

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
21st Legislative Day
Monday, May 23, 2005

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

Prayer by Reverend Bruce Young, Lincoln Methodist Church.
National Anthem by Freeport High School Chamber Chorus.
Pledge of Allegiance.
The Journal of Friday, May 20, 2005 was read and approved.

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Exempt Military Pensions for Future 90 Military Retirees from State Income Tax" (H.P. 682) (L.D. 972)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191) in the House on May 10, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191) AS AMENDED BY SENATE AMENDMENT "A" (S-214)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Improve the Water Quality of Hall Pond in Paris" (H.P. 306) (L.D. 421)

Majority (8) **OUGHT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on May 19, 2005.

Came from the Senate with the Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services To Convey the Former Maine State Prison Property in Thomaston and the Kennebec Arsenal Property in Augusta for an Additional Five Years (EMERGENCY) (H.P. 1188) (L.D. 1681)

Sponsored by Representative LERMAN of Augusta.
Cosponsored by Senator MITCHELL of Kennebec and Representatives: BARSTOW of Gorham, BROWNE of Vassalboro, CLOUGH of Scarborough, DAVIS of Augusta, MAZUREK of Rockland, RECTOR of Thomaston, RICHARDSON of Warren, Senator: SAVAGE of Knox.

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

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

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Maine's Charitable Nonprofit Sector and the Maine Association of Nonprofits, which is hosting the Second Annual Nonprofit Day at the State House on May 23, 2005. The Association is the only statewide organization that represents the full spectrum of the State's nonprofit organizations. Founded in 1994 by a group of 7 nonprofit organizations, the Maine Association of Nonprofits' mission is to strengthen the leadership, voice and organizational effectiveness of nonprofit organizations through the State, so they can better enrich the quality of community and personal life throughout the State. Its membership consists of more than 500 nonprofit members and 75 business and individual supporters who work cooperatively to ensure the efficiency and effectiveness of Maine's nonprofit sector. We congratulate the Maine Association of Nonprofits for its excellent work on behalf of the State's nonprofit organizations and we extend our thanks to them for organizing the Annual Nonprofit Day here at the State House;

(HLS 650)

Presented by Representative BLISS of South Portland.

Cosponsored by Representative EBERLE of South Portland, Representative GOLDMAN of Cape Elizabeth, Representative CUMMINGS of Portland, Representative BRANNIGAN of Portland, Senator BROMLEY of Cumberland.

On **OBJECTION** of Representative BLISS of South Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. A little better than ten years ago a small group of non-profits decided that they could learn from each other. They could acquire skills from each other in organizational relations, in management, in bookkeeping, in grant writing and they could be more effective taking care of their various constituencies if they knew more about each other and were able to refer clients to one another. They also felt that they could do a better job of interacting with state government if they worked as a group so they created the Maine Association of Non-Profits and it has, as you can see by this sentiment, grown substantially. There are actually now over 550 organizations that are a part of this umbrella organization. They have an amazing array of training programs for each other. They hold conferences and teach each other skills. They learn about each other and they are able to better respond to concerns by individuals in Maine because they know more about each other and know who is the right agency to direct someone to.

Last year they held their first day at the State House and this year is their second in what they hope will become an annual day. If you go down to the Hall of Flags today you will see a pretty interesting array of non-profits with tables set up to help you learn about what they do for constituents in your district. You may not have a non-profit housed in your district, but I promise you that all of us have non-profits that take care of constituents in our districts and do things for our constituents that we can't do, won't do or can't afford to do, or don't understand how to do as state government.

I urge you to go down there. Meet these people, talk to them about what they do and where they do it and take about a half a minute to say to anyone of the people working at any one of

those non-profits down there "Thanks for working with us."
Thank you Mr. Speaker.

Subsequently, the sentiment was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-131)** on Resolve, Directing the Plumbers' Examining Board To Adopt the International Plumbing Code

(S.P. 373) (L.D. 1056)

Signed:

Senators:

DOW of Lincoln
HOBBINS of York

Representatives:

ROBINSON of Raymond
BERUBE of Lisbon
BEAUDETTE of Biddeford
JACOBSEN of Waterboro
CROSBY of Topsham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-132)** on same Resolve.

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

SMITH of Monmouth
O'BRIEN of Lewiston
AUSTIN of Gray
RECTOR of Thomaston
FARRINGTON of Gorham

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-132).**

READ.

Representative SMITH of Monmouth moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Ensure Access to Swing Beds in Hospitals"

(S.P. 225) (L.D. 688)

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

CAMPBELL of Newfield
LEWIN of Eliot
Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

GLYNN of South Portland

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-176)** on Bill "An Act To Provide an Annual Cost-of-living Adjustment for Persons Receiving Workers' Compensation Benefits for Total Incapacity"

(S.P. 501) (L.D. 1476)

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Fort Kent
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

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

Signed:

Representatives:

HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-176).**

READ.

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Reduce Costs to the Health Services System"

(H.P. 65) (L.D. 69)

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport

MILLER of Somerville
BURNS of Berwick

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

Signed:

Senator:

ROSEN of Hancock

Representatives:

SHIELDS of Auburn

CAMPBELL of Newfield

LEWIN of Eliot

GLYNN of South Portland

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

READ.

Representative PINGREE of North Haven moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-443)** on Bill "An Act To Ensure Compliance with Safety Regulations" (H.P. 856) (L.D. 1238)

Signed:

Senators:

STRIMLING of Cumberland

BARTLETT of Cumberland

Representatives:

SMITH of Van Buren

DRISCOLL of Westbrook

JACKSON of Fort Kent

HUTTON of Bowdoinham

TUTTLE of Sanford

CLARK of Millinocket

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

HALL of Holden

DUPREY of Hampden

CRESSEY of Cornish

HAMPER of Oxford

READ.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-445)** on Bill "An Act To Prohibit the Use of Foreign Labor Unless a Federal Prevailing Wage Is Set" (H.P. 873) (L.D. 1276)

Signed:

Senators:

STRIMLING of Cumberland

BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Fort Kent
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

HALL of Holden

DUPREY of Hampden

CRESSEY of Cornish

HAMPER of Oxford

READ.

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

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Help Voters Control the Cost of Government (H.P. 986) (L.D. 1422)

Signed:

Senators:

SCHNEIDER of Penobscot

ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham

MOULTON of York

HARLOW of Portland

CROSTHWAITE of Ellsworth

SAMPSON of Auburn

BLANCHARD of Old Town

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-437)** on same RESOLUTION.

Signed:

Senator:

ANDREWS of York

Representatives:

McFADDEN of Dennysville

BISHOP of Boothbay

MUSE of Fryeburg

SCHATZ of Blue Hill

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 **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-442)** on Bill "An Act To Preserve Farmland and Timberland following the Death of an Owner" (H.P. 586) (L.D. 827)

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris

McCORMICK of West Gardiner

CLOUGH of Scarborough

PINEAU of Jay

BIERMAN of Sorrento

SEAVEY of Kennebunkport

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

Signed:

Senators:

PERRY of Penobscot

STRIMLING of Cumberland

Representatives:

CLARK of Millinocket

WOODBURY of Yarmouth

HUTTON of Bowdoinham

WATSON of Bath

READ.

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

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

CONSENT CALENDAR

First Day

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

(H.P. 458) (L.D. 625) Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, Major Substantive Rules of the Department of Environmental Protection (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-446)**

(H.P. 818) (L.D. 1189) Bill "An Act To Update the Veteran Services Laws and Establish a Commemorative Program for Veterans" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-452)**

(H.P. 868) (L.D. 1271) Bill "An Act Regarding the Possession of an Electronic Weapon" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-449)**

(H.P. 911) (L.D. 1313) Resolve, Establishing an Experimental Moose Lottery for Southern Maine Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-450)**

(H.P. 1062) (L.D. 1517) Bill "An Act Amending the Laws Regarding Persons Not Criminally Responsible by Reason of Insanity" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-448)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Provide Access to Maine's Resources to Veterans of the Iraq War" (EMERGENCY)

(S.P. 204) (L.D. 649)

(C. "A" S-197)

Bill "An Act To Amend the Maine Consumer Credit Code - Credit Services Organizations"

(S.P. 222) (L.D. 686)

(C. "A" S-198)

Bill "An Act To Protect Use of Municipal Seals"

(S.P. 479) (L.D. 1380)

(C. "A" S-202)

Bill "An Act Regarding National Forests"

(S.P. 484) (L.D. 1395)

(C. "A" S-212)

Bill "An Act Regarding the Commission on Governmental Ethics and Election Practices" (EMERGENCY)

(S.P. 573) (L.D. 1599)

(C. "A" S-205)

House as Amended

Bill "An Act To Amend Laws Governing the Setting of the Sea Urchin Harvesting Season"

(H.P. 354) (L.D. 479)

(C. "A" H-406)

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

ENACTORS

Emergency Measure

An Act Relating to the Northern New England Passenger Rail Authority

(H.P. 380) (L.D. 505)

(S. "A" S-192 to C. "A" H-362)

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

On motion of Representative MARLEY of Portland, **TABLED** pending **PASSAGE TO BE ENACTED** and specially assigned for Tuesday, May 24, 2005.

Emergency Measure

An Act To Amend the Sentencing Laws

(S.P. 521) (L.D. 1505)

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. 123 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Workers' Compensation Board To Consider Adoption of the "Guides to the Evaluation of Permanent Impairment," 5th Edition, in Assessing Workers' Compensation Injuries

(S.P. 456) (L.D. 1329)

(C. "A" S-189)

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. 113 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

(H.P. 1087) (L.D. 1546)
(C. "A" H-391)

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.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 750: Standardized Health Plans, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance

(H.P. 1129) (L.D. 1593)

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. 112 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

Resolve, Regarding the Town of Cooper

(S.P. 603) (L.D. 1626)
(C. "A" S-196)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 9 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Improve Communication, Cooperation and Efficiencies in State Government

(H.P. 97) (L.D. 121)
(C. "A" H-389)

An Act Establishing a Role for the Public Advocate in Promoting Railroad Service Quality

(H.P. 169) (L.D. 230)
(S. "A" S-188 to C. "A" H-182)

An Act To Amend the Laws Concerning the Maine State Retirement System

(H.P. 299) (L.D. 396)

An Act To Improve the Role of Boards of Visitors for State Correctional Facilities

(S.P. 141) (L.D. 417)
(C. "A" S-194)

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

(S.P. 229) (L.D. 692)
(C. "A" S-186)

An Act Regarding the Budget Process for the Legislative Youth Advisory Council

(H.P. 1056) (L.D. 1511)
(C. "A" H-390)

An Act To Appropriate Funds for the School Breakfast Program

(S.P. 535) (L.D. 1540)
(C. "A" S-195)

An Act Concerning Technical Changes to the Tax Laws

Resolves

Resolve, To Review and Recodify Laws Pertaining to Violence in Our Schools

(H.P. 709) (L.D. 1024)
(C. "A" H-393)

Resolve, Regarding Teacher Certification Requirements

(H.P. 1008) (L.D. 1444)
(C. "A" H-394)

Resolve, To Study the Feasibility of Establishing an Insurance Fraud Unit within the Bureau of Insurance

(H.P. 1099) (L.D. 1561)
(C. "A" H-395)

Resolve, Directing the Department of Transportation To Strengthen Guardrails on Old County Road in Rockland and Thomaston

(H.P. 1119) (L.D. 1583)

Resolve, Authorizing the President of the Maine Community College System To Sell 1.37 Acres of Real Property Owned by Southern Maine Community College in South Portland

(H.P. 1185) (L.D. 1676)

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

An Act To Expand the Maine Economic Improvement Fund

(H.P. 38) (L.D. 42)
(C. "A" H-281)

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

On motion of Representative TARDY of Newport, was **SET ASIDE**.

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

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

An Act To Rename the Bangor Mental Health Institute the Dorothea Dix Psychiatric Center and To Establish the Dorothea Dix Award

(H.P. 416) (L.D. 561)
(C. "A" H-349)

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

On motion of Representative TUTTLE of Sanford, was **SET ASIDE**.

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

An Act Regarding Identity Theft Deterrence

(S.P. 190) (L.D. 581)
(C. "A" S-187)

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

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

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

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

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

ROLL CALL NO. 181

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosthwaite, Cummings, Curtis, Davis G, Davis K, Driscoll, Duchesne, Dudley, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Jodrey, Joy, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Marean, Marley, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Miller, Millett, Moody, Moore G, Moulton, Muse, Nass, Norton, Nutting, Patrick, Pelletier-Simpson, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Berube, Bryant-Deschenes, Crosby, Curley, Daigle, Dugay, Dunn, Fisher, Greeley, Jacobsen, Kaelin, Makas, Marraché, McFadden, Mills, O'Brien, Ott, Paradis, Percy, Perry, Pilon, Smith W.

Yes, 129; No, 0; Absent, 22; Excused, 0.

129 having voted in the affirmative and 0 voted in the negative, with 22 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Amend the Maine Criminal Code Regarding Deferred Disposition and Administrative Release

(H.P. 939) (L.D. 1356)

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

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, May 20, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-118)** - Minority (4) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND**

PUBLIC SAFETY on Bill "An Act To Ensure Fair Reimbursement for the Medical Care Provided to State Inmates"

(H.P. 20) (L.D. 17)

TABLED - April 13, 2005 (Till Later Today) by Representative GERZOFKY of Brunswick.

PENDING - ACCEPTANCE OF EITHER REPORT.

On motion of Representative BLANCHETTE of Bangor the Bill was **SUBSTITUTED** for the Report.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, May 24, 2005.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-430)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Laws Governing Dogs at Large"

(H.P. 677) (L.D. 967)

TABLED - May 20, 2005 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - ACCEPTANCE OF EITHER REPORT.

On motion of Representative PIOTTI of Unity, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-455)** on Bill "An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol"

(H.P. 738) (L.D. 1085)

Signed:

Senators:

MITCHELL of Kennebec

GAGNON of Kennebec

Representatives:

FISHER of Brewer

OTT of York

PINKHAM of Lexington Township

VALENTINO of Saco

PATRICK of Rumford

TUTTLE of Sanford

HOTHAM of Dixfield

MOORE of Standish

BLANCHETTE of Bangor

BROWN of South Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-456)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representative MOORE of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-455)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-455)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 24, 2005.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-451)** on Bill "An Act Relating to Disclosures in Political Advertising"

(H.P. 771) (L.D. 1118)

Signed:

Senators:

MITCHELL of Kennebec

GAGNON of Kennebec

Representatives:

FISHER of Brewer

OTT of York

PINKHAM of Lexington Township

PATRICK of Rumford

TUTTLE of Sanford

HOTHAM of Dixfield

MOORE of Standish

BLANCHETTE of Bangor

BROWN of South Berwick

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

Signed:

Senator:

PLOWMAN of Penobscot

Representative:

VALENTINO of Saco

Representative MOORE of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-451)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-451)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 24, 2005.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-447)** on Bill "An Act To Improve the Efficiency of the Legislature"

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

Signed:

Senators:

SCHNEIDER of Penobscot

ANDREWS of York

Representatives:

BARSTOW of Gorham

McFADDEN of Dennysville

MOULTON of York

HARLOW of Portland

BISHOP of Boothbay

CROSTHWAITE of Ellsworth

SAMPSON of Auburn

BLANCHARD of Old Town

MUSE of Fryeburg

SCHATZ of Blue Hill

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

Signed:

Senator:

ROTUNDO of Androscoggin

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-447)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 24, 2005.

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

An Act To Rename the Bangor Mental Health Institute the Dorothea Dix Psychiatric Center and To Establish the Dorothea Dix Award

(H.P. 416) (L.D. 561)

(C. "A" H-349)

Which was **TABLED** by Representative TUTTLE of Sanford pending **PASSAGE TO BE ENACTED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The House recessed until 11:30 a.m.

(After Recess)

The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Costs to the Health Services System"

(H.P. 65) (L.D. 69)

Which was **TABLED** by Representative PINGREE of North Haven pending **ACCEPTANCE** of the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill addresses a problem of providers contracted with the Department of Health and Human Services when they continue their services after the time of the contract has expired and doing that in good faith these contractors find that the rules of the game are then changed on them at a later time and this puts them in a financial risk and their clients are also at risk. The Department of Health and Human Services has agreed that this is a problem and cannot guarantee that new contract benefits will be retroactive back to the end of the old contract if the contracts are not back-to-back. So, in the interim period providers must cover cash outlays and provide services from their own resources. This bill says that if the contract periods are not back-to-back then continuation of the terms of the old contract will be in effect until the new contract is executed. If the contract is not renewed, the provider pays a lump sum and is terminated. If the contract is late, then expenses related to borrowing money must be reimbursed to the provider. This is fair and shows that the Department of Health and Human Services will be acting in good faith with these contractors. The Department of Health and Human Services in

this bill is also free to adopt rules that cover situations where the provider is the cause of the delay in redoing the contract. Mr. Speaker and Ladies and Gentlemen I would urge you to vote against the pending motion of Ought Not to Pass. Mr. Speaker, I request a roll call.

Representative SHIELDS of Auburn **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 North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the comments of my good colleague from Auburn and the good Representative from South Portland who brought this forward.

I think that we are not in disagreement that the Department of Health and Human Services needs to do better when it comes to contracting, signing contracts on time, getting licensing through more quickly and as part of another piece of legislation we are considering with the merger of the Department of Health and Human Services, a major focus has been on improving this process and I think that on both sides of the aisle we would agree that this is a good effort. That much better leadership has been put into place to make this happen and we hope that it works and we will certainly hold them to account if it does not work and we will be monitoring this.

In regards to this specific bill the Representative from Auburn raised one of the major concerns. This bill says that if contracts are not signed by the beginning of the next contracting period that the old contract is still in place. The problem is that if part of the contracting problem has to be on the provider's side then the state has to make up that difference. So, there could be significant cost to the state if the provider is the one slowing things down. The other issue, which I think that we are all probably to blame for is that part of the problem in the last couple of years of contracting has been the Legislature. We make major policy and funding decisions in our state budget. These decisions are made somewhere between March and the end June and the Department of Health and Human Services often has to change contracts based on what the Legislature decides to do with funding programs and when the funding is uncertain, the contract is uncertain, so we as a Legislature, like we do for the schools, need to ensure more certainty because they can't sign contracts which will not be paid for in the state budget.

Again, I appreciate both where this bill came from, the member of the other side behind it and the comments of my colleague, but I think that at this time it would not be responsible and would not support improving our contracting process to pass this bill because it really just goes to one side. I would urge people to accept the Majority Ought Not to Pass and I thank you Mr. Speaker.

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 would first like to begin by expressing my appreciation for the kind remarks from our House Chair, Representative Pingree, but I do disagree though that this legislation is, in fact, not needed. We do need to send some sort of a message to the Department of Health and Human Services that these cost drivers in our healthcare system can't continue.

This contract year, not past ones, the average time that it took for most of the contracts to be signed was eight months into the contract so what we had happening was that we had medical

providers out there, both for profit and non-profit - and the non-profits were particularly hard hit by this - actually had to develop their budgets not knowing what the reimbursement rate for the services that they were providing today and tomorrow were going to be as they were providing it. Essentially, you had them going on a whim and a prayer that the amount of money that they were being reimbursed last time was going to be close to that as they went through.

As somebody that works at a community health center and does billing I saw the effects of this first hand and it is serious. Each and every fee for service that you submit a bill for that is within a dollar change of the rate has to have resubmitted bills and it's a "by hand" process so you can't do automated. So, essentially, all of the services that these providers did during this whole time frame that the Department of Health and Human Services couldn't get their act together and decide what the rate was going to be - after they decided that one of these agencies had to do a retroactive rebilling by hand in each and every fee service with an up and down of a dollar - would have to resubmit those claims with attachments of the previous payments was enormously, enormously expensive to the agency providing services.

Where do the rates from these doctors come from? Well they are non-profit; they come from the expenses of the previous contract year. So, every time that we increase the cost and the service of these agencies and doctors' offices we are, in fact, increasing the Medicaid reimbursement responsibilities of the state. We are raising the cost of it. If, in fact we don't raise those costs, which sometimes we do and sometimes we don't, what happens is that these agencies cut direct care service to clients because the money that their agency is responsible for processing for administrative paperwork has to come first or else they don't have the money for payroll and the money for bills so the impacts are both horrible either way you go. Either we are reducing direct client care services for the money or we are raising the cost and paying a higher Medicaid rate.

The answer is so simple, MaineCare and the Department of Health and Human Services has to set the rate before the contract begins. Is it reasonable to say that in September or October, several months into a contract year, or January or March of the following year that you have gone all of these months and the Department can't figure out what they should be paying you for the services? Is that reasonable? Is it reasonable to expect that any of these types of services couldn't be addressed in a budgetary year? Of course they can. So, under a normal circumstance, let's say we started the fiscal year and they were reimbursing at a set rate, if after the Legislature finishes their budget process and if in fact we decide that services need to be reimbursed at a higher or lower rate, then we can make those adjustments but we make them prospectively, in the future. Starting today, the rate that we will be reimbursed will be at this figure, but by going backwards in time, by taking money or giving a windfall to one of these agencies or doctors' practices backwards makes absolutely no sense at all. It is poor budgetary practices by the state and it represents a real failure of the Department of Health and Human Services and these items can't be looked at in isolation. This is just but one screw up by the Department. If you add to it the computer debacle that is going on right now, where agencies all over this state are not receiving their MaineCare payments and add to it the fact that they can't decide what the rate is going to be now and that they can't reimburse agencies the money that we owe them and that we owe hospitals millions and millions of dollars - betraying our payments on that - and asking these groups to wait while these computer problems look like they are going to proceed well into

the fall what happens is that we are discouraging these agencies from even existing.

What's going to happen if the State of Maine doesn't step up to the plate and meet our contract responsibilities? We are going to see a lot less medical providers and you are going to start to hear in your communities that these agencies are just going to throw their hands up in the air and say, "You know what, it's not worth trying to perform these services in the State of Maine." The State of Maine doesn't pay their bills, that's an established fact. The State of Maine doesn't sign its contracts on time and that's a fact, and they are retroactively going back and making adjustments to services that have already been provided. None of which is acceptable, none of which should be going on and all of which we should correct. I urge you to vote against the pending motion and move on to requiring the state to settle their contracts on time and provide an interim mechanism for what happens when they don't, which is that they will pay at the reimbursement rate that they were paying at before until they make up their mind and settle their contracts. Thank you Mr. Speaker.

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I promise to only speak very briefly, just in response to a couple of items and I know that we have other bills to move on to. Again, I don't disagree with my good colleague from South Portland. The issue of payments to providers is a very real problem and the committee is going to be briefed on that again. The issue of payments to hospitals is a very real problem and something that our committee has been tackling for quite a long time and will continue to do. I just want to be clear that one of the major issues that the good Representative spoke of has to do very much with our budgeting process over the past couple of years. There have been providers whose rates have been changed halfway through the year, which is not a good practice. Those rates were changed because of changes in the budget.

As many of you know we have passed a number of supplemental budgets over the past two years and mid-way through a year we have to save money. We are not going to make it through the end of the fiscal year. We have to find some way to make up for it. As many people remember we redesigned MaineCare in some areas, reducing some services that we could cover and we have made changes in reimbursement rates for mental health. All of this I am not saying is good, but when the State Legislature changes how much it is going to put into a program there is just not enough money left to pay and that is part of why some of these providers are justifiably frustrated. But, again, some of the issues are not just to do with the Department of Health and Human Services contracting process, it is actually our own responsibility - the responsibility of those of us sitting here in this chamber. Once again I would urge people to vote Ought Not to Pass. I think this speaks to an issue that we want to solve, but I don't think this is the best solution. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I compliment our good committee Chair on her knowledge of this area.

In the current reorganization of the Department of Health and Human Services she has mentioned that there is a new contracting management office. We hope that that will function well. It has yet to be proven. It hasn't really done it yet, but they have good intentions. I think that the Department of Health and

Human Services needs a definite signal here and there is nothing unfair in this bill. It is how you would do business with people on the outside and I just hate to see the contract hung up in some mental health provider who counsels people suddenly saying, "Well, I don't have any more money, you can't come back because I don't know when I will see you again. You can wonder on the street for awhile and then when the state does my contract maybe we can do business again." I hope you will vote against the pending motion. 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. 182

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

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

ABSENT - Berube, Bryant-Deschenes, Daigle, Jacobsen, Kaelin, Makas, McFadden, Mills, Ott, Pilon, Smith W.

Yes, 71; No, 69; Absent, 11; Excused, 0.

71 having voted in the affirmative and 69 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-437)**- Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Help Voters Control the Cost of Government

(H.P. 986) (L.D. 1422)

Which was **TABLED** by Representative BARSTOW of Gorham pending **ACCEPTANCE** of the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Appleton, Representative Merrill.

Representative **MERRILL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The constitutional amendment before us today I offer in a spirit of compromise between our two major political parties and I would like to take few moments of my time to not only explain the details of the bill, but also my reasons for bringing it forward. The reasons that

bring each of us to this house are all different and none is more valuable than the other. Mine is, in some ways, unique because I have been intimately involved in the legislature for more than a dozen years, but up until now never inside either one of the two parties. My experience has been as an advocate for a group of diverse clients, who include people with mental illness, people with developmental disabilities, business clients and people who serve the frail and elderly in nursing homes. In that role I worked with leaders and members of both parties and in that capacity over the last twelve to thirteen years I have witnessed two troubling trends, one towards far more partisanship and the other towards what I call wishful budgeting.

Since the middle of the King Administration there has been a growing gap between the size of government we want and the size of government that we are willing to pay for. One response has been to find ways to shift the burden on to other levels of government without owning up to the fact that we keep heaping more and more straws onto the camel's back. The other approach has been to try to get more services without increased cost.

Recent Legislatures understandably did not want to cut government jobs and programs, which help people, reduce eligibility for programs or raise taxes. So they simply wrote budgets on a wish and prayer. Today a growing number of Maine people are beginning to understand where all of this fudging has led.

Neither political party is without some responsibility for this. While I readily acknowledge that as a Democrat my own party has not lived up to the example of Edmund S. Muskie, who created a whole new budget process to try and rein in federal spending, but also neither has the Maine Republican Party faced this great debate with the same honesty and candor that characterized Margaret Chase Smith. Simply put, we can't afford all of the programs that the Democratic base wants without tax increases which go beyond what Maine's working people can bare. But, conversely, neither can we afford to have big tax cuts desired by the Republican base without cutting programs that many Maine people need. That is why, when we voted on the budget earlier this year, neither party offered us a pay as you go budget.

The Democrats fudged a huge borrowing and the Republicans offered no detailed plan of their own. We all understand the partisan pressures, which have brought us to this impasse. Most of us ran, at least for the first time, on a promise that we would get beyond partisanship, but then we arrive as freshmen and no sooner do we have an opportunity to get to know our seatmate then we are being congealed to get into line on our respective sides of the aisle.

Many of you realize that I am an attorney by training and, as I have said earlier, the vast majority of my professional experience has been as an advocate, but there comes a time when a middle ground has to be found and I gave up my lobbying practice and ran for the Legislature because I believe that there needs to be more of us in this body who are willing to get out between the two lines of battle, risk getting shot from both sides, and try to find shared solutions.

I think that this constitutional amendment does just that. For several years Republican leaders have advocated compellingly for a hard and fast line that requires a two thirds vote to pass any budget. Democrats like myself have argued against it, saying that in the end, this is a country where the majority rules. I believe that this amendment strikes a middle ground. It says that every budget must allow for a surplus account equal to 5% of the biennial budget and that this requirement can only be waved with a two-thirds vote. It says that money can only be spent from this

surplus account with the approval of two-thirds of the Legislature, or failing that, by a majority of the voters themselves. Finally, this amendment says that all of the borrowing that will not be paid back in the current session must be approved with a two-thirds vote of the legislature.

Ever since the rehabilitation of this great building and the state office building was funded with bonds that did not pledge the full faith and credit of this state and thereby got around the two-thirds requirement of the Maine Constitution, the leaders of the Republican Party have been sounding the alarm. I admit that with all of the alarm bells we hear everyday I found this one an easy one to ignore for quite a while, up until this year. Does anyone here honestly believe that the people who wrote the Maine Constitution and required not only a two thirds vote of the Maine Legislature, but a vote of the people themselves in order to borrow enough money to build a bridge, that those people whatever countenance borrowing past a million dollars to meet ongoing costs.

I don't believe that I am naive; even though Verona Island is twenty miles from my district I am enough of a student of Shakespeare to know what can happen to anyone that tries to get between the Montagues and the Capulets. Mr. Speaker it is not a comfortable place to be, and I was warned that it is not a comfortable place to be, but I believe that the recent events bare out the forces which prompted me to run for the legislature and that these forces now lead us to the brink of a constitutional crisis. Men and women of the House, it did not use to be this way. It doesn't have to be this way today. Let's put campaigning down for a few minutes and agree that in the future we will do business just a little bit differently and Mr. Speaker I ask that when we vote we vote by the yeas and nays.

Representative MERRILL of Appleton **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 Waterford, Representative Millett.

Representative MILLETT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First I would like to commend the good Representative from Appleton, Representative Merrill for the approach that she has taken to address three major concerns, which have caused us great difficulty in the last three years. The first being the adoption of biennial budgets and the supplementals that follow and the second being the need for and the procedures under which a special reserve account can be established, maintained and held for the down turns in the economy that are inevitable. Third, to address the manner and means by which we issue indebtedness that extends beyond the biennium for which we sit.

It appears to me in the draft of this bill and having listened to the sponsor this morning that she has put forth very responsible accountable and bipartisan solutions to the issues that have troubled us in each of these three areas. As she has said she would require, under the Constitution, that biennial budgets be balanced. Not a bad concept. And, that they be balanced and adopted by two-thirds unless, and only unless, there was already a special reserve account equal to or greater than 5% of the projected revenues for that biennial period. In that instance if there were such a reserve account, a majority could adopt a budget, but could only spend up to 95% of the projected revenues. It seems to me that this is a good bipartisan check and balance. It does not, in effect, establish a permanent two thirds, but it does establish a limit on expenditures in relation to

revenues when there is a bare majority in support of such a biennial budget.

A reserve account is very similar to the budget stabilization fund that we have now, but it goes further in two necessary ways. It establishes a target of 5%, which would be an ideal target if we were to have it today to cover us in the event of economic downturns that are most certainly in the offing, given the news from the Pentagon a week and a half ago. It also stipulates that we cannot draw from those reserves unless we do so by two-thirds vote and that is I think, again, an appropriate check and balance. She goes further to say that we can draw from that reserve if in fact we didn't have the two thirds here, but we put the question out to the people for the people's ratification - another good government idea.

In the area of bonding, both revenue bonding and general obligation bonding, I think that she has hit the nail squarely on the head by saying to us once and for all, and for the Constitution to be telling future generations that you cannot borrow beyond the biennium in which we sit without a two-thirds approval of the folks here and ratification by the people. I commend her again for this far sightedness, here bipartisan attempt to address issues that have stymied us and I urge your support of this good and noble legislation.

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 support the Majority Ought Not to Pass Report on the bill that is before us at this time. Let me state the question to you and try to outline what our committee went through with regards to this bill and why we made the decision to defeat this piece of legislation, "Do you favor amending the Constitution of Maine to require a balanced budget, establish a special reserve account and place a limitation on the issuance of bonds?" As many of you know, in this chamber Mr. Speaker and ladies and gentlemen we already have a requirement in the Constitution that says that we must balance the budget. We look to do that and in many cases the federal government as well as other states do not have this provision. I think we have kept with the spirit of the law with regards to that. Further, with a special reserve account there is one established called the Rainy Day Account or the Budget Stabilization Account and we have found in our research that looking at other states there are only five other states in this nation that have their budget reserve account, their special reserve account, constitutionally mandated and in this situation we are like the other 45 states in the nation in which we do have a reserve account and we have done it through statute. We have the ability, with the way that it is outlined in statute to be able to control how much money is allocated to there and how to look forward to having it in the future when we do have an economic downturn, whether it be for base closures, mill closures or just because the revenue is booming and busting as it has, unfortunately, in the last several years.

The final part of this, and I think that this is the toughest part to swallow Mr. Speaker, with regards to the limitations on the issuance of bonds, on top of the two-thirds that we have at this time, there would be with this constitutional amendment, a provision that would make it so that we would have to have 5% within this special reserve account in order to issue bonds on top of the two-thirds that we would have to do to enact it, on top of the people at the ballot box who have the final say in all matters regardless of how we decide in here, to approve those bonds.

What that amounts to, and if I am doing my estimates right and I am looking at my numbers Mr. Speaker, then right now we have approximately \$100,000,000 in our reserve account and this

has been built up over time. The Chief Executive and his administration have done a good job in the last couple of years trying to build upon that even as we have gone through tough economic times both with the revenue coming into the state and with the situations that have occurred economically around our state with business and otherwise. So, if we were to meet this 5% requirement and this constitutional amendment was to go forward, we would have to triple that amount. It is estimated at about \$295 million that we would have to fill that account with before we could go out and issue bonds, before we could go and have the opportunity to help out our fellow citizens, to help out our economy and to try to issue bonds and give that choice to the people to help support them economically when we are in tough times.

The good Representative from Appleton mentioned that politics had been partisan and that she feels that it has gotten worse over time. I have only been here for three years; my involvement is limited. I have been a citizen standing on the sidelines and have found in my short time on this earth and my short time in this institution that compared to other states and other levels of government we have conducted ourselves civilly. Have we had philosophical differences? Absolutely. Have there been partisan politics at times? Yes, there have been in here. I think that has been throughout our history it is just a matter, in the eye of the beholder, how far that has gone.

The question we should ask ourselves internally Mr. Speaker is if we should be slapping a two-thirds vote and having a constitutional mandate to say that we are going to cooperate. Should we all be looking within ourselves to say, "What is our commitment to our people back in our home town?" How does that mix with our philosophy here - our political philosophy to the Democratic Party, to the Republican Party, to the Green Party? How does two-thirds tell us that we are going to stick to that philosophy? How does two thirds tell us that we are going to meet our conscience? It doesn't at all.

I am going to mention one more time and go back to the reserve account. With regards to us having to make a decision with regard to the 5%, if we put that in here. Imagine if we were in this situation Mr. Speaker right now. We have dealt with these tough budget situations. We have had to make cuts. We have had to take controversial measures to try and bring in revenue. We have had to try and fulfill the people's will, not only by providing the services that they need and preserve, but further because they did pass question 1-A. They did tell us that they wanted \$250 million in additional GPA for education. How would this hurt Maine's most vulnerable citizens? I myself am not poised at this time Mr. Speaker to stand here, vote for this amendment and then say, later on down the road once this goes into place, "I apologize I can't help to give you MaineCare. I can't help to support you, to help feed your family, to give you healthcare and support because according to the constitution I have to put that money into the special reserve account. I am further sorry that I can't help to educate your child because of the fact that, well you know, I got to put it constitutionally into the special reserve account."

With regard to that point this is final thing I will close up on with regards to the mechanism in here to send this to the ballot box. Voters have decisions at the ballot box on the bonds. We have noticed with the veto that is put forth by the other side of the isle with the current budget that they will have the say at the ballot box if that position is fulfilled. The final say at the ballot box that I will leave with people Mr. Speaker is that if they feel that the majority or legislators in general are going in the wrong direction on any issue, whether it be an budget issue or otherwise, they have the right to either vote in somebody else or to give a vote of

support and send us back. I hope we leave that with the voters. I hope we do not drastically change our budget process with regards to this and I would ask my colleagues in a bipartisan manner to support the Majority Ought Not to Pass Report as the bipartisan support from the committee has shown. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Bishop.

Representative BISHOP: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today we are borrowing \$447 million already to satisfy ongoing expenses. Let me say that I am honored to follow the impassioned plea of the Representative from Gorham, but I wish to interject a little bit of slow sense into what is going on.

In this time of intense fiscal uncertainties brought on by base closings – more than one – and redirected contracts, especially at BIW, this bill is a responsible effort to control the cost of government by balancing the budget, establishing a special reserve account and placing a limitation on the issuance of bonds. These are responsible things to do especially in the same manner that it is a responsible thing to do when the sun is shining to repair your roof before it rains. Thank you very much Mr. Speaker.

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. 183

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

NAY - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Curley, Curtis, Davis G, Davis K, Duprey, Edgcomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Merrill, Millett, Moore G, Muse, Nass, Nutting, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Vaughan.

ABSENT - Berube, Bryant-Deschenes, Daigle, Dugay, Jacobsen, Kaelin, Makas, McFadden, Ott, Pilon, Smith W, Walcott.

Yes, 70; No, 69; Absent, 12; Excused, 0.

70 having voted in the affirmative and 69 voted in the negative, with 12 being absent, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass** as **Amended by Committee Amendment "A" (H-442)** Minority (6) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Preserve Farmland and Timberland following the Death of an Owner"

(H.P. 586) (L.D. 827)

Which was **TABLED** by Representative **WOODBURY** of Yarmouth pending **ACCEPTANCE** of the Minority **Ought Not to Pass** Report.

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. The bill that is before us originally removed the value of eligible farmland and timberland from the calculation of the Maine estate tax after it had been held for 10 years. But, the majority amendment changes that and, I believe, improves the bill because what it does is that it makes it 20 years before anyone would be eligible for the full exemption of the tax. The amendment changes the definitions in the bill for eligible farmland so that for farmland to be eligible it has to be held for the ten years and subject to the remaining 10-year schedule and also has to be productive. It has to produce at least \$4,000 a year in product.

The applicable percentage applies in the following manner. In less than 10 years all of the exemption is recaptured. If you hold the land for greater than 10 and less than 12, 50% is recaptured, from greater than 12 to less than 14, 40% and from greater than 14 to less than 16, 30%. From greater than 16 to less than 18, 20% and from greater than 18 to less than 20, 10% and if you hold it for the full 20 years then the full exemption is realized.

I think that this is a bill that will help us realize some of our objectives in keeping these parcels of farmland from development and keep them in the hands of families that have owned them for a number of years in the case of the passing of the original owner. I would ask your support of this bill and that you vote against the Ought Not to Pass. Mr. Speaker when the vote is taken I request a roll call.

Representative CLOUGH of Scarborough **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. My concern with this bill is that it treats certain kinds of wealth differently from other kinds of wealth for purposes of the estate tax and my view is that this differential treatment is really not a road that we want to go down with respect to the estate tax. I also do draw your attention to the cost of providing this tax exemption; the exemption from the estate tax that once it becomes effective will be \$3 to \$4 or more million dollars a year. I just draw your attention to those issues. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's a rainy day and I'm not going to go into a long discussion of estate tax law, but if you would just for a moment put yourself in the position of the adult children of a person who owned a farm and had just passed away. Now you know that mom and dad wanted to keep

the land and farmland and you know that they did not want to break it up, but you are in a position as the family heirs to have to make a decision. You have got retirement savings you are trying to do. You are trying to put some savings in the bank so that the kids can go to college. Yet that estate tax cost that you are going to have to pay right now is the barrier that is in front of you.

I think that what this particular piece of legislation will do is provide an option and allow people to make a decision to do what they think is the right thing to do, to keep the land and the farm and to keep it in a woodlot so that it is not broken up and don't have to make the decision that you need the money, have to sell it and put it into house lots.

We talked about the potential costs of \$3 - \$4 million, that is only if people elect this option. Hopefully they will. That will mean that there will be more open land. If people don't elect that option there will not be the cost because they will have converted it.

I view this as an anti-sprawl bill; I view it as an anti-land fragmentation bill; I view it as an anti-liquidation harvesting bill and I view it as an anti-land conversion bill. What we are trying to do is to allow people to make the decision they want to make and not be blocked by the short-term cost of the estate tax. I would ask you to consider today the opportunity that we have before us. Let's help Maine families make the decision to keep the land in farmland and woodland so that they will not convert this land. I would ask you to vote to defeat the pending motion and move onto the Majority Ought to Pass as Amended Report and I think that the people of Maine want to keep their land open, but they need a little help with that estate tax burden and I would ask you to support the Majority Report and defeat the pending motion. Thank you very much ladies and gentleman.

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

ROLL CALL NO. 184

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

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

ABSENT - Berube, Bryant-Deschenes, Daigle, Jacobsen, Kaelin, Makas, McFadden, Ott, Pilon, Smith W.

Yes, 72; No, 69; Absent, 10; Excused, 0.

72 having voted in the affirmative and 69 voted in the negative, with 10 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

Representative **WALCOTT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Had I been present on Roll Call #183 on L.D. 1422 I would have voted yea. Thank you.

The House recessed until 5:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, May 20, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-415)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Give Parents Control over the Sex Education of Their Children"

(H.P. 1045) (L.D. 1488)

TABLED - May 20, 2005 (Till Later Today) by Representative NORTON of Bangor.

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: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to thank the Speaker for honoring my request to empty the chamber of the children. When I gave this floor speech two years ago, I wasn't able to empty the chamber of the children and I felt real uncomfortable and once I got into my testimony they actually required the children to leave because it was getting bad and I just wanted to say that I feel uncomfortable about speaking about this issue in front of children. That is why as long as you don't mind I would appreciate your indulging me with that.

Now, I am going to be real simple. I am not going to lay down and fall on my sword on this issue, but I just want to make a couple of points before we vote on this issue. This is my bill and I think it is very important. It is a parental rights issue. I think parents have a right to know what their children are learning with sex education in their schools. Today's sex education is not what it was when alot of us were in school and alot of us who were in

school didn't get anything. But, some of us have the basics - how the plumbing works, how you have a baby and that's about it. Well today's is very complicated. It is a yearlong issue that goes into really, really deep, deep detail of complete sexuality. Homosexuality indoctrination, gender identity indoctrination - very detailed topics.

I'm looking at a handout on a blue piece of paper for the Plain Truth for Maine Youth by the Representative from Bangor, Representative Norton and alot of it I agree with. It talks about how abstinence has worked and I know that abstinence works. I am not a big abstinence-only guy. I think you should be able to teach a little bit with that, but you know what, they don't give you the whole picture in this sheet. Teenage pregnancy rates have gone down, intercourse has gone down, more people are waiting, but what they don't tell you is that the oral sex rate for teenagers is skyrocketing. The STD rates from oral sex are actually skyrocketing in today's high schools. They don't give you that big picture because what they are doing through the abstinence is teaching you that there are other ways to have sex without having sex, thanks to other politicians who have taught us over the years that sometimes sex isn't sex and I think kids got the message.

What this bill tries to do is that it says that if you are going to try to teach a curriculum that includes homosexuality and includes comprehensive sex education then a parent has a right to know what the content of that is. That's it and a parent can opt their child out of it. That's it. It's plain and simple. A parent has a right to know what is in that curriculum before a child goes to that class, plain and simple. It's an opt out provision.

I know that they are saying it's an expense to print a sheet with a syllabus of what's in there, but I think that a parent has a right to know what is in there. This is the reason I home school my kids today because the schools in my district refuse to tell me what my kids are learning.

As a legislator I went to my schools and asked them for a copy of the curriculum and was denied. Now if a legislator can't know what the kids are learning, then how the heck is a parent going to know what the children are learning?

Real quick. Ages five to eight are being taught about masturbation. I don't really think that is appropriate to teach that in most schools between ages five and eight. They are learning about different types of sex, oral and anal. I'm uncomfortable even talking about this in front of you guys, but they learn that from ages nine to twelve.

I think that a parent has the right to know. It is a parental choice issue and I would urge you to vote against the pending motion. Thank you Mr. Speaker.

Under suspension of the rules, members were allowed to remove their jackets.

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

Representative NORTON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. With all due deference to my friend Representative Duprey of Hampden, most schools do ask for parental input, particularly on this subject. It's very important for most school boards to know where their parents are and if you have a school board that doesn't pay attention to you then I suggest that maybe you need to look at who you are voting onto the school board. This bill concerns me though because during the testimony we heard accusations of some of the things

that are being taught in public schools, which in my 38 years in the public schools just don't seem to be so.

There were a few opponents. Some of the opponents of this bill happen to be the DOE, Maine School Management, Maine Medical Association, Maine Education Association, Family Planning, Equality Maine, HIV Advisory Committee, Maine Women's Lobby, Planned Parenthood and I could go on and on and on, but perhaps the thing I should also be pointing out is that the minority report on this bill is a state mandate. There is significant cost also to the local units and so I urge you to consider those things as you make up your mind on this bill.

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. 185

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Jodrey, Koffman, Lerman, Lundeen, Marley, Marraché, Mazurek, McCormick, Merrill, Miller, Mills, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Perry, Pineau, Pingree, Pinkham, Piotti, Plummer, Richardson D, Saviello, Schatz, Smith N, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bierman, Bishop, Bowles, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Davis G, Duprey, Edgcomb, Emery, Fitts, Fletcher, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Joy, Lansley, Lewin, Lindell, Marean, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Nass, Nutting, Ott, Percy, Rector, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Berube, Brown R, Daigle, Davis K, Jacobsen, Kaelin, Makas, Moody, Pilon, Rines, Sampson, Smith W.

Yes, 79; No, 60; Absent, 12; Excused, 0.

79 having voted in the affirmative and 60 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-378)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Repeal Certain Boards and Commissions"

(H.P. 1082) (L.D. 1537)

TABLED - May 18, 2005 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-378)** was **READ** by the Clerk and **ADOPTED.**

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

Representative BARSTOW of Gorham **PRESENTED House Amendment "A" (H-469)**, which was **READ** by the Clerk.

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. Just to clarify on this amendment. The Prescription Drug Advisory Commission was one of the boards and commissions that was set to be repealed. This group has just begun and we received the letter late saying that they did want to remain active and so for that reason I present this house amendment and thank you for your consideration of it.

Subsequently, House Amendment "A" (H-469) was **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-378) and House Amendment "A" (H-469)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

SENATE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (S-193) - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Repeal Tax and Match"

(S.P. 236) (L.D. 699)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - May 19, 2005 (Till Later Today) by Representative PINGREE of North Haven.

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

Subsequently, Representative PINGREE of North Haven **WITHDREW** her motion to **ACCEPT** the Majority **Ought Not To Pass** Report.

On further motion of the same Representative the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (S-193)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 24, 2005.

SENATE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (S-173) - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Repeal the Tax on Private Nonmedical Institutions" (EMERGENCY)

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

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - May 20, 2005 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - ACCEPTANCE OF EITHER REPORT.

On motion of Representative PINGREE of North Haven, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (S-173)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 24, 2005.

SENATE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (S-164) - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Amend the Hospital Tax"

(S.P. 224) (L.D. 687)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - May 20, 2005 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - ACCEPTANCE OF EITHER REPORT.

On motion of Representative PINGREE of North Haven, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (S-164)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 24, 2005.

HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (H-383) - Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act Regarding the Sale of Firearms at Gun Shows"

(H.P. 256) (L.D. 333)

TABLED - May 18, 2005 (Till Later Today) by Representative BLANCHETTE of Bangor.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

Representative SYKES of Harrison **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. 186

YEA - Annis, Ash, Austin, Barstow, Bierman, Bishop, Blanchard, Blanchette, Bowen, Bowles, Browne W, Bryant, Bryant-Deschenes, Burns, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Davis G, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Duprey, Eberle, Edgecomb, Emery, Faircloth, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jackson, Jennings, Jodrey, Joy, Koffman, Lansley, Lewin, Lindell, Lundeen, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Patrick, Pelletier-Simpson, Perry, Pineau, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Vaughan, Woodbury, Mr. Speaker.

NAY - Adams, Babbidge, Beaudette, Bliss, Brannigan, Brautigam, Cain, Craven, Cummings, Dudley, Eder, Farrington, Gerzofsky, Goldman, Hutton, Lerman, Marley, Paradis, Percy, Pingree, Twomey, Valentino, Walcott, Watson, Webster, Wheeler.

ABSENT - Berube, Brown R, Daigle, Davis K, Jacobsen, Kaelin, Makas, Moody, Pilon, Rines, Sampson, Smith W.

Yes, 113; No, 26; Absent, 12; Excused, 0.

113 having voted in the affirmative and 26 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

SENATE PAPERS

Bill "An Act to Improve Dirigo Health"

(S.P. 625) (L.D. 1680)

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

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

Bill "An Act To Support Sibling Rights in Child Welfare Custody Matters"

(S.P. 627) (L.D. 1682)

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

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

CONSENT CALENDAR

First Day

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

(S.P. 467) (L.D. 1340) Bill "An Act To Amend the Law Governing the Licensure of Interpreters for the Deaf and Hard-of-hearing" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-216)**

(H.P. 400) (L.D. 524) Bill "An Act To Facilitate Reimbursement of Public Utilities Relocation Costs" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-458)**

(H.P. 477) (L.D. 657) Bill "An Act To Amend the Vehicle Gross and Axle Weight Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-459)**

(H.P. 1019) (L.D. 1454) Bill "An Act To Amend the Laws Regarding the School Revolving Renovation Fund" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-462)**

(H.P. 1066) (L.D. 1519) Bill "An Act Regarding Published Descriptions of Recreational Trails That Cross Certain Parcels of Private Property" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-460)**

(H.P. 1109) (L.D. 1571) Bill "An Act To Allow Certain Modifications of Motor Vehicles" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-457)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Ensure Environmental Justice"

(S.P. 435) (L.D. 1255)

Signed:

Senators:

COWGER of Kennebec

MARTIN of Aroostook

SNOWE-MELLO of Androscoggin

Representatives:

KOFFMAN of Bar Harbor

JOY of Crystal

THOMPSON of China

ANNIS of Dover-Foxcroft

EBERLE of South Portland

DAIGLE of Arundel

SAVIELLO of Wilton

DUCHESNE of Hudson

ROSEN of Bucksport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-219)** on same Bill.

Signed:

Representative:

TWOMEY of Biddeford

Came from the Senate with the Majority **OUGHT NOT TO PASS Report READ and ACCEPTED.**

READ.

On motion of Representative KOFFMAN of Bar Harbor, the Majority **Ought Not to Pass Report** was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

An Act To Sustain Maine Schools and Libraries (EMERGENCY)

(S.P. 439) (L.D. 1259)

(C. "A" S-116)

FAILED of **PASSAGE TO BE ENACTED** in the House on May 16, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY SENATE AMENDMENT "A" (S-201)** thereto in **NON-CONCURRENCE.**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-453)** on Bill "An Act To Provide Uniform Voter Verification and Recount Requirements for Voting Machines"

(H.P. 711) (L.D. 1026)

Signed:

Senators:

MITCHELL of Kennebec

GAGNON of Kennebec

Representatives:

FISHER of Brewer

OTT of York

PINKHAM of Lexington Township

VALENTINO of Saco

PATRICK of Rumford

TUTTLE of Sanford

HOTHAM of Dixfield

MOORE of Standish

BLANCHETTE of Bangor
BROWN of South Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-454)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

READ.

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

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-463)** on Resolve, To Encourage Personal and Family Financial Management Education (EMERGENCY)

(H.P. 916) (L.D. 1318)

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
LANSLEY of Sabattus
CAIN of Orono
MERRILL of Appleton

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

Signed:

Representative:

MAKAS of Lewiston

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-463)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Tuesday, May 24, 2005.

CONSENT CALENDAR

First Day

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

(H.P. 344) (L.D. 469) Bill "An Act To Simplify the Real Estate Foreclosure Process" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-466)**

(H.P. 830) (L.D. 1212) Bill "An Act To Amend the Laws Governing the Effect of Foreclosure of a Tax Lien on Time-share Estates" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-467)**

(H.P. 1074) (L.D. 1529) Resolve, Regarding Legislative Review of Chapter 180, Subchapter XIII: Continued Provision of

Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-461)**

(H.P. 1104) (L.D. 1566) Bill "An Act Concerning Full Faith and Credit for Legal Documents Executed in Other Jurisdictions" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-468)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, 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**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Same-day Voter Registration"

(S.P. 90) (L.D. 270)

Signed:

Senators:

MITCHELL of Kennebec
GAGNON of Kennebec

Representatives:

FISHER of Brewer
VALENTINO of Saco
PATRICK of Rumford
TUTTLE of Sanford
MOORE of Standish
BLANCHETTE of Bangor
BROWN of South Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-217)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

OTT of York
PINKHAM of Lexington Township
HOTHAM of Dixfield

Representative MOORE of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

On motion of Representative PATRICK of Rumford, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-472)** on Bill "An Act To Require a Criminal Background Check for the Initial Licensure of Emergency Medical Services Personnel"

(H.P. 702) (L.D. 1018)

Signed:

Senators:

DIAMOND of Cumberland
 CLUKEY of Aroostook
 NUTTING of Androscoggin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-473)** on same Bill.

Signed:

Representative:

PARADIS of Frenchville

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-472)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 24, 2005.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, May 20, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-379)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a Statewide Residency Requirement for General Assistance"

(H.P. 119) (L.D. 168)

TABLED - May 18, 2005 (Till Later Today) by Representative PINGREE of North Haven.

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

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that expresses the frustration noted in many communities when their general assistance budgets are blown away by the arrival of transient individuals or families that claim residency and need help. You will hear from others the examples of this assault on Maine taxpayers. This bill requires a condition of residents to Maine being physically present for 30 days or longer.

What do those people do who need help? There are general assistance directors who have the discretion to grant assistance in very needy cases and there are non-governmental charity groups that can help these people in severe circumstances. The second, part of this bill repeals the limitation on the ability of any municipality to have it's own limited duration that benefits can be given. Now this addresses situations where some cases have been asking for assistance for 18 months. A community should

be able to set its own limits on the amount of assistance it can afford and be able to deal with fraudulent claims.

A recent questionnaire was mailed to my district constituents on this matter. This question was on it. It was about 30 day residency requirements. There was almost unanimous support for thirty days and there were many who said "No, it should be six to twelve months." So this tells me where my district is on this issue and I suspect that you may find the same. So I hope you will vote against the pending motion.

Representative SHIELDS of Auburn **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 Newcastle, Representative McKane.

Representative **MCKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Recently there were some headlines in the Press Herald speaking about the number of people moving into Maine from out of state because of Maine's social services. Maine is indeed getting a reputation around the country for our social services. I don't know if that is necessarily a good thing or a bad thing, but those are the people who are moving in. The people who are moving out are our own young people. Our own children, after we take care of them and educate them, move out of state to look for a job because there aren't that many jobs here and they don't want to just live off of social services.

It just seems to me that we are moving in the wrong direction here. When I first read this bill I saw "established residency requirement of 30 days" I thought how could we lower it to 30 days. There isn't one now. We need residency requirements. It is very expensive to take care of these people; just a few of the quotes that came from some of these people. A lot of them have stayed at shelters in other states and while they were there they met people in those shelters who say Portland is a great place to go and they are coming to Portland for one reason and they don't have anything except for maybe a baby or two and it is great that we want to take care of these people, but it is getting to the point where we can't afford it and our people are moving out of state to get jobs and to get careers, but these people are the ones moving in. I think it is backwards and I don't think that it is too much to ask for a residency requirement in this state. Thanks a lot Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Walcott.

Representative **WALCOTT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand today to support the current motion and urge you to accept the Majority **Ought Not to Pass** Report.

First let me say that this bill only deals with General Assistance. It does not deal with other benefits such as TANIF or MaineCare. General Assistance is the final and last safety net for people who are often in the direst of need, who have lost their job and who can't afford housing or food. We should all oppose this bill because it throws up in the air the long settled question of who is a resident for General Assistance purposes and that will create uncertainty and chaos for all of our cities and towns. We should oppose it because it is unconstitutional, but mostly I ask you to oppose it because if this bill becomes law the resulting confusion would deprive many people living in the most very desperate conditions of the most basic necessities of life, food and shelter. This bill creates a durational residency requirement for general assistance benefits. It would prohibit a town from

giving assistance to a person who has not lived in that town for at least 30 days.

Thirty days is a very long time for a homeless family to go without housing or a hungry person to go without food. In the spring of 1987 a Maine Special Select Commission on the Financing and Administration of General Assistance carefully studied this issue and concluded that a durational residency requirement would be unconstitutional regardless of the duration of the residency requirement. This same report recommended certain changes in law relating to residency, including a dispute resolution mechanism whereby municipalities may petition the Department of Human Services to determine when a town has the responsibility to provide general assistance for a particular individual. A mechanism that was adopted by the Legislature and remains essentially unchanged today.

Under this law an individual must get the help that they need without delay and then, after the fact, any question of who is obligated to pay for that assistance is resolved. In fact, in acting as an arbitrator for these disputes the department has the authority to actually reimburse one municipality and withhold from another if necessary.

As you know, Maine is not a state experiencing a high volume of in-migration. We are not a California, Arizona or North Carolina. Nevertheless, census data shows that we welcomed more than 100,000 new residents to Maine between 1995 and 2000. This included lots of different kinds of people - some were wealthy, some were poor, some were young, and others older. We welcomed them despite those differences, even though some families will pay less in taxes than it costs to educate their children. Even though some may be veterans who will need healthcare and even though some are older citizens who need help from our circuit breaker program. It is difficult to imagine denying any of those services to any of them and there is a good reason for that. It's unconstitutional. It violates one of our deeply shared values embedded in the constitution. Citizens of the United States have the right to choose freely where they live, but states do not have the right to select their residences.

In 1999 the U.S. Supreme Court in a 7-2 decision found that a California statute limiting the amount of welfare benefits for new residents to the amount paid in their former state violated both the equal protection and right to travel protections in the U.S. Constitution. If you read this case the language is a powerful reminder of the reasons behind, and commitment to those important constitutional protections.

Quoting from the decision, "A citizen of the United States has a perfect constitutional right to go to and reside in any state he chooses, and to claim citizenship therein, and an equality of rights with every other citizen; and the whole power of the nation is pledged to sustain him in that right." The constitutional reasons behind voting against this legislation are certainly very important, but there are other reasons. First and foremost, using data provided to the committee by the good Representative from South Portland, Representative Glynn, we can show that residency is not really an issue for general assistance.

The good Representative from South Portland presented data from the city of Biddeford to the committee, which did show that during a nine-month period in late 2004 and early 2005, 41 people came to Biddeford from other states and contacted the GA Office concerning receiving general assistance. After learning of the requirements, 24 people never contacted the office again, sixteen were denied assistance, just two received benefits. One of those two came to Maine to live with his brother and found work quickly and the other one came to Maine for work as well.

I would like to take a moment to list the general assistance eligibility rules that apply to everyone that applies for general assistance wherever they may come from. The first time an applicant applies for general assistance in their lifetime, that person will be ineligible for general assistance for 120 days in all municipalities in state if that person quit a job without good cause or was fired from a job for misconduct. In order to qualify the following week - or ever again in their entire life - that person will be ineligible for 120 days if that person one, refuses to search for employment when that search is reasonable and appropriate. Two, refuses to register for work. Three, refuses to accept a suitable job offer under this section. Four, refuses to participate in a training, education or rehabilitation program that would assist the applicant in securing employment. Five, refuses to perform, or willfully fails to perform a job they are assigned to by the towns that cover their GA expenses or six, forfeit or cause their own loss of assistance from another program because of fraud, misrepresentation or failure to comply or the intentional violation of program rules.

There is a perception in the public that people are moving to Maine because we have such wonderful benefits and that people live on these benefits forever - generation after generation. These same myths abound in many states. I recently learned of similar charges made about welfare programs in states like Tennessee or Kansas, clearly not states known to be overly generous. More importantly, if you look at the data - the hard numbers - you will see this perception is not accurate.

Are there a few who somehow play the system? I am sure that there are. Is it more than a few? Absolutely not. The Legislature and the Health and Human Services Committee receives many reports each year showing average time on benefits, amount received and comparisons with other states that are also available.

Looking at the major public programs, Maine benefits are frequently the lowest in New England. Clearly these comparisons do not show a great incentive to move to Maine. We should not deprive truly needy people who need general assistance or the emergency help just because of a few who find a way to get around the system. This bill would do just that. The Health and Human Services Committee did set up a working group around this and many other issues last session that is continuing its work. This session we even added legislative participation in that group. The good Representative from South Portland, Representative Glynn, the Representative from Woolwich, Representative Grose and myself are all members of this group, which is now charged with collecting and collating this data. The welfare directors are against this bill and the proposed amendment and would rather work through this group.

Finally, picture this: A person who grows up in Maine takes his family and goes to Massachusetts to find work - an unfortunately common story here in Maine - after a few years he loses his job and his home and his family moves back to Maine to stay with a brother during this difficult time in order to look for work. What about the woman and daughter fleeing domestic violence who come to Maine for safety and where her mother lives?

If L.D. 168 becomes law, neither of these people would be able to receive any help from GA with food or to get their own housing or any other emergency needs. These are the people who would be hurt if this bill were to pass. We should also not do anything to weaken general assistance at a time when, because of decisions made at the federal level, we might lose thousands of jobs here in Maine. These are the people that GA is supposed to help. I don't believe that they should be penalized for losing a job, doing the right thing for their children and staying with a

relative, verses becoming homeless on the street and neither does the U.S. Constitution. I ask you to support the Majority Report today for this and all the other reasons I have mentioned. Thank you Mr. Speaker.

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 to support the bill and ask you to oppose this Ought Not to Pass Report. This is a bill that is very well supported by welfare directors and by the Maine Municipal Association. I would like to read to you a very short sentence or two of the testimony by the Maine Municipal Association in support of this bill. The reason why the welfare directors and the Maine Municipal Association support this L.D. is because we have a double standard in Maine. If you are a Maine resident you are prohibited for that 30-day period from collecting these benefits. However, if you move in from out of state you can collect on day one. In the testimony for the Maine Municipal Association it states, "Municipal support for L.D. 168 is not driven by a desire to reduce the cost of the General Assistance Program or to deter people from relocating from different states and municipalities. Instead municipal officials view the bill as an opportunity for amending GA laws to achieve parity among all applicants. As enacted, general assistance law makes a distinction between initial and repeat applicants and holds these two classes of applicants to different standards while a repeat applicant for assistance must demonstrate, over the previous thirty days that the applicant has used all available income for basic necessities. An initial applicant is not held to that standard. While a repeat applicant must demonstrate that they have searched for work an initial applicant does not. So, essentially, these folks that have exhausted their benefits from out of state are allowed to move in and upon day way can collect general assistance. This is something that we don't allow Maine residents to do. Why would we allow people to move into our state and collect these benefits?"

Now, the testimony that was provided to us by a number of welfare directors I had submitted to the committee so that they could see it. The welfare director from the City of Biddeford had removed all of the names and had gone through and had given the reasons. Now, under Maine general assistance law the welfare director, knowing these things, has no ability to deny this welfare application. They must absolutely give the general assistance.

Here are some of the things that people told them why they came to Maine. Why they told the Biddeford welfare director that they came to Maine and why they came to collect general assistance. The first one, lost subsidy of housing due to fraudulent actions; can't get food stamps where they were so they moved to Maine. Another one, would like hotel room in Maine; left the hurricanes in Florida. Another one, on probation can't go back to Massachusetts. Another applicant, benefits exhausted in Florida; Maine has TANF. Other states limit the amount of benefits that you can receive when you run out and all you need to do is move to Maine and you can collect the benefits.

Here is another applicant. No benefits in the State of New Hampshire. That is why they moved to Maine. There were a number of applicants that had similar stories and I won't go through all of them. Nine of them were sanctioned from benefit programs in other states and three were suspected of being sanctioned and twelve households quit their jobs and moved to Maine. In the City of Portland we saw similar statistics. In the City of Portland, the information that was provided to us showing the number of intakes that were occurring, in 2002 had 132 applicants. Other towns in Maine had 230 applicants. How

about the applicants that moved into Portland from out of state, 392. Three hundred and ninety two. The welfare directors provided these statistics. My own welfare director in South Portland, Jack Roberts – he has been a welfare director for some thirty years – had asked me to sponsor similar legislation to this and had the same concerns and was at the public hearing. The month of October we had 16 people move in from out of state to collect these benefits and again, these are actions as testified to by the Maine Municipal Association. This is Kevin Glynn, this is the Maine Municipal Association that says that it wouldn't be permitted for Maine residents, but it is permitted for people that move in from out of state and who have lost their benefits to be able to collect and there is only a finite amount of resources to go around. My concern is that if we continue down this pathway Maine's safety net is not going to be there for Maine people. There is a very big distinction between TANF benefits that we offer and general assistance and I think that that is very important to underline.

TANF benefits are offered and paid for by the Maine State Legislature. That is absolutely not the case with general assistance. General assistance is when they go down to the local town office, apply and 50% of it is paid for by the state, but the other 50% is paid for out of the local municipal budgets. It is paid for by property tax dollars. So, we are setting the rules here in Augusta and saying that you have to provide these services. Welfare directors locally don't have an option, you have got to pay it out and 50% of it has to come out of your local municipal budgets. So, what we are doing is that we are mandating that they have to pay this and this is like a utility bill. They don't have any say. They have to pay it and that means that it takes a priority over your schools, it takes a priority over your roads and every other municipal interest. What's wrong with the system is that we should have parity. Maine Municipal Association is absolutely correct. Initial applicants, these applicants coming in from out of state should be held to the same standards as every Mainer who comes in and does a repeat application.

Why do we allow this double standard? Why do we feel that we have this need? Through local property tax dollars it is always easier to make someone else pay the bill. Why do we feel that we need to have the local governments pick up this bill and why do we feel required to pay for it when we don't offer this same level of benefit to Maine residents. This is why I think that you should vote against this Ought Not to Pass Report and support the position of Maine Municipal Association and so many welfare directors that want to see parity brought and sensibility and common sense brought back to general assistance laws in Maine. Please support L.D. 168.

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. It kills me when we take up these kinds of bills. Let these people in. MY God! Let's not help these people, let's give them loopholes. My God they are down and out. We are criminalizing the poor in this state and I don't care where you live. I want the same loopholes for the better program. While we are picking on the poor we are not talking about the 2% of the corporations that aren't paying their fair share of taxes in this State of Maine. This is "playing to the cheap seats" is what I call it. This is criminalizing the poor.

Do you know who you are talking about when people say "these people"? It's women, women with two children who are the recipients and have to go on welfare. Woman whose mate or husband could not pay child welfare. Women who are trying to keep two jobs because they can't make a living wage or don't have a living wage. While we are picking on these poor welfare

recipients we are not talking about the real issues in the State of Maine. This is a diversion. Please follow my light Ought Not to Pass. Thank you.

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to clarify a couple of points, following up on my colleague from South Portland. First of all, the Maine welfare directors were not in support of this bill and they most recently came out both opposed to the original bill and the Minority Report. The Maine Municipal Association came in and they said that we are concerned with some of the emergency provisions, but at this point they prefer the work group which met last week and is meeting again on Thursday – I am sure you are all invited if you are interested in this issue – to continue to figure out both the actual data versus the anecdotes on whether or not people are coming in from out of state and to figure out ways to give GA directors better tools. The tools given to them within this bill and the Minority Report they are opposed to and I just wanted to clarify that point.

I also wanted to make sure that people understand the actual bill itself. The good Representative from Lewiston did an excellent job laying this out, but I just wanted to reinforce. This bill establishes a 30-day residency requirement for people coming in from out of state and moving from municipality to municipality. If you are a laid off worker in Millinocket and you go to Bangor and are looking for work and you can't find work and you don't have any money or a place to live people like that often turn to general assistance just to get them through that week until they find a job. The same is true for a woman who has been domestically abused and moves from one town to the other.

Most of our major cities in this state, Bangor, Lewiston, Biddeford and Portland are dealing with a number of homeless people. The majority of whom are mentally ill. We received testimony from the Maine Medical Association urging us to not support this bill because general assistance, fortunately or unfortunately, is the safety net that helps transition a homeless or a mentally ill person into temporary housing and then to a more permanent solution which is paid for by state mental health block grants or other programs.

I just wanted to emphasize that we are not just talking about people coming in from out of state. We are talking about a municipality being able to deny general assistance. Very often people who are homeless or fleeing a disastrous situation have a very hard time proving their residencies. So, what we are doing is putting our cities primarily in a position of not having the tools that they need to deal with general assistance. It is true that communities pay for part of the program, but the state picks up the vast majority in a lot of our major cities. With that I think the case has been made.

We received information both in testimony and from our analysts that the bill, as written, violates decisions made by the U.S. Supreme and other federal courts. So, I would urge you to support the Majority Ought Not to Pass. General assistance, as many of you know, is a controversial program. We have anecdotes of people believing that people have abused the system. But, it is the final safety net. It is the final safety net in all of our communities for the elderly citizen who has never before asked for help, but can't pay their heating bill, can't pay for their prescription drugs, for the person fleeing domestic abuse, for the homeless person and the mentally ill person.

I think that we as a committee agreed that there are problems with some of our state welfare programs. We have asked a number of stakeholders to come together. The Maine Municipal Association, the welfare directors and the State of Maine are all

participating in this process, but they have all agreed that neither this bill or the minority report are the best solution, so I would ask you to stick with us and accept the Majority Ought Not to Pass Report. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Walcott.

Representative **WALCOTT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to take a moment to clarify something. The good Representative from South Portland Representative Glynn spoke much about the Biddeford data that he presented to the committee. That is the same data that I was speaking about and there were some questions about fraud and things like that but I would like to point out that those are people that didn't receive assistance. Only two of those people received assistance and they weren't people that had been accused of committing fraud or anything so I think that that is important to know.

A lot of people try to mess around with the system, but at least the people in the City of Biddeford - that's the data that we are talking about - knew what they were doing and they did a good job of stopping that. Only two of those people received assistance. One moved here, like I said, to live with his brother and the other one got a job as well.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to say that I attended that meeting with Representative Daigle's On On and On and I hope that the therapy works. I just want to talk about my experience and not any of the real facts of this case except that it does relate to the facts when I get to the bottom of it.

All you have to do is work at a soup kitchen and ask people where they live or where they are from and what they do and you find out that they have a hard time proving their residency. They may live under a bridge, they may live in a tree, they may live in the Hobo Jungle, when you see that you then realize that it is hard for them to establish. These are not stories that I am making up. My job at the soup kitchen is to stand at the door and to make people feel better and that is all that I do and I get a chance to talk to every person that comes in. The second thing that I really want to talk about though is that in the 1990's when Pineland was closed and AMHI was downsized to save money, many people, when asked at these institutions where they wanted to move to, over 68% said that they wanted to move to Portland.

We had a meeting in the city council to discuss this and I don't want anybody to say that anybody from Portland ever said that they were not welcome. We always said, "You are welcome to the vast majority." I have never in my nine years on the city council heard anyone say don't come to our town. If you are from Old Town, if you are from Calais, no matter where you are from, you are welcome and we had a lot of people coming and I feel that way today and that is why I will vote Ought Not to Pass because we are a welcoming state and I hope that we will remain such. Any major city or state or town or society should be welcoming people. Thank you.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. When this bill came before my committee we were faced with two things, myth and reality. The myth was that they people were coming from all over the country to Maine because we have such a lucrative welfare system. The reality demonstrated not only by advocates for

people who care about these people, but also from General Assistance administrators was quite different. It proved convincingly to members of the committee that the allegations are not so. At the risk of being redundant I would like to support my colleagues here in that there is no reality. It is not a problem. Thank you.

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is not a well-crafted bill. I really don't know. I haven't gotten into the details of the bill and it may also be true that there may be some constitutional issues. I don't know that either and I'm not qualified to pass judgment. But, what is not true is that this is a trivial problem and I heard a few minutes ago that we only have anecdotal evidence to the contrary. I would invite all of you to come to Sanford, to the town hall there, and ask some questions and find out if it is a trivial problem to us. We are the first large community on the Maine Turnpike. We are the first place that people exit and start looking for assistance and there is not a day, not a single day, Monday through Saturday morning that someone does not come into Sanford Town Hall seeking general assistance. The majority of those people are from out of state. They are from New Hampshire, they are from Massachusetts or they are from some other state and they tell us quite frankly, openly and honestly that they are moving to Maine because they have exhausted their benefits in the state in which they formally reside in.

There may be problems with this and perhaps this is not the bill that we need, but I need to impress upon you the fact that this is a serious problem and it is not getting better and sooner or later we are going to have to come to grips with it.

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 appreciate the discussion that we have had so far and I believe that the Representative from Sanford, Representative Bowles is right that people do show up and certainly Sanford would be one of the first exits they would make and the second one might be Biddeford and I want to remind the House exactly what you heard here tonight.

In the town of Biddeford with 41 applications, two of them were accepted. There may be a problem about people in need and it is growing bigger in this country everyday. I have no question about that. The question is, have we created a policy on which we have been flagrant in giving away assistance to the poor? The Representative from Lewiston, Representative Walcott has been clear, we are saying no when we need to. The question is do we create a policy that locks us into something that inadvertently stops the most needy among us from getting what we all believe in this house, they deserve?

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 would like to provide some additional information, which, unfortunately, didn't come through in the previous comments. The information that was provided to us by the welfare director in the City of Biddeford was to undermine a purpose, which was that everyone of these applicants was in fact eligible for General Assistance and her testimony to the HHS Committee was, in fact, that she had no legal means to deny these services, even though she knew all of these reasons that we have talked about – exhausted benefits in the previous state, fraud – whatever the issue is. And, again the

concern is that we don't have this problem of this relocation from Mainers. Mainers have a thirty-day application process for reapplication when they move from one town to another, thirty days to qualify.

The problem is that we don't hold out of staters to the same standards that we hold Mainers to. That is the first and most important issue and the second one is that the welfare directors - the welfare director from South Portland, the welfare director from Biddeford - that showed up at the public hearing and work session provided us information that even though there was fraud, even though they believe that they relocated for reasons that are unacceptable, even though there are benefits that were exhausted, they were eligible in the State of Maine. That is very scary to me and that does create a public policy hole that we need to heal.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker I rise to speak toward the Ought Not to Pass on this bill. I too am a member of that committee. I too heard the information that my colleagues on the committee heard. When we voted Ought Not to Pass I was one of the people that a number of directors came up and thanked for voting Ought Not to Pass. While we were studying a number of these bills Mr. Speaker I developed an email conversation with directors of general assistance across the state, asking them if they had experienced problems and how they handled it.

I won't go in to detail about how to handle it but I will tell you this. The general assistance directors across the state are very intelligent people. They have rules in which to handle the situations that they must address. They told us that there is a pattern of movement around the state. That, in fact, some very fragile people -some people who burn their bridges, who don't do better than they should be able to do -wind up going from say Sanford to Biddeford to Portland. In fact, they are well aware of those who move, when they do, as infrequent as it is. There are people that move in from out of state.

I would like to remind you of what they told me. Some of them are vets. I am preparing a speech for next week for Memorial Day. For that speech I have been doing research. One of the websites I came to says that 1:4 homeless men is a vet.

Women fleeing domestic violence don't bring their residency requirement with them Mr. Speaker, they bring their children with them and the clothes on their back. People do move and one of the reasons why there are different requirements is that people who come to the general assistance the first time don't know the rules. They haven't brought their information with them and they are vulnerable and down on their luck. The one month gives these general assistance directors – these intelligent directors that we trust – the opportunity to put the pieces together with that person and to get their lives back together and to make sure that if they require further assistance that they fulfill the residency requirements.

Mr. Speaker, the last point that I would like to make is that among all of the bills that we addressed, because of them, many of us felt that it was appropriate to have a study conducted and we are doing so. None of us likes to see our resources wasted. None of us like to see our programs conned. There is a myth that that is happening, but in fact it does happen on occasion. Certainly you can go to any town hall and see people that you wish were doing better, but there you should be very thankful that when you look out you don't see your brother or your sister. You don't see my friend from Vietnam who is now somewhere in the

United States. You don't see your cousin who is an alcoholic. This kind of legislation is very disturbing to me. I don't think it is called upon by our higher angels. I would like to ask you to vote Ought Not to Pass with me and trust those of us that will be doing a study and come back with legislation, if necessary, to address any of the problems that these stories portray. Thank you very much Mr. Speaker.

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

Representative **DUDLEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to read briefly from the poet Emma Lazarus. It's a poem that I think many, probably all of us, will remember from our formative years and I think will speak to the better angels of our nature as my good friend the Representative from Freeport was just saying.

"Not like the brazen giant of Greek fame, with conquering limbs astride from land to land; Here at our sea-washed sunset gates shall stand mighty woman with a torch, whose flame is the imprisoned lightning, and her name Mother of Exiles. From her beacon-hand glows world-wide welcome; her mild eyes command the air-bridged harbor that twin cities frame. 'Keep ancient lands, your storied pomp!' cries she with silent lips. 'Give me your tired, your poor, your huddled masses yearning to be breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!'"

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. I've done a study. I sent out a questionnaire to my constituents district-wide. I asked the very question posed on the board. I am getting back results and they are coming back almost universally that there should be residential requirements. In fact, the additional comments are saying that it should be a year. It should be six months. There is the study I have. I urge you to vote against the pending motion. Thank you.

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

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Tonight my head is really awhirl. I am hearing debate that New Hampshire is the land of opportunity and the best place to have a business. It puts me to shame everyday and yet we have all these people coming across the boarder to collect our welfare or general assistance. We have people coming here because this is the number one place in the world for general assistance because it has got such a terrific climate and it is so hospitable in the wintertime. The spring is not bad either. Especially if you like it damp.

I know that we are not going to be remembered by the monuments we leave, but I have heard it said more than once. Mr. Speaker, I think I have heard it from you that we will be judged as a society by how we take care of those less fortunate and most vulnerable in society.

When I was a kid, my dad died in WWII. My mom had to raise my sister and me and it was tough. They didn't have a lot of programs to help here out. She had to work hard and I am very proud of the job that she did, but I certainly wish that she didn't have to work quite so darn hard and that she had had a little bit of help once in a while by somebody. Now is the time for this body to realize that there are places built by the people of Maine to help and do for the people of Maine and if they happen to be new citizens to Maine, so be it.

It is our responsibility as a society to help those that need help so I would hope that we can vote our conscience tonight and

do for those what we would want them to do for us if it was us in that position. Thank you very much ladies and gentlemen.

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do not want to join the infamous club. I just want to clarify two points made by the good Representative from South Portland. I was just looking at my notes from the testimony. The Biddeford folks that we talked so much about were denied benefits or told that they were not eligible. The welfare director did have grounds for which they could deny these people benefits coming in from out of state. Part of what we have talked about with this work group is that welfare directors around the state need to understand how and why they can deny general assistance benefits because part of the problem could be that they are not all completely clued into the reasons by which they can deny people who are not eligible.

In addition, I just wanted to clarify that out of state people have to follow the very same rules as those in state. There is absolutely no difference. Thank you Mr. Speaker.

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

Representative **O'BRIEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have worked in the state welfare system and I was fortunate to now have the memory of having to work with people that had to prove their residency. This bill asks us for each area where there is an application for general assistance in a city or town to check the residency of who is applying and then to apply the rules.

What we know is that this is an uncommonly bad way to treat people who are coming for assistance. I don't think any of us – if we have another alternative – would want to go to a general assistance office and say, "Help me to get housing, feed me and by the way, my children do not have any clothes." I don't think it is something that we want our relatives to do. But, lastly, remember that cases have gone through the courts and the State of Maine isn't, hopefully, going to go back to where it was when I was a welfare worker in 1965 and I would have to trace the person who lived in Chesterville back to where the father lived five years previously to prove the residency and who would pay the money for that woman and child.

I think that we have come a long, long ways and I would remind you, as far as welcoming other people, that I think we are all white in this House and I would remind you that in Lewiston we have faced a problem of not just people being from another town or another state, but another country and what we have worked out is how to assist those people and their families so that we here in America can benefit from how we help them. I don't know how, in the name of heaven, we are better people if we say to the poor people, "Leave town, leave the state, go some other place." Because, in fact, when they apply for general assistance the rules are adhered to. The rules are adhered to.

What this bill does is say that we should go back, way back. God bless us that a lot of you weren't born when I started working in 1965. Let's remember what we are here to do, which is to move forward. Please vote Ought Not to Pass on this bill.

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. 187

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

NAY - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Davis G, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Vaughan.

ABSENT - Berube, Brown R, Daigle, Davis K, Goldman, Jacobsen, Kaelin, Makas, Moody, Pilon, Rines, Sampson, Smith W.

Yes, 71; No, 67; Absent, 13; Excused, 0.

71 having voted in the affirmative and 67 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

An Act To Expand the Maine Economic Improvement Fund
(H.P. 38) (L.D. 42)
(C. "A" H-281)

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

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

ROLL CALL NO. 188

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

NAY - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Davis G, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen,

Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Berube, Brown R, Daigle, Davis K, Goldman, Jacobsen, Kaelin, Makas, Moody, Pilon, Rines, Sampson, Smith W.

Yes, 70; No, 68; Absent, 13; Excused, 0.

70 having voted in the affirmative and 68 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, May 20, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Protect Young Drivers

(S.P. 393) (L.D. 1129)
(C. "A" S-144)

TABLED - May 18, 2005 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - PASSAGE TO BE ENACTED. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Bishop.

Representative **BISHOP**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It seems that again, we are turning our collective attention, and maybe in some cases like me, our exhausted attention, to a problem that in the long history of peaceful petitions in Maine has occurred exactly once.

Why should we enact a law that will guarantee that eventually, maybe not today or tomorrow, but eventually there will be a disruptive debate between a petitioner and the opponent. Thank you Mr. Speaker.

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. I will be brief. What we are about to do here Mr. Speaker, or hopefully not do is set up a trap for young drivers who might be driving their cars with an unplugged radar detector – it might even be installed permanently in the dash – we are setting them up for a cause to suffer civil penalties just for the existence of that device in the car, not even for its use. This is a trap that we are setting up for these young drivers. It's poor policy to do this. It is simply doing it, in my belief, to enforce more regulations on these young drivers and they have got enough to worry about. Let's vote no. Thank you.

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

ROLL CALL NO. 189

YEA - Adams, Annis, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Canavan, Craven, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Hogan, Hutton, Jackson, Koffman, Lerman, Marley, Marraché, Mazurek, McKane, Miller, Nass, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pineau, Pingree, Piotti, Robinson, Schatz, Smith N, Thompson, Tuttle,

Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Ash, Austin, Bierman, Bishop, Bowen, Bowles, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Davis G, Eder, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Hotham, Jennings, Jodrey, Joy, Lansley, Lewin, Lindell, Lundeen, Marean, McCormick, McFadden, McKenney, McLeod, Merrill, Millett, Mills, Moore G, Moulton, Muse, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan.

ABSENT - Berube, Brown R, Daigle, Davis K, Goldman, Jacobsen, Kaelin, Makas, Moody, Pilon, Rines, Sampson, Smith W.

Yes, 66; No, 72; Absent, 13; Excused, 0.

66 having voted in the affirmative and 72 voted in the negative, with 13 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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 85 on L.D. 1488, I pressed the wrong button. I voted no, but I intended to vote yes.

On motion of Representative ROSEN of Bucksport, the House adjourned at 7:38 p.m., until 9:00 a.m., Tuesday, May 24, 2005 in honor and lasting tribute to Boyd J. Hopkins, of Bucksport.