representative HALL of Holden.

Cosponsored by Representatives: CLARK of Millinocket, DUPREY of Hampden, FITTS of Pittsfield, GERZOFISKY of Brunswick, GREELEY of Levant, JACKSON of Fort Kent, McKENNEY of Cumberland, ROSEN of Bucksport.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

HEALTH AND HUMAN SERVICES

Bill "An Act Regarding Advertising by Drug Manufacturers"

(H.P. 1141) (L.D. 1618)

Sponsored by Representative LERMAN of Augusta.

Cosponsored by Representative CAMPBELL of Newfield and Representatives: BRAUTIGAM of Falmouth, BURNS of Berwick, GROSE of Woolwich, MILLER of Somerville, PINGREE of North Haven, Senators: BRENNAN of Cumberland, MAYO of Sagadahoc.

Resolve, Requiring the State To Reimburse Providers for Costs Incurred Due to MaineCare Reimbursement Delays

(H.P. 1149) (L.D. 1631)

Sponsored by Representative KAELIN of Winterport.

Cosponsored by Senator WESTON of Waldo and Representatives: BOWEN of Rockport, MILLETT of Waterford.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act Concerning the Regulation of Certain Information to Protect Privacy"

(H.P. 1156) (L.D. 1638)

Sponsored by Representative DUDLEY of Portland.

Cosponsored by Senator BRENNAN of Cumberland and Representatives: BRAUTIGAM of Falmouth, CANAVAN of Waterville, CRAVEN of Lewiston, EBERLE of South Portland, LERMAN of Augusta, SMITH of Van Buren, WOODBURY of Yarmouth, Senator: DAMON of Hancock.

LABOR

Bill "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects" (H.P. 1146) (L.D. 1628)

Sponsored by Representative PATRICK of Rumford.
Cosponsored by Senator BRYANT of Oxford and Representatives: CLARK of Millinocket, HUTTON of Bowdoinham, JACKSON of Fort Kent, PINEAU of Jay, SAVIELLO of Wilton, SMITH of Van Buren, TUTTLE of Sanford, WATSON of Bath.

MARINE RESOURCES

Bill "An Act To Authorize the Assessment and Collection of Harbor Fees"

(H.P. 1153) (L.D. 1635)

Sponsored by Representative DUPLESSIE of Westbrook.
Cosponsored by Senator BRENNAN of Cumberland and Representatives: BRANNIGAN of Portland, CUMMINGS of Portland, Senator: DAMON of Hancock.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

NATURAL RESOURCES

Bill "An Act To Prohibit the Disposal of Dangerous and Unsafe Material in Solid Waste Facilities" (EMERGENCY)

(H.P. 1151) (L.D. 1633)

Sponsored by Representative DAIGLE of Arundel.
Cosponsored by Senator COWGER of Kennebec and Representatives: ANNIS of Dover-Foxcroft, DUCHESNE of Hudson, JOY of Crystal, ROSEN of Bucksport, SAVIELLO of Wilton, TWOMEY of Biddeford, Senator: MARTIN of Aroostook.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Clarify and Harmonize State Policy on Groundwater Management"

(H.P. 1158) (L.D. 1643)

Sponsored by Representative EBERLE of South Portland. (GOVERNOR'S BILL)
Cosponsored by Senator COWGER of Kennebec and Representatives: CARR of Lincoln, COLLINS of Wells, DUPLESSIE of Westbrook, KOFFMAN of Bar Harbor, PINEAU of Jay, PIOTTI of Unity.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Implement the Fund for the Efficient Delivery of Local and Regional Services"

(H.P. 1155) (L.D. 1637)

Sponsored by Representative BARSTOW of Gorham. (GOVERNOR'S BILL)
Cosponsored by Senator SAVAGE of Knox and Representatives: ADAMS of Portland, FARRINGTON of Gorham, WOODBURY of Yarmouth, Senators: BARTLETT of Cumberland, DAMON of Hancock, SCHNEIDER of Penobscot.

TAXATION

Bill "An Act To Delay the Implementation of the Increase in the Homestead Exemption"

(H.P. 1139) (L.D. 1616)

Sponsored by Representative SAVIELLO of Wilton.

Cosponsored by Representatives: CARR of Lincoln, CLARK of Millinocket, DUCHESNE of Hudson, JOY of Crystal, SHERMAN of Hodgdon, THOMPSON of China, Senator: DAMON of Hancock.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Reduce Tobacco Use and Improve Health" (EMERGENCY)

(H.P. 1140) (L.D. 1617)

Sponsored by Representative CUMMINGS of Portland.
Cosponsored by Representative: PINGREE of North Haven.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Impose a Real Estate Transfer Tax Based on the Value of the Property"

(H.P. 1152) (L.D. 1634)

Sponsored by Representative KOFFMAN of Bar Harbor.
Cosponsored by Senator PERRY of Penobscot and Representatives: CUMMINGS of Portland, LERMAN of Augusta, Speaker RICHARDSON of Brunswick, SMITH of Monmouth, WOODBURY of Yarmouth.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Resolve, To Study the Cost of the Provision of Certain Governmental Services in the Unorganized Territories (EMERGENCY)

(H.P. 1154) (L.D. 1636)

Sponsored by Representative DUPLESSIE of Westbrook.
Cosponsored by Senator MARTIN of Aroostook and Representatives: JACKSON of Fort Kent, PINEAU of Jay, SAVIELLO of Wilton, WATSON of Bath, Senator: BRYANT of Oxford.

Pursuant to Statute

Department of Health and Human Services

Representative PINGREE for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97 - Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1143) (L.D. 1620)

Be REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Maine Health Data Organization

Representative PINGREE for the **Maine Health Data Organization** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 1144) (L.D. 1621)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Revisor of Statutes**

Representative PELLETIER-SIMPSON for the **Revisor of Statutes** pursuant to the Maine Revised Statutes, Title 1, section 94 asks leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1145) (L.D. 1622)

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

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

Sent for concurrence.

**Pursuant to Statute
Department of Marine Resources**

Representative PERCY for the **Department of Marine Resources** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise Standards, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

(H.P. 1142) (L.D. 1619)

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

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative SMITH of Monmouth, the following Joint Resolution: (H.P. 1157) (Cosponsored by Senator BROMLEY of Cumberland and Representatives: ADAMS of Portland, AUSTIN of Gray, BEAUDETTE of Biddeford, BLANCHARD of Old Town, BRYANT of Windham, CAIN of Orono, CROSBY of Topsham, DRISCOLL of Westbrook, DUCHESNE of Hudson, FARRINGTON of Gorham, FLETCHER of Winslow, GLYNN of South Portland, GROSE of Woolwich, HANLEY of Gardiner, HARLOW of Portland, HOGAN of Old Orchard Beach, MAKAS of Lewiston, MARLEY of Portland, MARRACHÉ of Waterville, O'BRIEN of Lewiston, PARADIS of Frenchville, PELLETIER-SIMPSON of Auburn, PINEAU of Jay, PIOTTI of Unity, RECTOR of Thomaston, ROBINSON of Raymond, SAMPSON of Auburn, STEDMAN of Hartland, THOMPSON of China, Senators: DOW of Lincoln, ROTUNDO of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING CONGRESS
TO CONTINUE FUNDING FOR THE
COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM**

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, the Community Development Block Grant program has helped communities throughout the nation since 1974, and is one of the oldest programs in the United States Department of Housing and Urban Development; and

WHEREAS, the Community Development Block Grant program provides annual grants on a formula basis to many different types of grantees through several programs as entitlement grants, loans and disaster relief grants; and

WHEREAS, the Community Development Block Grant program has helped Maine families, businesses and communities and Maine's neediest citizens over the years, and this program is now being severely cut back due to federal budget constrictions; and

WHEREAS, more than \$314,000,000 in Community Development Block Grant funds was granted in Maine for the years 1982 to 2004, and from 1998 to 2004 \$23,400,000 in funds created or retained 3,764 jobs for Maine workers, including 656 jobs still being created; and

WHEREAS, from 1998 to 2004, more than \$54,400,000 in Community Development Block Grant funds was spent in Maine and benefited more than 132,000 Maine residents, or more than one in every 10 citizens of Maine, outside the large population centers of Portland, Lewiston, Auburn and Bangor; and

WHEREAS, those cities, along with South Portland and Biddeford, receive Community Development Block Grant funds directly from the Department of Housing and Urban Development by way of the Entitlement Communities Grants program, which is slated for elimination; and

WHEREAS, Community Development Block Grant funding is often the only extra funding to allow communities a chance to finance such projects as water infrastructure projects, wastewater infrastructure projects, fire station construction, downtown revitalization and low-income housing improvement projects such as the Maine Home Repair Network, Americans with Disabilities Act accessibility modifications, senior activities programs, medical services programs and economic development and planning programs; and

WHEREAS, during 2005, 8 grants in the amount of \$2,994,000 were awarded in Maine for public infrastructure while 19 applications were left unfunded, and 9 grants in the amount of \$1,917,000 were awarded for public facilities while 13 applications were left unfunded; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge that the Federal Government continue full funding for the Community Development Block Grant program as important needs continue to exist throughout Maine and the nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Maine Congressional Delegation.

READ and **ADOPTED.**

Sent for concurrence. **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Change of Committee

Representative PELLETIER-SIMPSON from the Committee on **JUDICIARY** on Bill "An Act To Allow Indian Tribes To Operate Slot Machines"

(H.P. 871) (L.D. 1274)

Reporting that it be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass** on Bill "An Act To Establish and Implement the Maine STEP-UP Program"

(S.P. 374) (L.D. 1057)

Signed:

Senators:

COWGER of Kennebec

SNOWE-MELLO of Androscoggin

Representatives:

KOFFMAN of Bar Harbor

THOMPSON of China

ANNIS of Dover-Foxcroft

EBERLE of South Portland

DAIGLE of Arundel

DUCHESNE of Hudson

ROSEN of Bucksport

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

Signed:

Senator:

MARTIN of Aroostook

Representatives:

SAVIELLO of Wilton

TWOMEY of Biddeford

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

On motion of Representative KOFFMAN of Bar Harbor, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, May 5, 2005.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-206) on Bill "An Act To Appropriate State Funds To Protect Potato Farmland in Aroostook County from Blight and Other Diseases That Could Occur with the 2004 Crop Unless Cull Potatoes Are Dumped Properly" (EMERGENCY)

(H.P. 131) (L.D. 180)

Signed:

Senators:

ROTUNDO of Androscoggin

MARTIN of Aroostook

NASS of York

Representatives:

BRANNIGAN of Portland

DUDLEY of Portland

CRAVEN of Lewiston

FISCHER of Presque Isle

LERMAN of Augusta

MILLS of Farmington

MILLETT of Waterford

BOWEN of Rockport

CURLEY of Scarborough

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

Signed:

Representative:

NUTTING of Oakland

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A"** (H-206) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 5, 2005.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Restore Support for HIV and AIDS Treatment and Prevention"

(H.P. 421) (L.D. 588)

Signed:

Senators:

ROTUNDO of Androscoggin

MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland

DUDLEY of Portland

CRAVEN of Lewiston

FISCHER of Presque Isle

LERMAN of Augusta

MILLS of Farmington

BOWEN of Rockport

CURLEY of Scarborough

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

Signed:

Senator:

NASS of York

Representatives:

MILLETT of Waterford

NUTTING of Oakland

READ.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, May 5, 2005.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Reduce the Size of State Government by 5%"

(H.P. 483) (L.D. 663)

Signed:

Senators:

ROTUNDO of Androscoggin

MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland

DUDLEY of Portland

CRAVEN of Lewiston

FISCHER of Presque Isle

LERMAN of Augusta
MILLS of Farmington
Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-197)** on same Bill.

Signed:
Senator:
NASS of York
Representatives:
MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport
CURLEY of Scarborough

READ.

Representative BRANNIGAN of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

CRAVEN of Lewiston
FISCHER of Presque Isle
LERMAN of Augusta
MILLS of Farmington
Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Senator:
NASS of York
Representatives:
MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport
CURLEY of Scarborough

READ.

Representative BRANNIGAN of Portland moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Provide Funding To Cover the Costs of Mailings to Armed Forces Personnel Stationed Overseas" (EMERGENCY) (H.P. 668) (L.D. 958)

Signed:
Senators:
ROTUNDO of Androscoggin
NASS of York
Representatives:
BRANNIGAN of Portland
DUDLEY of Portland
CRAVEN of Lewiston
LERMAN of Augusta
MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport
CURLEY of Scarborough

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:
Senator:
MARTIN of Aroostook
Representatives:
FISCHER of Presque Isle
MILLS of Farmington

READ.

On motion of Representative BRANNIGAN of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict an Increase in the Growth of the State Budget (H.P. 762) (L.D. 1109)

Signed:
Senators:
ROTUNDO of Androscoggin
MARTIN of Aroostook
Representatives:
BRANNIGAN of Portland
DUDLEY of Portland
CRAVEN of Lewiston
FISCHER of Presque Isle
LERMAN of Augusta
MILLS of Farmington

Minority Report of the same Committee reporting **Ought to Pass** on same RESOLUTION.

Signed:
Senator:
NASS of York
Representatives:
MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport
CURLEY of Scarborough

READ.

Representative BRANNIGAN of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative KAELIN of Winterport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not 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 Winterport, Representative Kaelin.

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am pleased that in this 122nd Legislature we have an opportunity to discuss this bill today. In the 121st Legislature, we did not have that opportunity and I appreciate the presiding officer for providing me the opportunity to speak to this today.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Create Entrepreneurship Internships for Maine High School and College Students" (H.P. 685) (L.D. 975)

Signed:
Senators:
ROTUNDO of Androscoggin
MARTIN of Aroostook
Representatives:
BRANNIGAN of Portland
DUDLEY of Portland

This bill is the Minority Report that came out of the 121st. It is an amalgam of three or four bills that require a 2/3rds vote by this body and the other body before a budget can be passed, before a budget limit can be exceeded. It is a tremendously important tool that we have left beside as we have moved ahead to develop budgets over this year and in previous Legislatures.

This particular issue is one that resonates with all of my constituents. Literally, everyone I have spoken to in the last five years that I have been doing this recognized how important it is for us to have a Super Majority approval of budgets that meet the needs of our people in the State of Maine. Look at the Bangor Daily News headline today. Is that news, that our spending is exceeding our ability to pay for what we do? It's not news to me and it shouldn't be news to anybody in this body. It is not news to any of my constituents. It's not news to the businesses that I represent. The people at home and the people that run our small and large businesses in the State of Maine have to live within our means. I think it is going to be impossible for this body to do that unless we accept the idea that we need to come together and find a Super Majority to create our budgets.

We have a train wreck on our hands now based on the Majority Budget that was approved in this hall, with a big borrowing piece. People are tremendously concerned that we are borrowing our way into fiscal insanity — you could almost call it that I think. People at home can't do it. Our businesses can't do it. So, I ask you today to please support this bill and let's find the chutzpah to work together and set our standards high and begin to create budgets around here with a Super Majority. Thank you very much.

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

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a Constitutional amendment first of all, which should be treated with a great, great deal of caution. In my mind, we have just begun to put caps on various spending, putting 2/3 into a Constitution is a serious matter, one that a majority of our committee feels is untimely, if not wrong headed. I can say wrong headed because my opponent said it we are into fiscal insanity and therefore I guess it's okay to say that. I just think that as budgets go we have done well most of the time with 2/3 here and at times we have used a Majority, which was believed to be necessary. So, I ask you to vote Ought Not to Pass. Thank you.

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I concur with the remarks of the good Gentleman from Portland, my House Chair, Representative Brannigan that this is a serious matter. I think he refers to it in the context of putting the proposal of Representative Kaelin in the Constitution. I would come at it from a slightly different point of view and say that it is a serious issue because we have proven, time and again, that we are incapable of applying this kind of discipline either under a statutory or voluntary format. We have, as you may know, in the budget, seven major cost centers and those cost centers include things like general purpose aid, debt service, personnel costs, higher education, health and human services etc.

Earlier in the session I proposed, and I think we still have the possibility of discussing this in committee, that we apply the general fund appropriation limit to those cost centers over which we have control. We are about to embark on debt service discussions, for example, that would be caused by future bond issues going to the people. It seems to me that if we are unable to apply some discipline to the individual cost centers than we

have really no way of complying with the statutory appropriations limit which was enacted in LD 1, now Chapter 2, back in January. So, the real question for you today is that you should take this seriously. This is an effort to restrict the rate of growth in future spending in order that we may comply with our own statutes. If we are unable to make that kind of commitment then there is no way we can comply with what we have set out for ourselves.

Representative Kaelin referred to a headline in the Bangor Daily News today, you may have recalled a story last week in which the rating agencies that will look at our June bond sale, have concluded that the one thing they are looking for is that ongoing revenues will outpace ongoing spending. We have shown no ability to keep our eye on both balls at the same time and thus I think we need a little bit of extra encouragement and the Constitutional format is one way to do that. It is a serious issue. I have no illusions that we are going to get a 2/3 vote on this this morning but I hope you would at least give us the courtesy of keeping this issue alive and I would urge your opposition to the pending motion on the pending role call. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cornish, Representative Cressey.

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

The SPEAKER: The Representative may pose his question.

Representative **CRESSEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It would be helpful if somebody could answer a question for me. Earlier this year we passed what was called LD 1, we impose upon our municipal centers of the State of Maine, school districts and county government to limit their spending and to get voter approval if they exceed that and my question is why can't we impose this upon ourselves and be a good role model to all of the citizens here in the State of Maine?

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

A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 88

YEA - Adams, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hutton, Jackson, Koffman, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Smith N, Smith W, Tuttle, Twomey, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duprey, Edgecomb, Emery, Farrington, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hogan, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Vaughan, Webster.

ABSENT - Bliss, Bryant-Deschenes, Dugay, Greeley, Lerman, Mills, Valentino.

Yes, 64; No, 80; Absent, 7; Excused, 0.

64 having voted in the affirmative and 80 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought to Pass** Report was **ACCEPTED**. The Resolution was **READ ONCE** and was assigned for **SECOND READING** Thursday, May 5, 2005.

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

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-196)** on Bill "An Act To Assist Families and Children by Increasing Access to the Court System" (EMERGENCY)

(H.P. 890) (L.D. 1293)

Signed:

Senators:

ROTUNDO of Androscoggin
MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland
DUDLEY of Portland
CRAVEN of Lewiston
FISCHER of Presque Isle
LERMAN of Augusta
MILLS of Farmington

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

Signed:

Senator:

NASS of York

Representatives:

MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport
CURLEY of Scarborough

READ.

Representative BRANNIGAN of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative MILLETT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to urge you to consider the alternative to the motion that is before us. Let me say first of all that this is a good bill and in good times I would be the first to say let's go for it.

It is an attempt to eliminate the backlog in the so called family court system and attempts to do that by the creation of six new positions partially funded with general fund monies and supported by federal money and a likely increase in the cost of divorce fees.

My reason for calling your attention to it today is that we have several bills this morning and there will be more in the next few days that have price tags that are far in excess of our resources that will be available or at least seem to be available at the moment to fund bills that arrive on the appropriations table. This is one of them. It's a good bill. It's basically a question of can we afford it? I would ask you to think long and hard about it. I am not asking you to reject the idea but I would ask for a roll call on the Acceptance of the Committee Report. Thank you.

The same Representative **R REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative BRANNIGAN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. First of all, as all of you are doing in your committees when you get bills that have a price tag, I am sure you are trying to decide whether they are worthy enough to try; to try to have an opportunity to get some funding.

So many of you on your committees, both sides of the aisle, are approaching this in a way that puts some bills, usually with reduced price tags, out for a vote. If it is a good bill then we should pass it, put it on the table and we will see whether there is any ability to fund these good bills.

Everybody is, I guess, saying this is a good bill. The courts are terribly backed up and that is affecting, especially, the children support groups. As you know, several years ago, in order to help in the area of divorce; to help children where parents were involved with their children in divorce they had to see one of these special helpers in the courts. It has worked very well but it can't work as well now as it was hoped because we don't have enough people. Once people are not available than these are delayed. These are very volatile situations. I am told they even lead to, and maybe one of our other members can tell you, that it leads to a lot of protection orders. The situation cannot be calmed down; cannot be helped by this very special court system. So, we are saying on the Majority Report that we ought to give this a chance at a lower rate and asking that it only be done where it is absolutely necessary. Put it on the Appropriations table where we all can look at it later. I ask you please to support this Majority Ought to Pass Report. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative SHERMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am looking at the fiscal note on this Majority Report. As a member of Judiciary, I don't disagree with the need. I think you will find that in some of the bills past there is money available for clerks and that sort of thing. Not necessarily here, but they are asking to use the fines and fees to add staff. I would just point out that the fiscal note on this over the 2005, 2006 and 2007 periods is \$269,000. I would suggest Representative Millett is right on in terms of what we are spending here.

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

ROLL CALL NO. 89

YEA - Adams, Annis, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Moody, Norton, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Ceбра, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Edgcomb, Emery, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moulton, Muse, Nass, Nutting, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Bliss, Bryant-Deschenes, Dugay, Duprey, Greeley, Lerman, Mills, Moore G, Plummer.

Yes, 76; No, 66; Absent, 9; Excused, 0.

76 having voted in the affirmative and 66 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-196) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, May 3, 2005.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Promote Parental Responsibility When Minors Make Use of Public Libraries"

(H.P. 451) (L.D. 618)

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot
TURNER of Cumberland

Representatives:

FINCH of Fairfield
EDGEComb of Caribou
NORTON of Bangor
GOLDMAN of Cape Elizabeth
MAKAS of Lewiston
CAIN of Orono
MERRILL of Appleton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-215) on same Bill.**

Signed:

Representatives:

DAVIS of Falmouth
STEDMAN of Hartland
LANSLEY of Sabattus

READ.

Representative NORTON of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass Report.**

Representative HOTHAM of Dixfield **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not 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 Dixfield, Representative Hotham.

Representative **HOTHAM:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am the proud sponsor of this piece of legislation but I am not its author. The author is in fact a constituent of mine, a young lady who resides in Peru, is 15 years old and has completed the curriculum, home schooled, to complete high school. She has, I am told, just finished a constitutional law class, a college course on her own through an

Internet course offering. I would like to share with you her testimony in committee in regard to this matter because it is very well planned – very well thought out – and makes some important points. I will use portions of this testimony, not the testimony in its entirety, but I will try to hit the highlights for the sake of brevity.

The testimony begins with, "My name is Alisandra Croeger and I am the author of LD 618. The idea was born after an incident with the local library. One of my younger brothers and I had library cards. However, one summer I forgot to return a book before I went to summer camp. The library called my mother and asked her to return it, but when she asked for the title to the book she was refused since she was not the cardholder.

For some time I icily wondered if it was possible to change the law, yet no opportunity presented itself. Then, a few months ago, an issue of the Court Report, Home School Legal Defense Association's monthly newsletter, came with a feature article about a boy in Wisconsin who just succeeded in passing a law allowing the same thing LD 618 proposes. Thus, precedent has already been set for this bill. LD 618 will not, and this is important, will not require libraries to tell parents what their child checks out as soon as the items are checked out. It requires libraries to tell parents or guardians when they are requested by the parent or guardian what books the child has out on their card.

By allowing parents to know upon request what books their children have taken out, it promotes parental responsibility. It encourages parents to be more involved in their children's life. They can know what is going on and what books their children are reading if they choose to. That is very important in this legislation. This is written in a way so that if it is not their desire to know; if they don't need to know then they don't have to, but if they would like to the option is open to them of asking the library. Parents are responsible for their minor children; after all they are still minors.

If a child is under the age of 18 then they are not considered mature enough to vote. They are not mature enough to drink. The Chief Executive has said, when addressing the Teen-Pact Maine class two years ago, that he wants to raise the driving age because minors are not responsible enough to drive. Minors aren't allowed to go see certain movies because of the content. We place the restriction on them because we love them and don't want them to make mistakes by doing something they are not ready for. After all, when children break the law it is the parents who are ultimately responsible. That is what LD 618 is trying to accomplish. To enable the parents to take on that responsibility, for they are still responsible regardless of their knowledge of the actions. Just as when someone breaks the law, he or she has still broken it, regardless of whether or not they knew about the law. In library situations, if a minor checks out a book and does not return it by the date it is due the parents are required to pay the fine. If the book is not returned then the parents must pay for the price of the book, but still they are not told what the title of the book is. They are paying for something that they don't know about. There is no reason that they should have to pay for an item they can't know about. This is why I think LD 618 is very important for the well being of our state."

Mr. Speaker, I rise in support of this bill today because I relate it to my family. I have been a very lucky parent. I have a young daughter who has shown herself to be very responsible. I would not ask to see what books she has checked out of the library.

When she first started cruising the Internet did I check the little history button on my computer? You are dog gone right I did, but she knew I was. I think we need to take this tool and offer it to parents in order to do an effective job of parenting and I would ask that you vote against the pending motion and pass the Minority Ought to Pass Report.

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We had one proponent for this bill and that was the sponsor. We had several opponents, the American Library Association and also several librarians, the Dean of Library Science from the University of Maine, the Maine Civil Liberties Union. They were concerned about the liability and safety of children. The Maine Library Commission, Planned Parenthood of Northern New England, Family Planning Association of Maine. Those groups were all terribly concerned about the danger that this might cause the child when a certain title would be reported to a parent who disapproved of that title or some such thing as that.

The simple solution to this whole problem is simply when your child takes out a library card make sure your name is on it and then the library will tell you the title of the book. If when your child originally takes out that library card both names are on then you can get all of the information you want, or feel you need as a parent. I urge you to vote Ought Not to Pass on this.

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

Representative **DAIGLE**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Representative Lundeen stated that an option available to the parent was to have their name placed on the library card and I was confused if the implication there is that children are not allowed to use library services without written permission from the parents ahead of time. It was my understanding that school libraries and public libraries will interact with children without necessarily having prior written approval by the parent? Thank you.

The SPEAKER: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will speak in place of Representative Lundeen. My statement was simply that when your child originally takes out a library card, probably at age four or five for most of us, if your name is also on that library card for the public library than that allows you to ask questions and when in fact they would make this call to the home and the parent would say can you tell me the name of the book the library would give you the name of the book. I believe that public schools, depending whether or not they operate in conjunction with the public library in the locality. Otherwise, they probably have a similar set of rules, but I can't tell you exactly what those are, being a school librarian.

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

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

The SPEAKER: The Representative may pose her question.

Representative **AUSTIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my understanding that in recent years, to follow along with this line of thinking about our children taking out library books, that parents were able to register the books of concern with the library, therefore disallowing that their children could come in contact with certain material. Does this bill in any way negate any of those rights?

The SPEAKER: The Representative from Gray, Representative Austin has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Being a former schoolteacher, some schools do and some schools do not require that. It depends on the school.

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I wasn't planning on speaking on this bill and I know if the good Representative was still here he would be marking how many times people say that but truly I can only reflect – with all due respect to the author and why the bill came – back on my own life. You know I'm not just a rebel in here. I was a rebel when I was growing up and coming from a very strict Catholic home my mother would always ask me when I dated someone, now is he a little Catholic boy? And I would lie. With all due respect to my mother and father who have passed away, sometimes he wasn't Catholic and I wanted to date him and sometimes in my wanting to know everything – I had such enthusiasm when I was younger about learning about other religions – even though I was going to Catholic school I had a friend who was Jewish and I wanted to know about that religion. I had another friend that was something else and I wanted to take it all in. I wanted to learn what their traditions were.

If I had gone to the library and taken out those books and my parents would have found out about it they would have been upset with me. So, I guess my bottom line here is I think, with all due respect it was probably well intended, but I wouldn't like it. I wouldn't have liked it when I was younger and I wouldn't have liked it today. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 90

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lindell, Lundeen, Makas, Marley, Marraché, Mazurek, McCormick, Merrill, Miller, Moody, Muse, Nass, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson D, Richardson E, Richardson W, Rines, Rosen, Sampson, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cresse, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Emery, Fitts, Fletcher, Glynn, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Marean, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Nutting, Ott, Pinkham, Richardson M, Robinson, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Bliss, Bryant-Deschenes, Greeley, Lerman, Mills, Plummer, Saviello, Valentino.

Yes, 84; No, 59; Absent, 8; Excused, 0.

84 having voted in the affirmative and 59 voted in the negative, with 8 being absent, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-216)** on Bill "An Act To Amend the Procedure by Which Maine Education Assessment Scores Are Interpreted"

(H.P. 457) (L.D. 624)

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot
TURNER of Cumberland

Representatives:

NORTON of Bangor
DAVIS of Falmouth
FINCH of Fairfield
EDGECOMB of Caribou
GOLDMAN of Cape Elizabeth
STEDMAN of Hartland
MAKAS of Lewiston
LANSLEY of Sabattus
CAIN of Orono

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

Signed:

Representative:

MERRILL of Appleton

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-216)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 5, 2005.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Require a Nonpartisan Legislature"

(H.P. 313) (L.D. 428)

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham
McFADDEN of Dennysville
MOULTON of York
HARLOW of Portland
BISHOP of Boothbay
SAMPSON of Auburn
CROSTHWAITE of Ellsworth
BLANCHARD of Old Town
SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-194)** on same Bill.

Signed:

Senator:

ANDREWS of York

Representative:

MUSE of Fryeburg

READ.

On motion of Representative BARSTOW of Gorham, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Clarify State Auditor Qualifications"

(H.P. 512) (L.D. 717)

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham
HARLOW of Portland
SAMPSON of Auburn
BLANCHARD of Old Town
SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Senator:

ANDREWS of York

Representatives:

McFADDEN of Dennysville
MOULTON of York
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
MUSE of Fryeburg

READ.

Representative BARSTOW of Gorham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Resolve, To Study the Feasibility of Dividing Maine into 2 States

(H.P. 656) (L.D. 937)

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:

McFADDEN of Dennysville
MOULTON of York
HARLOW of Portland
CROSTHWAITE of Ellsworth
SAMPSON of Auburn
BARSTOW of Gorham
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-202)** on same Resolve.

Signed:

Representative:

BISHOP of Boothbay

READ.

Representative BARSTOW of Gorham moved that the House **ACCEPT** the Majority Ought Not to Pass Report.

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

Representative JOY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I first would like to thank the State and Local Committee for their patience in dealing with this bill. I realize that with a 12-1 vote and the one vote only to bring it out so I would have a chance to share my thoughts with you folks on the floor. This bill I put in because I had several requests from my constituents as I was going around campaigning. Everyday we see things that are perpetrated by laws, rules and regulations that are submitted by four or five towns in Southern Maine, which really restrict the opportunities that exist in rural Maine. It isn't just a North/South issue; it's rural Maine versus a small triangle in Southern Maine.

In respect to their wishes I put this bill in and the committee was very patient with me and I think that the good chair of the committee has a proposal in to continue a resolve that came form this bill when I put it in about four or five years ago. For that I certainly express my appreciation. We have so many things that are put in to restrict any economic opportunity in rural Maine. We have a tremendous number of people who think that they want to turn us all into a national park, Downeast and Northern Maine.

Ladies and Gentlemen, the people in those rural areas cannot make livings and remain in those areas if you do that to them. For one thing, any proposal to create a national park now requires that there be no access by motorized vehicle. That eliminates at least a real good portion of our population.

Some of the bills that are put in, for example, "An Act to Takeover Our Groundwater", most of rural Maine is served not by water systems but by individual wells.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative BARSTOW: Mr. Speaker, May I pose a point of parliamentary order?

The SPEAKER: The Representative may proceed.

Representative BARSTOW: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am wondering if the debate is Germane to the issue before this body.

THE SPEAKER: The Chair feels the debate is Germane to the issue at hand and the Representative may proceed.

Representative JOY: Thank you Mr. Speaker. As I indicated, there is a whole wrath of legislation that is put in which will put more restrictions upon anything that we might try to do for economic development in rural Maine. That is one of them.

Last year we had a referendum, which was a so-called bear bating referendum. There is a bill in now to reintroduce that into our legislative session and try to take over the will of the people instead of allowing that industry to continue in rural Maine. I have never hunted a bear. I have several opportunities to shoot one but was never interested, but at least it brings in a tremendous amount of money into rural Maine. I could go on and list any number of proposals that actually put a tight restriction upon rural Maine and curtail environmental rules and many others that curtail any development we might have. Mr. Speaker, I realize that this probably does not stand a chance of passing, however, I hope that when the vote is taken it is taken by the yeas and nays and I would hope that all of those people who live in rural Maine would support the issue. Thank you Mr. Speaker.

The same Representative REQUESTED a roll call on the motion to **ACCEPT** the Majority Ought Not 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 Blue Hill, Representative Schatz.

Representative SCHATZ: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Representative Joy has done a fine job before our committee, and I am sure before the whole House, of making us more sensitive to the issues that do exist between the rural and urban areas of Maine. I also represent a rural part of Maine and appreciate his advocacy. I would say however, that it is clear in my mind that we have much more to gain through communication as a single state than through bifurcation and so I would support the Ought Not to Pass motion. Thank You.

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

Representative JOY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One point that I intended to make and I didn't: I have been getting a lot of correspondence from the State of Vermont. There is a strong move in the State of Vermont not to just split it into two states but to seceded from the nation and it is a very...it may sound strange, however, if we go back and realize that we fought a war, which was to try and make sure that we stayed a union. If we go back and check our Constitution it is not against the Constitution for a state to secede from this nation. I would like to suggest that secession was not necessarily in my mind, but I put that in for my constituents. That trend is out there and it is moving. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 91

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Berube, Bierman, Blanchard, Blanchette, Brannigan, Brautigam, Browne W, Bryant, Cain, Canavan, Clough, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Kaelin, Koffman, Lundeen, Makas, Marley, Marraché, Mazurek, McFadden, Merrill, Miller, Moody, Moulton, Muse, Norton, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Richardson W, Rines, Robinson, Rosen, Sampson, Schatz, Seavey, Smith N, Smith W, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bishop, Bowen, Bowles, Brown R, Campbell, Carr, Cebra, Churchill, Clark, Collins, Curtis, Daigle, Eder, Edgecomb, Fitts, Fletcher, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Millett, Moore G, Nass, Nutting, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Sherman, Shields, Stedman, Sykes, Thomas, Vaughan.

ABSENT - Bliss, Bryant-Deschenes, Burns, Duprey, Greeley, Lerman, Mills, Plummer, Saviello.

Yes, 94; No, 48; Absent, 9; Excused, 0.

94 having voted in the affirmative and 48 voted in the negative, with 9 being absent, and accordingly the Majority Ought Not to Pass was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County" (H.P. 914) (L.D. 1316)

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:

McFADDEN of Dennysville
MOULTON of York
HARLOW of Portland
CROSTHWAITE of Ellsworth
SAMPSON of Auburn
BARSTOW of Gorham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-201)** on same Bill.

Signed:

Representatives:

BISHOP of Boothbay
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

READ.

On motion of Representative BARSTOW of Gorham, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Increase the Franchise Tax on Financial Institutions" (H.P. 351) (L.D. 476)

Signed:

Senators:

PERRY of Penobscot
COURTNEY of York

Representatives:

HANLEY of Paris
McCORMICK of West Gardiner
WOODBURY of Yarmouth
CLOUGH of Scarborough
BIERMAN of Sorrento

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-190)** on same Bill.

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

CLARK of Millinocket
PINEAU of Jay
HUTTON of Bowdoinham
SEAVEY of Kennebunkport
WATSON of Bath

READ.

Representative WOODBURY of Yarmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Exempt Military Pensions for Future Military Retirees from State Income Tax" (H.P. 682) (L.D. 972)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

HANLEY of Paris
CLARK of Millinocket
WOODBURY of Yarmouth
CLOUGH of Scarborough
PINEAU of Jay
HUTTON of Bowdoinham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-191)** on same Bill.

Signed:

Senator:

COURTNEY of York

Representatives:

McCORMICK of West Gardiner
BIERMAN of Sorrento
SEAVEY of Kennebunkport
WATSON of Bath

READ.

Representative WOODBURY of Yarmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not 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 South Portland, Representative Eberle.

Representative **EBERLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With utmost respect for the challenging work that the taxation committee is performing this session and especially with respect to the judgment and opinion of its Chair, my seatmate, Representative Woodbury, I would like to ask today that you vote against the **Ought Not to Pass** Report and I would like to explain my reasons.

This group of military retirees, they call them retirees, came to me with a plan, an economic development plan, but I will tell you what about these people. There is not one of them that is not working. There is not one of them that is not contributing something to their community and in fact they have me a little worried about retirement if that is indeed what it looks like. They had a plan and they had a vision for bringing back future military retirees to the State of Maine so that they can contribute to the economy and contribute to the culture of our communities and to our state.

Their plan is simple and maybe you have seen it before. It's an economic development plan. They know that there is a need in this state for a highly trained, highly skilled and educated workforce. This is exactly who this group of people would be.

People are ready to retire from the military when they are 40 or 45 years old. They would come to this state and they would bring their skills, their training, and their education. Their spouses would be working. They would be buying homes and cars for the most part. Their children are not in the schools anymore and they have their own healthcare.

The fiscal note that you might see attached to this is far outweighed down the road by the economic impact that they would bring through all of these measures.

Some of you were at an economic conference in March over at Maple Hill and we heard from the Chamber of Commerce that almost half of the state's employers are unable to find qualified workers. We also heard from someone at the Margaret Chase Center for Public Policy describing the collective force of a talented and creative workforce and this is what this group of people would bring to the State of Maine.

I ask you again to vote against the Ought Not to Pass Report and help us boost the economy, bring back a population to the State of Maine, bring these folks to make a home and help create a stronger economy, a stronger workforce, and a stronger State of Maine. Thank you.

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

Representative **WOODBURY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The Taxation Committee did review this issue in detail and found it to be an extremely intriguing idea, but I want to give you some of the considerations that led the majority of the committee to report out an Ought Not to Pass recommendation. One is that this bill would create a cliff at retirement of January 1, 2006. So, you can kind of imagine as we move forward into the future and we have a group of military retirees in the state and all of those who retired up to December 31, 2005 would not be eligible for this military pension retirement whereas beginning July 1 anybody who retired January 1, 2006 or thereafter would qualify. That creates a cliff between those before the eligibility and those after the eligibility and so we had some concerns about the cliff.

We also realized that there are, in fact, many places one can look for highly qualified retirees and to limit this type of special treatment for military retirees versus non-military retirees, even though they may all be qualified, we weren't sure that that unequal treatment was the appropriate direction for us to go.

Third, I want to mention the fiscal note. In the early years of this the fiscal note is quite modest because it's only new retirees that would be eligible for this, but what you see in this bill is an accelerating fiscal note where its in the first year \$300,000 then \$600,000 then \$900,000. It goes up by roughly \$300,000 a year as more and more new military retirees become eligible. We are concerned, given the structural deficit that we already face going forward, about continuing to make it large. So for those reasons, despite how intriguing this idea is we certainly appreciate learning more about it, but the majority of the committee felt that an ought not to pass at this point in our current economic circumstance was a better way to go. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative McCormick.

Representative **MCCORMICK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak against the pending motion and to support LD 972.

Hardly a day goes by when we aren't reminded of the number of young people who have left our state, of our aging population, of the fact that we have the lowest percentage of college graduates in New England, of the need to improve the education training and quality of our work force so that we can attract new jobs and businesses to our state. We continually support initiatives and incentives to attract new businesses and entrepreneurs through the Department of Economic and Community Development by offering tax breaks. We passed the Pine Tree Zones that provide tax incentives to attract jobs to certain areas. We support the community college and university systems to encourage more of our young people to increase their

education level. There are bills in this session that try to recruit and retain college graduates through student loan repayment and to provide tax incentives to small businesses. We are all working to solve the current problems, but the problem has continued to get worse.

We know that in the next 10 years, student enrollment will be reduced by another 11%. So the number of people entering the work force of Maine – even if we are able to retain all of those new workers – is still going to be reduced significantly. We need to bring more people here and it would certainly be cost effective if they were already educated, trained and experienced.

Some of the programs we support cost us millions of dollars a year to run and all we can do is hope at the end of the year that they have been effective and provided a benefit. I am not advocating we stop any of these initiatives, but LD 972 as an economic development tool offers a different approach. It would exempt the military retirement pay from the Maine income tax for all those retiring after January 1, 2006. In other words it would not apply to any current military retirees in the state and it would only be used as an incentive to get future retirees to locate here upon retirement. Why would we want to do this? Military retirees are doctors, nurses, aviation mechanics, maintenance experts, heavy equipment mechanics, welders, communications experts, virtually any skill set required in a civilian workforce can be found in today's military.

The average military retiree is 40-45 years old and most will have undergraduate or graduate education degrees or other highly specialized training and they can be expected to contribute to our workforce for another 20 or more years. They will bring with them the benefit of their experience, leadership, travel and new ideas. They come fully trained and educated after 20 or more years of success at no cost to the state. They are practically unique in the fact that they are guaranteed medical benefits for themselves and their spouses, funded entirely by the federal government for life.

We all know the cost of healthcare in Maine per person so the savings on this item alone would fully justify any small expense of exempting retired pay. Most will come with spouses, many of whom will also have significant skill sets and join the workforce. The children of these military retirees are past or near completion of their secondary education so the cost to our education system will be minimal and yet with their families retiring here they may be inclined to stay here also.

What would it cost? Current law allows a \$6,000 deduction for any retired pay. So we would only be exempting the amount above the \$6,000. If we offer this incentive and no one takes advantage of it then the program costs nothing. We only incur cost if the program is successful, and since it does not take effect until January '06 there will be no fiscal impact until people file their '06 taxes in the spring of '07, nearly the end of this biennial budget. Even so, we feel strongly the benefits far outweigh the costs if we can just get these people here. We will generate tax revenues as they spend most of their retirement on the Maine economy. As they generate income tax revenues from their second careers most will purchase homes, generating property tax and real estate transfer taxes. They will buy automobiles and generate sales tax and excise taxes. They will pay income taxes on their investments and savings and many of the spouses will enter the workforce and generate further income tax revenues.

If we look around, each of us can find examples of the successful military retiree. I know of one retired Navy military medical doctor who teaches high school chemistry, what a role model for those students. A retired Army sergeant purchased a small convenience store in West Gardiner, expanded it and now provides employment for six. Another retired Navy boiler man set

up a furnace cleaning and repair service in West Gardiner and he and his son, who is now employed with him, can hardly keep up with the demand. Personally, I retired as an Air Force meteorologist, taught mathematics and computer science for fifteen years and am now honored to be here.

None of the people already retired will benefit from LD 972. So Representative Eberle likes this bill enough to present it and I thank her for that. As a retired military person I really like the bill even though it won't benefit me other than that it is going to benefit the state and all of us.

A bipartisan group of five Taxation members liked it. The Maine Military Coalition has spent years researching material on a national level in preparation for this bill. They like it. Twenty states recognize the benefit of attracting military retirees and currently exempt their retirement from the income tax - they like it.

At the public hearing no one spoke in opposition to the bill - they like it. It makes sense. Upon retirement these educated, trained skill workers will be moved to the state of their choice. We would like to give them one more reason to choose Maine.

To respond to the good Chair's comments on reasons why we would vote against it - the cliff - virtually every military retired organization was present at the hearing and testified in favor of this bill knowing full well that none of them would benefit. It was not a problem. They are looking forward.

As far as other retirees, possibly a case can be made later on if there is another group of retirees that fits this same profile, willing and able to be productive in our workforce for another twenty years or so. We may be willing to look at that on a later note.

The fiscal note, if you can decide the benefits far outweigh the small expense we will incur, than you won't have any problem passing this bill. We certainly hope you agree and thank you Mr. Speaker.

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

Representative CUMMINGS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not sure what good policy is in this situation, but let me tell you that four years ago the Federal government passed a budget that is mostly along partisan lines that is the biggest spit in the face of American veterans since our soldiers were sent home with \$10 in the Civil War and a bottle of morphine.

In the State of Maine we will be cutting out hundreds of beds for veterans in this budget and we ought to be ashamed, as ashamed as our country. Today the veterans here have asked us something simple. In some small way can you compensate for the disgrace that just happened in Washington to America's veterans?

We sent 14,000 of our boys and our women home with no arms, no legs and wounds and 5,000 never returned to their mothers and their loved ones. What we have done is irresponsible, inappropriate and a shame upon this country. So, if we can do something small because we know what it is like to sacrifice, because we know that in two wars - WWI and the Civil War - we had some of the highest percentages of our children die in the vision of those two wars and the purpose of those two wars. So we have some understanding in Maine what it is like to sacrifice and if we can do something small today, whether it's perfect policy or not, I say we do it.

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

Representative CLOUGH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think I can safely say that no one in this Legislature, in the time that I have

served here, has a stronger record of supporting income tax exemptions for retirement income than I have. In the past two sessions, I have sponsored bills that were passed in both houses and sent to the appropriations table only to fail there, but I disagree with the proposal that is before you today for a couple of reasons that I think are quite important and mainly it is discriminatory.

I don't disagree with anything that is on this paper that was passed out by Representative Eberle and Representative McCormick. They are right on. I believe that all these things would happen, but I also think they would happen if we provided this exemption to our teachers, to our state and local government retirees, to retirees from business and industry. This doesn't just apply to retirees from the military. Retirees from corporate and government entities come here with the same advantages of education and training and health coverage and spending power that the military people do and I think that it is discriminatory to try to provide this exemption for just one of these groups and for that reason I ask you to please vote for the pending motion.

The SPEAKER: The Chair recognizes the Representative from Sorrento, Representative Bierman.

Representative BIERMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Like Senator John Kerry I voted against this before I voted for it. In committee I sided with our Chair or I should say our lead, and agreed with the merits that he brought forward in not supporting it, but as we deliberated further into this and we really started to take it apart I came around and I really can see the merits to it.

The people that brought it forward, as the good Representative from Gardiner, Representative McCormick said, it is not going to help them. We are looking down the road here - as we have talked about with the brain drain in this state and the people leaving.

Military retirees have some of the best education and they come out with impeccable resumes and they really have a variety of places to go and those that would like to relocate to Maine this is a little incentive for them. In the case of my parents and other military retirees out there, I know that this isn't going to help them but they are looking now, as they get into their older years. They are looking at relocating to another state for just this reason, because their military pension is taxed. It is kind of a two-fold approach here in that we are not going to see that for some time. Those retirees that start in '06 until they get to the age where they are making decisions on what they are going to do in their golden years. If we can keep them here we are still collecting a variety of taxes by them being residents of this state, along with the fact that the new retirees that come here and bring impeccable qualifications enhance our state in many ways. So, I would hope that we could defeat the pending motion and move to something that will really help some retirees in the state. Thank you.

On motion of Representative DUDLEY of Portland, **TABLED** until later in today's session pending the motion of Representative WOODBURY of Yarmouth to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

CONSENT CALENDAR

First Day

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

81) (L.D. 228) Bill "An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(S.P. 27) (L.D. 85) Bill "An Act To Establish Moxie as Maine's Official Beverage" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-89)**

(S.P. 91) (L.D. 271) Bill "An Act To Allow Counties To Recover the Cost of Cleaning Up Hazardous Spills" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-87)**

(S.P. 108) (L.D. 346) Bill "An Act To Amend Group Insurance Funding Requirements" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-83)**

(S.P. 140) (L.D. 416) Bill "An Act To Amend the Laws Regarding Submission of Health Insurance Claims" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-85)**

(S.P. 154) (L.D. 528) Bill "An Act To Exempt Insurers of Commercial Vehicle Fleets from the Requirement of Notification to the Secretary of State When Insurance Is Cancelled" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-95)**

(S.P. 260) (L.D. 793) Bill "An Act To Reauthorize Funding for the Lobster Promotion Council" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-86)**

(S.P. 308) (L.D. 900) Bill "An Act To Require That Municipal and County Spending Be Tracked and Analyzed by the State Planning Office" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-91)**

(S.P. 317) (L.D. 942) Bill "An Act To Prohibit Shooting Wild Turkey Decoys" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-93)**

(H.P. 580) (L.D. 821) Resolve, To Continue Efforts of the Department of Transportation To Balance Public Safety and Access to Land by Landowners Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 877) (L.D. 1280) Resolve, To Name the New Augusta Bridge Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 1035) (L.D. 1472) Bill "An Act To Amend the Laws Governing the Rural Medical Access Program" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 14) (L.D. 9) Resolve, Regarding Legislative Review of Chapter 11: Registration, Collection and Dissemination of Prescription Data Relating to Schedule II, III and IV Drugs, a Major Substantive Rule of the Department of Health and Human Services, Office of Substance Abuse (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-236)**

(H.P. 48) (L.D. 52) Bill "An Act To Authorize Certain Campers To Carry Asthma Inhalers and Epinephrine Pens on Their Persons" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-237)**

(H.P. 51) (L.D. 55) Bill "An Act To Create Guidelines and Procedures for Organ and Tissue Donation to Research Facilities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-238)**

(H.P. 117) (L.D. 166) Bill "An Act To Prohibit Firearms in a Courthouse" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-217)**

(H.P. 147) (L.D. 196) Bill "An Act To Enhance MaineCare Reimbursement Rates for Ambulance Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-239)**

(H.P. 178) (L.D. 239) Resolve, To Create a Hospital Program for Young Women with Eating Disorders Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-240)**

(H.P. 182) (L.D. 243) Bill "An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-220)**

(H.P. 316) (L.D. 431) Bill "An Act To Grant Limited Reciprocity to Nonresident ATV Users" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-224)**

(H.P. 429) (L.D. 596) Bill "An Act To Ensure Insurance Coverage for Medically Necessary Breast Reduction and Symptomatic Varicose Vein Surgery" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-212)**

(H.P. 536) (L.D. 759) Bill "An Act To Provide For Special Antlerless Deer Permits to Certain Disabled Hunters" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-225)**

(H.P. 543) (L.D. 766) Bill "An Act To Support the New Century Community Program" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-227)**

(H.P. 544) (L.D. 767) Bill "An Act To Improve the Affordability of Health Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-211)**

(H.P. 552) (L.D. 775) Bill "An Act To Provide a Stable Source of Funding for the Safe Drinking Water Revolving Loan Fund" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-228)**

(H.P. 565) (L.D. 788) Bill "An Act To Establish Consumer Protections and Regulations for Deferred Deposit Loans" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-241)**

(H.P. 573) (L.D. 808) Bill "An Act To Provide Funding for 'Camp To Belong' To Reunite Siblings Separated by Foster Care" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-229)**

(H.P. 607) (L.D. 856) Bill "An Act Allowing School Unions To Improve Efficiency" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-234)**

(H.P. 623) (L.D. 873) Bill "An Act To Give 2 Moose Hunting Permits to Hunt of a Lifetime" Committee on **INLAND**

FISHERIES AND WILDLIFE reporting Ought to Pass as Amended by Committee Amendment "A" (H-226)

(H.P. 676) (L.D. 966) Bill "An Act To Conform the Insurance Information and Privacy Protection Act to Federal Privacy Rules" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-210)**

(H.P. 735) (L.D. 1082) Bill "An Act To Prohibit Passing in Designated No-passing Zones" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-209)**

(H.P. 749) (L.D. 1096) Bill "An Act To Make Technical and Minor Changes in the Capitol Planning Commission" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-219)**

(H.P. 852) (L.D. 1234) Bill "An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-218)**

(H.P. 854) (L.D. 1236) Resolve, To Establish the Study Commission Regarding Liveable Wages (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-232)**

(H.P. 901) (L.D. 1304) Bill "An Act Concerning Invasive Species and Water Quality Standards" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-245)**

(H.P. 983) (L.D. 1419) Bill "An Act To Amend the Laws Regarding Certain Employment-related Matters" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-233)**

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 items appeared on the Consent Calendar for the Second Day:

(H.P. 262) (L.D. 349) Bill "An Act To Require That the Department of Health and Human Services Include a Bureau of Elder Services"

(H.P. 95) (L.D. 119) Bill "An Act To Promote Math and Science Education Learning Kindergarten to Grade 12" (C. "A" H-204)

(H.P. 150) (L.D. 199) Bill "An Act To Support and Expand Regional Teacher Development Centers" (C. "A" H-205)

(H.P. 169) (L.D. 230) Bill "An Act To Authorize the Public Advocate To Represent Consumers in Federal Regulation of Railroads" (C. "A" H-182)

(H.P. 200) (L.D. 261) Bill "An Act Concerning Significant Wildlife Habitat and Wetlands of Special Significance" (C. "A" H-193)

(H.P. 215) (L.D. 290) Bill "An Act To Amend the Laws Governing Mobile Service Bars on Maine Golf Courses" (C. "A" H-208)

(H.P. 232) (L.D. 308) Bill "An Act To Extend the Tax Credit for Clean Fuel Infrastructure Development" (C. "A" H-189)

(H.P. 290) (L.D. 388) Bill "An Act To Ensure Continued Federal Funding of the Maine Developmental Disabilities Council" (C. "A" H-207)

(H.P. 291) (L.D. 389) Bill "An Act To Amend the Waldoboro Utility District" (EMERGENCY) (C. "A" H-180)

(H.P. 300) (L.D. 397) Bill "An Act To Promote the More Efficient Use of Natural Gas" (C. "A" H-185)

(H.P. 323) (L.D. 438) Resolve, To Improve Access to Emergency Services in State Parks and in the Maine Wildlife Park (C. "A" H-186)

(H.P. 353) (L.D. 478) Bill "An Act To Cap Tuition Rates by Schools in the Unorganized Territory" (C. "A" H-203)

(H.P. 361) (L.D. 486) Resolve, To Extend the 2-year Rabies Vaccination Certificate to 3 Years (EMERGENCY) (C. "A" H-178)

(H.P. 418) (L.D. 563) Bill "An Act To End Discrimination against Persons with Pulmonary Disabilities in Northern and Eastern Maine" (C. "A" H-181)

(H.P. 453) (L.D. 620) Bill "An Act To Clarify the Liquor Enforcement Laws" (C. "A" H-179)

(H.P. 578) (L.D. 813) Bill "An Act To Make Technical Changes in Laws Relating to Conservation" (C. "A" H-200)

(H.P. 603) (L.D. 852) Resolve, To Require the State To Clean Up Toothaker Pond in Phillips (C. "A" H-192)

(H.P. 615) (L.D. 864) Bill "An Act To Streamline Sewer District and Sanitary District Borrowing" (C. "A" H-184)

(H.P. 619) (L.D. 868) Bill "An Act To Ensure Equity in Funding" (EMERGENCY) (C. "A" H-198)

(H.P. 640) (L.D. 921) Bill "An Act To Restructure the Board of Trustees of the Maine School of Science and Mathematics" (C. "A" H-188)

(H.P. 692) (L.D. 982) Bill "An Act To Revise the Charter of the Kennebunk Sewer District" (C. "A" H-183)

(H.P. 754) (L.D. 1101) Bill "An Act To Designate Pay Phone Locations in the Public Interest" (C. "A" H-199)

(H.P. 869) (L.D. 1272) Bill "An Act To Ensure Compliance with the Federal Americans with Disabilities Act for Court Facilities" (C. "A" H-195)

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

**BILLS IN THE SECOND READING
House as Amended**

Bill "An Act To Authorize the Maine State Retirement System To Provide Names and Addresses to Public Retiree Organizations"

(H.P. 160) (L.D. 209)
(C. "A" H-153)

Bill "An Act To Encourage Cooperation between School Districts"

(H.P. 328) (L.D. 443)
(C. "A" H-147)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Enhance the Supervisory Powers of the Department of Professional and Financial Regulation, Bureau of Financial Institutions

(S.P. 324) (L.D. 949)
(C. "A" S-79)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Mandate

An Act To Reestablish the Penobscot County Budget Committee

(H.P. 274) (L.D. 361)
(C. "A" H-126)

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

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Acts

An Act To Include Androscoggin County in the Law Governing the Use of County Surplus Funds

(S.P. 101) (L.D. 339)

An Act To Make the 3rd Violation of OUI a Class C Crime

(S.P. 149) (L.D. 462)
(C. "A" S-77)

An Act To Make Changes to the Banking Laws

(S.P. 196) (L.D. 587)
(C. "A" S-78)

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

Resolves

Resolve, To Rename Chick Road in Lebanon and Sanford after the Late State Representative Howard Chick

(H.P. 41) (L.D. 45)

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

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 Thursday, April 28, 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 Improve Public Understanding in Rulemaking"

(H.P. 417) (L.D. 562)

- In House, Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL**

GOVERNMENT READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-101)** on April 5, 2005.

- In Senate, Minority (2) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - April 26, 2005 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - FURTHER CONSIDERATION.

Subsequently, the Bill and all accompanying papers were **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE** and sent for concurrence.

Expression of Legislative Sentiment Recognizing the Maine Nurse Practitioners Association

(HLS 577)

TABLED - April 26, 2005 (Till Later Today) by Representative PERRY of Calais.

PENDING - PASSAGE.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (H-155) - Committee on **LEGAL AND VETERANS AFFAIRS** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Give the Supreme Judicial Court Authority To Decide Contested Elections Results

(H.P. 515) (L.D. 720)

TABLED - April 28, 2005 (Till Later Today) by Representative PATRICK of Rumford.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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 Acceptance of the Majority **Ought Not to Pass** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 92

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Brannigan, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Sherman, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Eder, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod,

Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan, Woodbury.

ABSENT - Bliss, Brautigam, Bryant-Deschenes, Dudley, Lerman, Millett, Mills, Plummer.

Yes, 72; No, 71; Absent, 8; Excused, 0.

72 having voted in the affirmative and 71 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-150) - Minority (6) Ought Not to Pass - Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish Health Care as a Right (H.P. 279) (L.D. 377)

TABLED - April 28, 2005 (Till Later Today) by Representative CUMMINGS of Portland.

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

Representative BOWLES of Sanford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought To Pass As Amended** Report.

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

Representative GLYNN of South Portland **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have no illusions that this will pass, but what we try to do up here is say the words. At least that's what my role has been.

I put this legislation in because I am listening to my constituents. For seven years I have been knocking on their doors and I have been listening. There isn't a door that I haven't knocked on that talks about healthcare and how they can't afford healthcare, how they can't afford to go to the doctors. This last time around I think it was screaming at me that people need help. That is why I think that the politicians need to hear from the people of Maine. What this would do is allow a vote - a referendum - to change the Constitution of Maine to say that healthcare should be a right.

When I went to the committee I really was impressed. This has not been my favorite committee in the past because of the nature of what they deal with, county commissioners and the like, but I thought the committee was very impressive in the fact that they listened very well and I think that they also know that their constituents are saying the same thing. I have always been a believer that if I had been Oprah Winfrey, my husband, who died of cancer, could probably have gotten better care if I could have afforded it. That is not to say that we don't have good care. It is to say that those who have the most money can get the best care. I have been opposed to this all of my life.

I put in a bill, single payer, I couldn't get one vote out of committee so I could stand here and talk to you about that. So this is a tool where I can stand up and say that every single person deserves the right to healthcare, the way you need clean air and clean water. You need to know that when you are sick, when you go to the hospital, you don't check in at the door because of your income or because of where you come from. It

has been my lifetime battle and I will continue to say that we all deserve healthcare, single payer healthcare, and this is a way to hear from your constituents.

I am not a gambling woman, I never have been, but I am willing to gamble that if the people had a question on the ballot suggesting that healthcare should be a right they would all vote yes. It takes that crowd to get this crowd to move and that is why I put this on the ballot. I am here to say the words. Everyone that I represent is in need of healthcare. I have a doctor who is going to lose her healthcare because of some rare disease that is costing her all kinds of money and they are going to drop her. I have a woman with a tumor who is not going to the doctor because she has no healthcare and I couldn't believe it when I knocked on her door and said, what will happen in the end. We are all paying for those kinds of people that can't afford to go to the doctors. We end up having them in emergency and we pay more.

It is time we stand tall and say that we all deserve healthcare and that's what this bill is all about. We have the richest country in the world and if it were our priority we would have it. We are paying for it now in administrative costs and the fact that we don't afford preventative care. Thank you for your indulgence. It has been my lifelong work and I thank the committee for this report.

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

Representative **CUMMINGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today as we stand here \$167,000 Mainers are without basic health insurance. Today we are in the process of trying to figure out how, under limited budget, we can expand that and extend that and I believe that is shared by both parties in this house.

Today we also have to consider what we have done to forward the advance of healthcare as a right? In the last four and a half months, Dirigo Health has had the fastest uptake of any policy in the history of this state. When I walk through my district there are people with large incomes who have \$5,000 or \$10,000 deductibles on their basic healthcare plan. If that is what it's like if you have money you can imagine what it's like if you don't. The healthcare policies that we put forward and have tried to solve is under the basic premise that it is morally wrong to have members of this state unable to afford the basic ability to take care of the health of their children. I applaud Representative Twomey for putting what we all know ought to be a fundamental right. I believe that Representative Joy probably wants to break away so that he can join Canada where he can actually get that. Thank you.

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

Representative **LINDELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Healthcare is a necessity, so is food, so is shelter, so is human companionship. The problem with this solution is that it seeks to advance the proposition that healthcare is a right. A right, Ladies and Gentlemen and Mr. Speaker, is something that the government must grant to us. I submit to you, Mr. Speaker, that this debate is not about how we can provide the most affordable healthcare and health insurance to the largest number of people. This debate comes down to a question of whether it is the government that is to be the most efficient provider of healthcare to the people or whether it is the market that is to be the most efficient provider of healthcare to the people.

Mr. Speaker I submit to you that it's the market, not the government. Mr. Speaker, if you think healthcare is expensive now, wait till you see how expensive it is when it is free. We have a free market in food. Any person can go to the

supermarket. They can pick and choose. People have limited budgets. They know what they want. They know what they need. With a few exceptions most people are able to afford their food, those that don't we have programs for and we have a safety net. Most people can afford their shelter. We have seen housing prices go up, we have seen housing prices go down, we have seen rental prices go up and rental prices go down. The free market provides, for most people, adequate and affordable shelter. For those that don't we have a safety net. I can't address the issue of companionship. We are all on our own there folks, but the question of healthcare has become one that has essentially been co-opted by the government. Over the last fifty years, Mr. Speaker, we have gone from a point where healthcare was reasonably affordable, reasonably accessible and of reasonably good quality and charity care was easily available to anyone who needed it to a situation now where the government provides more than 50% of the healthcare resources that are expended today.

As the governments share of our healthcare resources has expanded the accessibility and affordability has been reduced. Mr. Speaker I submit to you that this is not a question of whether people should have healthcare, it is a question of what economic system is best at delivering that healthcare. Is it going to be the free market economy or is it going to be socialism Mr. Speaker? Yes, I'm using the "S-word". Those who are voting for this resolution are voting for the government take over of a significant sector of our economy. That, Mr. Speaker, is socialism. I grew up under socialism. I know what it is. I have seen it. I have tasted it. I don't like it. I don't want it now. I don't want it ever. I am voting against this Mr. Speaker. I urge everyone in this chamber to do the same.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to get rid of some misconceptions that have been put on the floor by the good Representative from Frankfort.

If you look at the Majority Report that is before us for consideration and you look at the amendment you will notice that there is language that is before us that states, with the Constitutional referendum, to add the sentence, Subject to the decisions of the Legislature regarding the proper access to that right. We are not looking as the government here by passing and recognizing this right to say that we are going to give universal healthcare. As much as the passion of the sponsor of this bill, the good Representative from Biddeford, has brought that point forward and as eloquently as our good leader here on this side Representative Cummings has spoken to that fact you are speaking to somebody here today who personally is not an advocate for universal healthcare, however, I do support this amendment and I do support this going forward to the voters to recognize this as a right.

We can come forward here today and we can talk about our advocacy for universal healthcare, our advocacy for Dirigo Health, our advocacy for high risk pools, as some on the other side of the isle, my good colleagues over there have. What this does is just say that we, united bipartisanly in this report that came from this committee, are recognizing that fact as a right. I would say personally that healthcare does come above and is sort of primary to food, shelter and other legislation that we are bringing forward to take care of those needs of our citizens. What we are saying is that healthcare should be on the same table, if not above education, all on the same plane.

We recognize the right to free access for education for K-12 in our constitution. Why are we not doing the same thing for the

access? Not providing the insurance, but the access to the healthcare. We have the capitalist market. It is there. No matter what our beliefs are we are not going to drastically change that anytime soon in this body or outside of this fine state. What we are looking to do is say that we believe in the right that should be given.

I will leave on this final point, Mr. Speaker and ladies and gentlemen of the house, as I ask for the support of this amendment from the committee and the Majority Report before us. We provide also in our Constitution for the general defense, both in the U.S. and the state Constitution. I believe and I think both sides here believe that we are very right and just to protect the borders from those outside who may look to harm us and unfortunately in the last couple of years it has happened to us. We have had a tax on this country that the general defense has or has not been able to prevent. I say, Mr. Speaker, as we look at this today that we have as much of a duty to make sure that those protected within those borders have the same right of access to healthcare and I ask my colleagues to support this so that the voters may say that they too feel this is a right that they deserve. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I testified at the hearing on this and in support as a cosponsor. I will briefly reiterate what I said then. I brought up the example of the giant politician, although short in stature physically, Louis Robichaud, who passed away last summer had as his theme equal opportunity for all and that included quality education for all as a right and affordable healthcare for all as a right. New Brunswick, at the time, was a poor and, in many ways, backwards province and people like Premiere Robichaud have helped to transform that province.

When the Saint John Newspaper says that we fought him with all that we could but he was right and we were wrong. Just to summarize, the right to carry a gun is granted in this country and in this state and so too should the right to health care be granted so vote for this Léger please. Thank you.

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

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to make just one very important point and that is that in my experience, as a legislator I have found that my constituents and people across the state when going to the hospital for care must be treated. They have their care. They go to a physician. The only time that they have their care refused is when they are on our state Medicaid program. Because we don't reimburse properly under the Medicaid program physicians are refusing to treat Medicaid patients. So, in most cases, when they refuse they have to travel miles, sometimes fifty to a hundred miles to get treatment. So the only problem I see with our healthcare system as far as refusal of care is under the state Medicaid program.

I think that before we go to the extreme of passing legislation that mandates in our Constitution that people have access to healthcare, we first pay for it. Then once we have done that under our current programs and we have the resources to expand it to every citizen of the state, then I think we should consider looking at this. Thank you.

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

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Majority Report because I believe that contrary

to what has been advocated by the bills sponsor and those on the committee in support of the Majority Report, this does not substantiate a right it's in fact qualifying or taking a right away. This is one of the most poorly worded amendments to the Constitution that I have ever seen and I urge House members to take a look in your notebooks at House Amendment 150 and see what it says and I would like to read that aloud. It says that inserting after health being a right it says to add "subject to the decisions of the legislature regarding the proper access to that right." I would like to ask any member of the House, do any of your other rights that are guaranteed by the Constitution of the state of Maine subject to the decisions of the legislature regarding access to that right?

Lets take a look at some of our rights in the Declaration of Rights in the Maine State Constitution. Freedom of speech, what if we were to add to the Constitution that we had freedom of speech, subject to the decisions of the legislature regarding the proper access to that right. Lets go to our next right, freedom of religion. We have the freedom to practice whatever religion we choose in this state, subject to the decisions of the Legislature regarding the proper access to that right. Unreasonable searches prohibited, it goes on.

I ask you, do you truly believe that this is establishing a right or in fact is this taking away and qualifying a right. I would argue, members of the body, that in Article I § 1 of the Constitution we have these rights. They are natural rights and under Article I § 1 of the Constitution, natural rights, all people are born equally free and independent and have certain natural, inherent and inalienable rights among which are those of enjoying and defending life and liberty, acquiring possessing and protecting property and the pursuing and obtaining of safety and happiness. May I add, Ladies and Gentlemen, and Mr. Speaker, they are not subject to the decisions of the Legislature regarding proper access to my rights. I will be voting against this amendment and I urge you to do the same.

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Thank you for your indulgence. I don't try to speak twice on the same subject.

I want to be really honest here. My intent is very clear. I think that the people need to tell us that they think healthcare should be a right. What you do with that afterwards I don't really care. That amendment is not my amendment. I appreciate the committee but want to be upfront and honest here. I have no problem with the government taking care of my healthcare. I just want you to know that I have stood in line when my seniors were going to get their prescription medicine and they couldn't take it out because they didn't have the money to pay for it. They would go over to the side at the Shop 'n Save store and say "God I don't have enough money." I have seen that happen time and time again.

When you go to the hospital and you have someone in the car who is bleeding and you have to get through the emergency and they say where is your insurance and where are these forms, that's what is going on here. People are not getting the healthcare they deserve. They can't afford it and it does come down to who has access to healthcare. Who can pay for those premiums? Who can pay for that health insurance? What happens when you loose your job? It's about dignity. It's about each and every single person having the right to affordable health care and to health care period. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Vaughan.

Representative **VAUGHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is a provision of the law known as guaranteed renewability, which means that once you are insured they can't kick you off because you have an illness.

As it stands right now, we have pretty much universal access to health care via the providers. There is some alleged computer glitch, which is the reason they are stating they can't pay back the hospitals and providers for the money owed them. Where they have taken people in the emergency room - that is a big issue right now.

As far as the cost of health insurance, let me just mention that the reason that Maine has the second highest insurance rates in the country is because of the actions of the Legislature in 1993, which drove almost every insurance company out of the state that provided health insurance and created a huge monopoly. With no competition and the regulations causing that, it is so expensive to do business in the State of Maine. The Legislature itself is responsible itself for the high insurance costs we are now forcing the people of Maine to endure. Thank you Mr. Speaker.

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

ROLL CALL NO. 93

YEA - Adams, Ash, Babbidge, Barstow, Blanchard, Blanchette, Brannigan, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Fischer, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Beaudette, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duprey, Edgecomb, Emery, Finch, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Moody, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan, Woodbury.

ABSENT - Bliss, Brautigam, Bryant-Deschenes, Fisher, Lerman, Millett, Mills, Plummer.

Yes, 66; No, 77; Absent, 8; Excused, 0.

66 having voted in the affirmative and 77 voted in the negative, with 8 being absent, and accordingly, the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, the Minority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Bill "An Act To Establish Harbor Master Standards and Training Requirements"

(S.P. 584) (L.D. 1603)

- In Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY.**

TABLED - April 28, 2005 (Till Later Today) by Representative **KAELIN** of Winterport.

PENDING - REFERENCE IN CONCURRENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **MARINE RESOURCES** in **NON-CONCURRENCE**, and sent for concurrence.

Resolve, To Ensure Effective Implementation of Alewife Restoration on the Sebasticook River Watershed

(H.P. 1117) (L.D. 1581)

(Committee on **INLAND FISHERIES AND WILDLIFE** suggested) **TABLED** - April 26, 2005 by Representative **DUPLESSIE** of Westbrook.

PENDING - REFERENCE.

Representative **WATSON** of Bath asked the chair to rule if the Resolve was properly before the body.

Subsequently, the Resolve was **TABLED** by the Speaker pending a **RULING OF THE CHAIR**.

SENATE PAPERS

Bill "An Act To Sustain and Strengthen Community Health Coalitions"

(S.P. 596) (L.D. 1614)

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.

Resolve, To Establish a Blue Ribbon Commission To Study Maine's Homeland Security Needs

(S.P. 610) (L.D. 1645)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Allow Abstinence To Be Offered as an Alternative Education Program for Grades 7 to 12"

(S.P. 605) (L.D. 1639)

Bill "An Act To Permit Charter Schools in Maine"

(S.P. 606) (L.D. 1640)

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Further the Transition to the New Department of Health and Human Services"

(S.P. 608) (L.D. 1642)

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 Clarify That Certain Maine Landowner Liability Protection Laws Apply to Abandoned Railroad Corridors"

(S.P. 593) (L.D. 1611)

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

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

Bill "An Act To Allow Dual Liquor Licenses for On-premises Consumption and Off-premises Retail Sales"

(S.P. 604) (L.D. 1627)

Bill "An Act To Create a Small Distillery License"

(S.P. 607) (L.D. 1641)

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 Require State-owned and State-leased Property To Be Cleaned with Products That Are Not Harmful to the Environment or People"

(S.P. 601) (L.D. 1624)

Bill "An Act To Authorize the Deorganization of the Town of Cooper"

(S.P. 603) (L.D. 1626)

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 Fully Fund the Homestead Exemption"

(S.P. 602) (L.D. 1625)

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

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

Bill "An Act To Require the Inspection of All Commercial Trailers at Time of Sale"

(S.P. 600) (L.D. 1623)

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 Mandate E-9-1-1 TDD Testing and Training"

(S.P. 594) (L.D. 1612)

Bill "An Act To Promote the Use of Public Safety Telecommunications Equipment by the Deaf and Hard-of-hearing Community"

(S.P. 595) (L.D. 1613)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** in concurrence.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Provide Tax-exempt Status to Service Dog Trainers"

(H.P. 820) (L.D. 1191)

Signed:

Senators:

- PERRY of Penobscot
- COURTNEY of York
- STRIMLING of Cumberland

Representatives:

- HANLEY of Paris
- CLARK of Millinocket
- McCORMICK of West Gardiner
- WOODBURY of Yarmouth
- CLOUGH of Scarborough
- PINEAU of Jay
- BIERMAN of Sorrento
- SEAVEY of Kennebunkport
- WATSON of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-214)** on same Bill.

Signed:

Representative:

- HUTTON of Bowdoinham

READ.

On motion of Representative WOODBURY of Yarmouth, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Resolve, To Standardize Procedures for Photographic Lineups

(H.P. 906) (L.D. 1308)

Signed:

Senators:

- DIAMOND of Cumberland
- CLUKEY of Aroostook
- NUTTING of Androscoggin

Representatives:

- BLANCHETTE of Bangor
- PLUMMER of Windham
- HANLEY of Gardiner
- CHURCHILL of Washburn
- SYKES of Harrison
- GROSE of Woolwich
- DAVIS of Augusta
- GREELEY of Levant

Minority Report of the same Committee reporting **Ought to Pass** on same Resolve.

Signed:

Representatives:

- GERZOFKY of Brunswick
- PARADIS of Frenchville

READ.

On motion of Representative BLANCHETTE of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An

Act To Amend the Curriculum Requirements for High School Students"

(H.P. 579) (L.D. 820)

Signed:

Senators:

- MITCHELL of Kennebec
- SCHNEIDER of Penobscot
- TURNER of Cumberland

Representatives:

- NORTON of Bangor
- FINCH of Fairfield
- EDGEComb of Caribou
- GOLDMAN of Cape Elizabeth
- STEDMAN of Hartland
- MAKAS of Lewiston
- LANSLEY of Sabattus
- CAIN of Orono
- MERRILL of Appleton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-222)** on same Bill.

Signed:

Representative:

- DAVIS of Falmouth

READ.

On motion of Representative NORTON of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-235)** on Bill "An Act To Enhance Community Involvement Regarding Methadone Clinics"

(H.P. 24) (L.D. 21)

Signed:

Senators:

- MAYO of Sagadahoc
- MARTIN of Aroostook
- ROSEN of Hancock

Representatives:

- PINGREE of North Haven
- WALCOTT of Lewiston
- GROSE of Woolwich
- WEBSTER of Freeport
- MILLER of Somerville
- BURNS of Berwick
- SHIELDS of Auburn
- LEWIN of Eliot
- GLYNN of South Portland

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

Signed:

Representative:

- CAMPBELL of Newfield

Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-235)** Report.

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-235)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, May 5, 2005.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Strengthen the Laws Concerning Methadone Clinics" (H.P. 395) (L.D. 519)

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick
CAMPBELL of Newfield
LEWIN of Eliot
GLYNN of South Portland

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

SHIELDS of Auburn

Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

On motion of Representative PINGREE of North Haven, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I graduated from Bates a very long time ago which might explain why it took me longer last week to stand up and speak to the sentiment about Bates than it took my esteemed younger colleague, the Speaker, to raise and lower his gavel passing that sentiment. In any event, being both a Bates graduate myself and a past professor at Bates I was pleased to be the lead House Sponsor on this sentiment honoring Bates College on the occasion of its 150th anniversary.

Bates has a proud history as an institute of higher education. It was one of the nation's earliest colleges to accept and graduate racial, ethnic minority students and only the second college in the entire country to be co-educational. Since then, Bates has continued its proud heritage of graduating many alumni, among them Senator Edmund Muskie and others who have dedicated themselves to serving their country and the people of Maine. I am happy to say that I am only one of five Bates graduates currently in the Maine Legislature, four of whom are here in the House.

Although we may differ somewhat in our views on specific issues, I am convinced that all five of us share the values historically supported by our alma mater, Bates College: respect for knowledge, respect for our state and our community, respect for the environment and, most important of all, respect for one another. Thank you very much.

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

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I also am a Bates graduate of 1959. I remind you very proudly that Bates was one of the first schools to have co-education and it also emphasized having people with little money go to Bates through scholarship. It was the first to allow African Americans in, second actually, Oberlin in Ohio was the first.

When I walk through Bates the football fields, classrooms and walkways they bring back very strong memories. I would add, because Senator Muskie is so famous, one day while I was scrubbing dishes in the commons Muskie came by, came in and said, "I used to have your job." So I met him that way. Thank you very much.

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

Representative **LINDELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too, am a graduate of Bates College class of 1986. In fact I came to the State of Maine from one of those Socialist countries in Europe to go to college at Bates in Lewiston. It attracted me here and I have stayed here ever since. Bates College is a terrific asset to the state. It is not just a school of higher learning. It is an institution for thought, debate and growth. It is truly an honor to be a co-sponsor on the resolution commemorating the 150th anniversary of Bates College. Thank you Mr. Speaker.

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

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to roll call number 84 on LD 443 if I had been present, I would have voted yea.

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

On motion of Representative CLARK of Millinocket, the House adjourned at 12:20 p.m., until 9:00 a.m., Thursday, May 5, 2005.