

MAINE STATE LEGISLATURE

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

Volume II

First Special Session

May 26, 2005 – June 17, 2005

Second Special Session

July 29, 2005

Second Regular Session

January 4, 2006 - April 6, 2006

Pages 737-1487

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST SPECIAL SESSION
25th Legislative Day
Tuesday, May 31, 2005

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

Prayer by Reverend David Garnett, Open Door Bible Church, Lisbon.

National Anthem by Alexis Grose, Biddeford.

Pledge of Allegiance.

The Journal of Thursday, May 26, 2005 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Prohibit a Registered Sex Offender from Residing within 1,000 Feet of the Residence of Any Child, a School, Day Care Center or Playground"

(H.P. 207) (L.D. 282)

Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in the House on May 24, 2005.

Came from the Senate with the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-471)** in **NON-CONCURRENCE**.

Representative BOWLES of Sanford moved that the House **RECEDE AND CONCUR**.

The same Representative **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 213

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

NAY - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Churchill, Craven, Cummings, Duchesne, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lundeen, Makas, Marean, Marley, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Richardson M, Rines, Saviello, Schatz, Smith N, Sykes, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Bryant-Deschenes, Canavan, Daigle, Dudley, Dugay, Dunn, Greeley, Lerman, Marraché, Ott, Sampson, Smith W, Thompson.

Yes, 67; No, 71; Absent, 13; Excused, 0.
67 having voted in the affirmative and 71 voted in the negative, with 13 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 262)

STATE OF MAINE

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

May 23, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1538 An Act To Amend the Laws Authorizing the Medical Use of Marijuana

L.D. 1580 An Act To Enhance Maine's Medical Errors Reporting System

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

Sincerely,

S/Sen. Arthur F. Mayo, III

Senate Chair

S/Rep. Hannah Pingree

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 263)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON JUDICIARY**

May 23, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 918 An Act To Provide for the Payment of Attorney's Fees in a Parental Rights and Responsibilities Action

L.D. 1120 An Act Regarding the Reporting of Abuse and Neglect

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

Sincerely,

S/Sen. Barry J. Hobbins

Senate Chair

S/Rep. Deborah Pelletier-Simpson

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 264)

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

May 19, 2005

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

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 284 An Act To Increase Retired Teachers' Insurance Benefits

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

Sincerely,

S/Sen. Ethan Strimling

Senate Chair

S/Rep. William J. Smith

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 357)

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

May 26, 2005

The Honorable Millicent MacFarland
Clerk of the House

2 State House Station

Augusta, Maine 04333-0002

Dear Clerk MacFarland:

With reference to the Senate's action whereby it insisted and joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Improve the Water Quality of Hall Pond in Paris" (H.P. 306)(L.D. 421)

The President has appointed as conferees on the part of the Senate the following:

Senator Bruce Bryant of Oxford

Senator Ethan Strimling of Cumberland

Senator Kevin Raye of Washington

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Method of Calculating Property Values To Preserve Home Ownership in Maine

(S.P. 310) (L.D. 902)

Signed:

Senators:

PERRY of Penobscot

STRIMLING of Cumberland

Representatives:

CLARK of Millinocket

WOODBURY of Yarmouth

PINEAU of Jay

HUTTON of Bowdoinham

WATSON of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-266)** on same RESOLUTION.

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris

McCORMICK of West Gardiner

CLOUGH of Scarborough

BIERMAN of Sorrento

SEAVEY of Kennebunkport

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

READ.

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

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

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act Concerning the Measurement of Firewood"

(H.P. 1005) (L.D. 1441)

Signed:

Senator:

DOW of Lincoln

Representatives:

AUSTIN of Gray

ROBINSON of Raymond

RECTOR of Thomaston

FARRINGTON of Gorham

BERUBE of Lisbon

BEAUDETTE of Biddeford

JACOBSEN of Waterboro

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

Signed:

Senators:

BROMLEY of Cumberland

HOBBINS of York

Representatives:

SMITH of Monmouth

O'BRIEN of Lewiston

CROSBY of Topsham

READ.

On motion of Representative SMITH of Monmouth, **TABLED** pending **ACCEPTANCE** of either 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 Clarify the Smoking Ban for Off-track Betting Facilities"

(H.P. 815) (L.D. 1186)

Signed:

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-528)** on same Bill.

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representative:

SHIELDS of Auburn

READ.

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

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 Auburn, Representative Shields.

Representative **SHIELDS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill has been presented to you as a Majority **Ought Not to Pass**. Let's review what is happening here.

The original law in this matter stated that smoking would be permitted in off-track betting facilities that were in operation on June 30, 2003. No employees would be present in it to avoid being subjected to second hand smoke. Members of the public are not required to utilize or pass through this smoking area and no one under the age of 18 is permitted inside this area. The attorney general said that this applies only to the six facilities in operation at their location on June 30, 2003. This is a key element in the law.

The bill, as written, proposes to remove the limiting date of June 30, 2003. So, if you pass this bill without any amendments any future licensee might acquire smoking privileges since the grandfathered date of June 30, 2003 would be removed. Now, what has arisen here is a licensee who was in operation on June 30, 2003, but has purchased another property in the same community and wishes to move his operation to that location.

The current law's intent is to allow smoking in only those facilities that were in operation on June 30, 2003 and to prohibit smoking in any new facility so as not to expand the number of public places where one could smoke. This was the agreement when we passed the carve-out for smoking exemptions for these six off-track betting facilities in 2003. There was significant testimony that their customers would not come if they were not allowed to smoke. So we voted to give the businesses a break due to the nature of their business and their clientele. The opponents of this bill have used the Attorney General's strict interpretation of location of facility to mean a certain address and any change of that address would mean that it is a new facility. Therefore, moving across the street would disqualify the facility from the smoking exemption under the current law.

Those of us who support the amended version of this bill do not wish to expand smoking areas, but feel that moving from one address in a community to another address in the same community does not violate the intent of the law, as long as a business was in operation on June 30, 2003 and follows all of the other rules. We have also added that it shall have a floor area of not greater than 2000 square feet, shall be a separately enclosed area, whether within another facility or not and that no slot machines will be in it and that proper signage will be present indicating that it is for off track betting and simulcast racing patrons only.

In fairness to the licensee and keeping true to the spirit and intent of the current law, I ask you to oppose the current motion of **Ought Not to Pass** and let us pass the amended version which keeps the 2003 limitations date in tact, but allows the smoking exemption to go with a licensee as long as it is in the same community. So, I ask you to oppose the current motion.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What you have before you in LD 1186 is a bad piece of legislation that needs to be voted down in the present form that it is.

The Majority **Ought Not to Pass** Report would put a big handicap against the people that are getting ready to invest millions of dollars in Bangor through Pen National and the Bangor Raceway. I was on the Bangor City Council when the first OTB parlor, Miller's Restaurant, came to Bangor. That agreement with the state included the fact that there would only be six OTBs throughout the state of Maine. They have never asked to expand that licensing so, there will still only be six OTBs in the State of Maine.

This is, in fact, nothing more than an attempt by government to control people's chosen lifestyles once again. This room is, in actuality, a smoking room. If you don't smoke don't go in there. No children are allowed there. There are no drinks served in there. There is no wait staff in there. There are no slot machines or betting machines where you can go and place a \$2.00 bet. You simply want to go and have a cigarette and I know that a lot of you find that absolutely horrible to think about, but you know what, there are those of us who do not. There are those of us who enjoy it and if you eliminate the facility's right to have a smoking room than you are, in essence, putting me and everyone else that enjoys a cigarette, a cigar or a pipe out in front of the facility because the last time I knew, open space was fair game, unless you happen to be on school property. I can guarantee you that at no time in your lifetime or mine will an OTB parlor be on school property.

What we are talking about is adult entertainment that requires adult decisions. These people simply bought out Bass Park and the Racino will be operating there. They bought out Miller's Restaurant and they are moving the OTB Parlor to the basement of the auditorium. Very simple, very straight forward, they just want to offer the accommodations that Miller's OTB has offered its patrons since it opened. I am going to ask you to follow my light and defeat this Majority **Ought Not to Pass** and move on with the Minority **Ought to Pass** as Amended by Committee Amendment "A" H 528. 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 rise today to support the Majority **Ought Not to Pass** Report. I don't believe that this is as clear-cut as others would have you believe. This bill has, in a different form, been in front of the Legislature before. During the

121st Legislature a bill was proposed by a member of the other body banning smoking in bars, taverns and off track betting facilities.

This bill passed the HHS Committee after much debate and subsequently passed both chambers by wide margins and was signed by the Chief Executive. Much of the debate in the committee surrounded the issue of OTBs. Of all the groups the OTBs gave the most convincing argument that they would lose business because you can bet and gamble on the Internet.

We worked with the OTBs to carve out an exemption for, which protected non-smokers. However, there was still much concern over the issue and we decided to write into the law that you must have the license for the OTB by a certain date in order to have this exemption apply to you. The concern was based on how we carved out the exemption. It would require that a room be built into which no employee could enter during business hours. However, after business hours cleaning staff and others could, and probably would have to enter. But, as we all know, the effects of smoke – especially in an enclosed area like this – can last for hours. Therefore, the exemption was only for existing OTBs and in their existing form and location. That was the intent of the law. Any new OTB or change of location would mean that the smoking exemption would not apply anymore. We decided to grandfather the current owners and the current locations with the understanding that eventually, over time this exemption would probably apply to no one as they moved and were sold. The OTBs negotiated this law with the Health and Human Services Committee and understood the meaning behind it. It would need to be part of their business decisions that smoking would not be allowed if opening up a new OTB.

My concern is that if we change this law it will be the first step backward in our laws protecting people from second hand smoke. The first step ever that this state has taken. Second hand smoke is a Class A carcinogen, the highest class of carcinogen. If we start taking a step backward or weakening the laws or go back on a negotiated compromise than we run the risk of opening up all the smoking laws, including the restaurant law. There would be nothing to keep them from saying that we have changed the exemption for one business. Why wouldn't we consider changing the laws for one restaurant?

Maine has made great progress in our efforts of protecting people from the effects of second hand smoke. I ask you today to not change or negotiate a compromise. I ask you not to take a step backwards in the great efforts of this state to protect people from second hand smoke. I ask you to support the Majority, bipartisan, Ought Not to Pass Report and keep the current law intact. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Elliot, Representative Lewin.

Representative LEWIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You have heard a fairly fair and accurate account of the history of the bill that was passed in the last session. I would just like to add a few comments to that. Yes, there were six OTBs that were grandfathered and they were grandfathered based on where they were licensed. They were in existence. They had a license with a specific address. I remember that debate. I remember being in the committee and being waylaid in the halls. You couldn't escape the people who wanted to talk to you about these bills. You couldn't escape them. I remember telling them, when we finally reached the grandfathering compromise that Representative Walcott mentioned to you, that I really did hope when this was done it would really be done and that none of them would come back and look at my fat little face two years from now and proceed to tell me that they wanted to change it. Well,

here we are. It didn't take two years and already we want to change it.

I don't think that's right. I think it is time that we learn to do the right thing. Think about all the consequences right up front and speak your mind right up front and do the right thing. Well, I think we did the right thing based on what the state appears to think about smoking - they think that smoking in a public place isn't a good thing - and that case has been stated here many times and many of the bills that people are now fussing about were voted for by this House. So which is it? We can't have it both ways. We either don't support smoking in public places or we do. So we made a law, we said we were doing the right thing and here we want to change it again. In my view a license is listed to a business at an address. If the address changes, in my view, than that license should cease to exist and a new license should be issued at a new address. This is nothing but skirting the law that, all of a sudden, New Penn is so surprised that we have and that we really shouldn't have. Well, I think it is a whole lot of nonsense personally. I hope that you will support the bipartisan agreement, Ought Not to Pass and that you will think long and hard before you do cast your ballot. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm listed here on the Majority Ought Not to Pass, but after further study it is my right to change my mind and I don't want to be as they call it, "a dog in the manger" so, I am going to be voting with the Ought to Pass as Amended by Committee Amendment "A" (H-528). Thank you.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative HOTHAM: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is my bill. So everybody knows whom to blame.

You know, it is interesting the subjects that draw debate in this chamber, long arduous debate. I just want to rise, as I should, in support of my own bill in order to make sure that everybody understands six OTBs have smoking rooms. If you pass this piece of legislation six OTBs will have smoking rooms. I am not a proponent of expanding the opportunity to smoke inside. I am a proponent of giving opportunity a chance to survive and that is what this is about. This is a change of address. I think in my younger years I could have thrown a rock from where the OTB is now to where it is going to be located, from what I understand, at the grandstands of Bass Park and I want everyone to be clear on this. We have worked behind the scenes on this bill with the Maine Smoking Coalition. They have worked with us to make sure that this is not an expansion. I wanted that assurance and I thank them for their participation in securing that. Please vote against the motion on the floor and let's move on to the minority report. Thank you Mr. Speaker.

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

Representative RICHARDSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't have much of an opinion one way or the other on this. I really don't give a hoot whether people smoke in public or don't, but I wonder what you would do with this licensee if his current facility burned down and he had to move. What would you do then?

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 certainly don't mean to prolong what the good Representative from Dixfield has

already called the long and arduous debate, which it is when we are debating exemptions like this, but I just wanted to give deference to the two good Representatives from my committee who have spoken out in favor of the Majority Ought Not to Pass Report.

This compromise was created during the last session. The Health and Human Services Committee worked hard in a bipartisan way last session to figure out how to carve out this exemption and no more. It was based on the premise that existing businesses had a business model that had smoking in it. Anybody who wanted to buy these OTBs would understand that the exemption would not apply to them. So then, new business would not include a business model that included smoking. I think that it was pretty clear when the two pending purchases of OTBs were taking place, or are taking place, that these businesses knew that Maine State Law would not allow them to keep their smoking exemption. When they decided to begin this business transaction they knew that this was the law in place. They understood what their business model would have to be and they chose to go forward anyways.

As the good Representative from Lewiston has very well presented, this would be the first step backwards in our smoking laws in Maine. I ask the members of this House to move forward with the Majority Ought Not to Pass Report and I thank you Mr. Speaker.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to try and keep this as brief as possible about something that I feel very strongly about, which is not easy.

When legalized gambling and the slot machines were voted in not once, but twice in the City of Bangor by an overwhelming majority and in that law that we passed last year in this legislature it plainly and clearly stipulated that the racino, which includes the slot machines had to be within 2000 feet of the Bangor Raceway. Miller's Restaurant is within 2000 feet of the raceway. So, if you want to start looking at all possibilities I guess that maybe the OTB is part of the raceway so the license would go along with it. I don't disagree with the good Representative from Lewiston and his strong passionate plea that this is a step backwards. That is his opinion and I am going to honor his opinion and would never question why he feels that way, but this is not by any means a step backwards in the smoking laws. Maine has some of the toughest smoking laws in the country and this is as it should be. But, we did make an exception for the six OTBs. We are not going to expand that exception for any more that happen to open up in the state. This is an extension. They have moved their machines down less than 2000 feet from where they have existed from day one and I need to remind you again that this is an adult choice. 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 also don't wish to delay this debate at all, but though I usually only speak on HHS bills, I would like to point out that everybody keeps talking about the intent of the law and what we planned on doing was to carve this out and give them room, but the people that say that are ignoring the date that we put in the law.

Why would we put in the law a date that they had to have a license by if the intent of the law wasn't to eventually do away with the smoking in these places? That was the intent. You know that the intent of the law wasn't only to carve out the exemption. The intent was also that in the future, as people

changed locations and as they sold their businesses that that exemption would go away and there are many reasons for that. There are reasons why we don't allow people to smoke in hospitals and in restaurants and in schools anymore, and that is also part of the intent. You can't just look at one part of the intent of the law and not look at the other.

We made this agreement with the current OTBs. They understood that if they sold or if they moved or if their business burned down, then they wouldn't be covered and would need a new license. They never brought that up. It would be ironic if it burnt down because someone left a cigarette somewhere, but I think that we just really need to stick with what the intent was. The intent was not only to carve out six OTBs, the intent was also that in the future there would be none with the exemption, whether it would take 50 years or 10 or however long it took for them to sell their businesses and to move to wherever else. So, you have to look at the entire intent of the original law, the compromise that we worked out with the OTBs. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Elliot, Representative Lewin.

Representative **LEWIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have, in my hand, an article from the Portland Press Herald written on the 29th of May. In this article it says that New Penn is beginning renovations on a facility that will house up to 500 slot machines and then it goes on further to say that the temporary facility at the grandstand and at Miller's will eventually be replaced with a \$75,000,000 permanent gaming complex that will house 1500 slot machines. That would be the limit in this state, 1500. I don't know how anybody could not call that an expansion? I would fail to understand how you could not call that an expansion of the use or the planned use? And, they will be well within the law at 1500 slot machines, but I don't believe that they have the right to take the smoking from Miller's downstairs and nip across the street with it or down the street with it to the new location. I believe that is wrong to do and I also believe that if this article has any level of accuracy at all than this is the first step and there will certainly be more to follow, just like this one is following the last one. Thank you.

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. As a member of Health and Human Services I listened to the testimony regarding this piece of legislation and I have decided Ought Not to Pass will be my vote. The reason for that is, for me, fairly clear. I have some discomfort in setting boundaries on the behavior of adults. However, I also believe that we made a law, we crafted a law, we made an exemption for the six OTBs and thereafter. We also allowed a racino to be opened.

This racino did not get a smoking permit and they have now found a way to attempt to merge an OTB and the racino in order to get the smoking that they wanted. I think it is a – let me be careful here – not a misuse, but rather a reinterpretation of the intent and I would like to support the intent of the previous legislature and I will be voting Ought Not to Pass. Remember, this is moving an OTB room into a racino that does not have smoking. Thank you Mr. Speaker.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just need to put a clarification on the floor. The OTB that is moving from Miller's

Restaurant to the Grandstand at Bass Park will have 450 slot machines in it. When the racino opens those 450 slot machines become part of the 1500 that was authorized by the bill the 121st Legislature passed. There will be no expansion of the number of slot machines that are allowed in the State of Maine until it goes out to a referendum vote and the people approve it not only statewide, but citywide and municipality wide. Just so everybody understands, once the racino is up and open they will not have an OTB track there where the smoking room is. The OTB track will remain, as far as I know, under the Grandstand at Bass Park, but the slot machines will be removed. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I keep hearing that we laid the law down in the last Legislature and I guess they think that it is in stone and I guess they think that it can't be changed. I would like to remind them all that when we first got to the smoking bit years back, in this state, we allowed restaurants to have smoking areas after they spent ton's of money putting in ventilations systems only to take that out of stone and tell them that they couldn't smoke at all. So what is the big deal that we passed a bill in the last Legislature and we want to change it now? I don't see much difference.

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. Just to clarify what I hope you will adopt, which is the amended version of this bill. It says that the designated smoking area will be no larger than 2,000 square feet of floor area. No slot machines are located in the OTB or simulcast racing facility. The designated smoking area is located entirely within a separately enclosed area of an off track betting facility or simulcast racing facility and the proper signs are mounted to the exterior of the designated smoking area indicating that use of the area is for off track betting and simulcast racing patrons only. So, there are no slot machines in it. It is entirely enclosed and kept away from anything else. Whatever other building or facility that it is in.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is always a great pleasure to return on a Tuesday to a spirited debate, especially one that, in essence, was put so succinctly by the good Representative from Bangor. It is always a great pleasure to hear her state things as I see them, with great common sense and grounded in reality. Not trying to do the thinking for every adult in the state of Maine. I appreciate her dedicated, spirited defense of adult choices. She is succinct, she is to the point and she gets it done. I hope that people listened very well to what Representative Blanchette has outlined here today. I intend to follow her light and I hope that all of us who work together to make sure that big government doesn't keep staring down our throat follow Representative Blanchette's example this morning. Thank you very much.

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. 214

YEA - Adams, Annis, Babbidge, Barstow, Bishop, Blanchard, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Collins, Craven, Cressey, Crosthwaite, Cummings, Daigle, Duchesne, Dudley, Duplessie, Eberle, Eder, Faircloth, Farrington,

Flood, Glynn, Grose, Harlow, Hutton, Koffman, Lerman, Lewin, Makas, Marley, Marraché, Mazurek, McKenney, Miller, Mills, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Richardson E, Schatz, Seavey, Smith N, Thompson, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Ash, Austin, Beaudette, Berube, Bierman, Blanchette, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clark, Clough, Crosby, Curley, Curtis, Davis G, Davis K, Driscoll, Dugay, Dunn, Duprey, Edgecomb, Emery, Finch, Fischer, Fisher, Fitts, Fletcher, Gerzofsky, Goldman, Greeley, Hall, Hamper, Hanley B, Hanley S, Hogan, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lindell, Lundeen, Marean, McCormick, McFadden, McKane, McLeod, Merrill, Millett, Moody, Moore G, Moulton, Nass, Nutting, Pinkham, Rector, Richardson D, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Twomey, Vaughan.

ABSENT - Bryant-Deschenes, Ott, Sampson, Smith W.

Yes, 66; No, 81; Absent, 4; Excused, 0.

66 having voted in the affirmative and 81 voted in the negative, with 4 being absent, and accordingly Majority Ought Not to Pass Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. Committee Amendment "A" (H-528) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, June 1, 2005.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Protect the MaineCare Program"

(H.P. 242) (L.D. 318)

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
GLYNN of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-524)** on same Bill.

Signed:

Representatives:

SHIELDS of Auburn
CAMPBELL of Newfield
LEWIN of Eliot

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 **TAXATION** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Homestead Land

(H.P. 7) (L.D. 2)

Signed:

Senators:

PERRY of Penobscot
COURTNEY of York

Representatives:

HANLEY of Paris
McCORMICK of West Gardiner
CLOUGH of Scarborough
PINEAU of Jay
BIERMAN of Sorrento
HUTTON of Bowdoinham
SEAVEY of Kennebunkport
CLARK of Millinocket

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-533)** on same RESOLUTION.

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

WOODBURY of Yarmouth
WATSON of Bath

READ.

On motion of Representative WOODBURY of Yarmouth, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-532)** on Bill "An Act To Conform the Maine Tax Code with the Federal Health Savings Accounts Laws"

(H.P. 146) (L.D. 195)

Signed:

Senator:

COURTNEY of York

Representatives:

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

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

PINEAU of Jay
HUTTON of Bowdoinham

READ.

Representative WOODBURY of Yarmouth 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 to Pass as Amended by Committee Amendment "A" (H-535)** on Bill "An Act To Allow Counties a One-year Exemption For Jail Costs from the Limitation on County Assessments"

(H.P. 1175) (L.D. 1666)

Signed:

Representatives:

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

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

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representative:

CROSTHWAITE of Ellsworth

READ.

On motion of Representative BARSTOW of Gorham, **TABLED** pending **ACCEPTANCE** of either 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. 618) (L.D. 867) Bill "An Act Regarding Child Protection Proceedings" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-545)**

(H.P. 1158) (L.D. 1643) Bill "An Act To Clarify and Harmonize State Policy on Groundwater Management" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-547)**

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.**

(H.P. 788) (L.D. 1145) Bill "An Act Regarding Tribal Gaming and Gaming by Nonprofits" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-550)**

On motion of Representative TARDY of Newport, was **REMOVED** from the First Day Consent Calendar.
The Committee Report was **READ.**

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Unanimous Committee 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 Unanimous Committee Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 215

YEA - Adams, Annis, Ash, Barstow, Berube, Bierman, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Cebra, Churchill, Clark, Collins, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Gerzofsky, Goldman, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lerman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, Merrill, Miller, Mills, Moody, Moore G, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pineau, Pingree, Pinkham, Piotti, Richardson D, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Sherman, Smith N, Sykes, Tardy, Thompson, Tuttle, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Babbidge, Beaudette, Bishop, Carr, Clough, Cresse, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Flood, Glynn, Hamper, Lansley, Lewin, McKane, McKenney, McLeod, Millett, Moulton, Muse, Pilon, Plummer, Rector, Richardson E, Seavey, Shields, Stedman, Thomas, Trahan, Twomey.

ABSENT - Bryant-Deschenes, Dugay, Ott, Sampson, Smith W.

Yes, 112; No, 34; Absent, 5; Excused, 0.

112 having voted in the affirmative and 34 voted in the negative, with 5 being absent, and accordingly the Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-550)** was **READ** by the Clerk and **ADOPTED**.

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

Representative **DUDLEY**: Mr. Speaker, point of order.

The **SPEAKER**: The Representative may proceed.

Representative **DUDLEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. On the previous vote I was unable, up until the last minute, to find the amendment and read what we were being asked to vote upon. It wasn't available online and it hadn't been filed in our desks. This has been happening regularly lately and I am very concerned about being asked to vote on items without having a chance to review them.

The **SPEAKER**: Your objection is so noted and the report, Committee Amendment "A" (H-550) is on your desk. It is not online and there are problems associated with keeping up, at least with the Committee Amendments that are being posted on the internet and it has to do with the pace and speed to which we are moving and the ability of the staff to keep up. The amendment, Committee Amendment "A" (H-550) that you voted on is on your desk.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment**

"A" (H-550) and sent for concurrence. **ORDERED SENT FORTHWITH.**

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Require that Division Heads within the Department of Agriculture, Food and Rural Resources Be Unclassified"

(S.P. 270) (L.D. 815)

(C. "A" S-249)

House

Bill "An Act Regarding Transition Provisions for the Sharing of Costs in Certain School Districts" (EMERGENCY)

(H.P. 1189) (L.D. 1684)

House as Amended

Bill "An Act To Provide Uniform Voter Verification and Recount Requirements for Voting Machines"

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

(H. "A" H-508 to C. "A" H-453)

Bill "An Act To Require That a Person Arrested on a Domestic Violence Charge Be Held for at Least 4 Hours before Being Released on Bail"

(H.P. 712) (L.D. 1027)

(C. "A" H-531)

Bill "An Act To Amend the Definition of 'Funeral Establishment'"

(H.P. 736) (L.D. 1083)

(C. "A" H-525)

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

Bill "An Act To Ensure Compliance with Safety Regulations"

(H.P. 856) (L.D. 1238)

(C. "A" H-443)

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

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

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Passage to be Engrossed as amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 216

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

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

ABSENT - Bryant-Deschenes, Ott, Sampson, Smith W.

Yes, 70; No, 77; Absent, 4; Excused, 0.

70 having voted in the affirmative and 77 voted in the negative, with 4 being absent, and accordingly the House Paper **FAILED PASSAGE TO BE ENGROSSED** and was sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Facilitate Reimbursement of Public Utilities Relocation Costs

(H.P. 400) (L.D. 524)

(C. "A" H-458)

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. 137 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

An Act To Amend the Laws Regarding the School Revolving Renovation Fund

(H.P. 1019) (L.D. 1454)

(C. "A" H-462)

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. 125 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.

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

Acts

An Act To Simplify the Real Estate Foreclosure Process

(H.P. 344) (L.D. 469)

(C. "A" H-466)

An Act To Amend the Axle Weight Laws

(H.P. 477) (L.D. 657)

(C. "A" H-459)

An Act To Amend the Laws Governing the Effect of Foreclosure of a Tax Lien on Time-share Estates

(H.P. 830) (L.D. 1212)

(C. "A" H-467)

An Act To Allow Physicians Licensed in Other States but Trained outside the United States To Practice Medicine in Maine

(S.P. 441) (L.D. 1261)

(C. "A" S-239)

An Act To Repeal Certain Boards and Commissions

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

(C. "A" H-378; H. "A" H-469)

An Act Concerning Full Faith and Credit for Legal Documents Executed in Other Jurisdictions

(H.P. 1104) (L.D. 1566)

(C. "A" H-468)

An Act To Allow Certain Modifications of Motor Vehicles

(H.P. 1109) (L.D. 1571)

(C. "A" H-457)

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.

Resolves

Resolve, To Establish a System for Verification of Proficiency for Prelingually Deaf Candidates for Teacher Certification

(S.P. 430) (L.D. 1251)

(C. "A" S-235)

Resolve, To Address the Unauthorized Publication of Information Concerning Recreational Trails That Cross Private Property

(H.P. 1066) (L.D. 1519)

(C. "A" H-460)

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

(H.P. 1074) (L.D. 1529)

(C. "A" H-461)

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 26, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Require a Criminal Background Check for the Initial Licensure of Emergency Medical Services Personnel"

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

(C. "A" H-472)

TABLED - May 24, 2005 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - **PASSAGE TO BE ENGROSSED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-507)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Coordinated Early Childhood Care and Preschool Education in Maine" (EMERGENCY)

(H.P. 1058) (L.D. 1513)

TABLED - May 25, 2005 (Till Later Today) by Representative TARDY of Newport.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

The Bill was **READ ONCE.** **Committee Amendment "A" (H-507)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, June 1, 2005.

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-504)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Transfer Ownership of Certain Public Reserved Lands to the Town of Allagash

(H.P. 653) (L.D. 934)

TABLED - May 26, 2005 (Till Later Today) by Representative PIOTTI of Unity.

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

Subsequently, 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.**

SENATE PAPERS

Non-Concurrent Matter

An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights

(H.P. 182) (L.D. 243)

(C. "A" H-220)

- In House, **PASSED TO BE ENACTED** on May 16, 2005.
- In Senate, **PASSED TO BE ENACTED** on May 26, 2005, in concurrence.
- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 626.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-220) AS AMENDED BY SENATE AMENDMENT "A" (S-270)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act To Amend the Laws Governing Concealed Firearms Permits"

(H.P. 624) (L.D. 874)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-385)** in the House on May 26, 2005.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** **READ** and **ACCEPTED** in **NON-CONCURRENCE.**

Representative RICHARDSON of Brunswick moved that the House **RECEDE AND CONCUR.**

Representative BOWLES of Sanford **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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 Newfield, Representative Campbell.

Representative **CAMPBELL:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that this is a bill that I spoke on the other day. We don't need anymore gun laws in the State of Maine. They have no gun laws in the state of Vermont and the former governor of Vermont said that they had no gun laws in Vermont and that they intend to keep it that way. I don't believe that we need anymore gun laws in Maine. We may already have too many as it is and I hope that you will follow my light and vote **Ought Not to Pass.**

The **SPEAKER:** The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a quick reminder, the amended version of this that we passed before it went to the other body simply opens the reciprocity agreement to any other state as long as those states meet or exceed the qualifications that the State of Maine has. Currently it is restricted to just two and this would open it up to any state. Thank you.

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

Representative **BLANCHETTE:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that you just need to understand that if you pass this law then you are going to open the doors to anyone and everyone with no state control, of who is allowed to carry a concealed weapon. I do not have a problem with Maine residents carrying a concealed weapon. I never have and I never will, because I am extremely comfortable with what the State Police, my municipalities and my Sheriff's department and anybody and everyone out there give the authority to issue a concealed weapons permit holds everyone to a very, very high standard. I can't say the same for other states because we have not been able to find, in our search - believe me we have searched - two states that have as strict rules on their books for carrying concealed as the state of Maine.

Now, we pay millions of dollars a year to fund our Public Safety Department within the State of Maine. We always have, and rightfully so, put a lot of trust in our public safety officials that keep everybody within the State of Maine. To pass this law, as the Minority Report wanted, would tell the State Police that we really don't value their opinion. We can open the doors and let anybody and everybody into our borders carrying a concealed weapon, whether they have good moral character or not.

The good Representative from Auburn, when we debated this on the floor last week, gave the quote of the year and I am going to reiterate it to you. O.J. Simpson has never been convicted of a felony murder, would you want him to carry a concealed within the borders of the State of Maine? Think about it Ladies and Gentlemen when you press your light. Thank you Mr. Speaker.

The **SPEAKER:** The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that people who shouldn't be carrying concealed weapons, or firearms as I prefer to call them, would be carrying them in the State of Maine any state they want, violating the law. It is usually the criminals that carry the guns and shouldn't have them.

As far as our State Police is concerned they have state police in the State of Vermont and they are very comfortable with their law over there and their law is no law. They have no gun laws in the State of Vermont and it is one of the safest states in the union to live in, as are Maine and New Hampshire. Three gun states, large states with hunting and fishing.

If you want to bring gun laws to the state of Maine you should go down to Boston or New York or to Washington DC where the greatest person in the world can't get a gun permit, but the highest crime rate in the country is in Washington and they have the toughest gun laws in the country. So take your choice Vermont, Maine and New Hampshire or Washington, Boston and New York. We don't need anymore gun laws up here.

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. As an ex Vermonter, gun toting Bubba from the State of Vermont where they have no gun laws, that is not really a true statement because they do have gun laws.

There are plenty of people in Vermont that you wouldn't want in the state of Maine with a concealed weapon. I happen to know a few of them. But, in Vermont they don't have a concealed weapons permit. They also don't have the town of Portland; they don't have the towns of Augusta, Lewiston, Bangor or any other big towns. It's a bunch of small villages. The only town in the state of Vermont that is any size is Burlington, which is a college town. They also don't have murder. They also don't have a supermax state prison. Any of the people in Vermont that get in real serious trouble wind up coming over here and we take care of them.

Over in Vermont they have under a half a million people. They have more cows than people and the cows get along pretty well and so do the people, but if you choose to break the law in Vermont they don't take away your concealed weapons permit because they don't have it. They don't take away your rifle. Most people over there carry concealed weapons in their glove compartments so that they can kill rabid animals at night if they find one on the side of the road.

They don't have murder over there because they don't have very many people. We have a million and 200,000 or a million and 300,000 and we do have murders here and we do have people of poor moral character that have come here from other places and we don't want them to have concealed weapons permits. Please, Ladies and Gentlemen, follow my light on this one. We don't need people that have no moral character. We don't need people that can't pass our strict requirements to be packing guns here. Thank you for your time.

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

Representative KAELIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You know, I hope that we will defeat the pending motion to concur with the Senate and move on to adhere to our earlier vote on this matter because this is not only about who is coming into Maine, but it is about the opportunity for people like myself who have a concealed weapons permit to be able to travel into other states. The second amendment of the U.S. Constitution and Article 1 § 16 of the Maine Constitution protect our rights as law abiding citizens to carry guns, whether we are in Maine or whether we go somewhere else. I don't think that we should be letting the State Police off of the hook here. They have got to work a little bit harder to make reciprocity a reality for those of us who carry guns and travel around the country. It is legal to do that.

You know, it isn't that tough to get a concealed weapons permit in Maine. Anybody in this room can do it. You can't be a convicted felon. You have to have good, upstanding moral character in your community. That is not hard to do. That is easy to do. The laws of our country and our state allow people to own guns. This isn't a bad thing; we do it to protect ourselves. We do it to protect our families. We are not talking about hunting here. You don't conceal a handgun to shoot a deer. This is about the right to carry a gun and the opportunity for the State of Maine to allow us, as upstanding Maine citizens, to travel around this country with a concealed firearm if that is what we would like to do.

Don't listen to this idea that we've got all these people who if they had just been convicted would be convicted felons. This OJ Simpson argument I just don't understand. I thought that you were innocent until proven guilty in this country? The idea that we are going to have these bad people coming to Maine with a concealed weapon if we Recede and Concur with the Senate is beyond me. I just don't understand it. This is about law abiding Maine citizens wanting to be able to carry guns around the country and we should be doing everything in this state to make sure that this is possible. Thank you Ladies and Gentlemen of the House.

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

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My good colleague Representative Gerzofsky said that he came from Vermont. I would like to remind you on the other side of the aisle that the Honorable Howard Dean still lives in Vermont and he has been elected your new national leader. Unlike Representative Gerzofsky, he said that they had no gun laws over there and that they intend to keep it that way. So, I think that you should follow your national leader instead of one of your colleagues in the House here when you vote and follow my light and Howard Dean's light. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Jackson.

Representative JACKSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that that is a great idea on this bill. I will follow Mr. Dean's light and I hope that Mr. Campbell will follow Mr. Dean's light in all future things.

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 want to get away from Vermont. That is not in this bill. What is in this bill is a very brief amendment, which replaces the whole bill. The brief amendment says that we can be reciprocal with more than two states, which currently is in law, if they have the same restrictions and application abilities that Maine does and that is all it says and that seems to me like a common sense thing that allows our people, if the reciprocity is good, to take their guns with them wherever they go. So I think that to recede and concur is the wrong way to vote on this bill and I think that the amendment version is a good bill.

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

ROLL CALL NO. 217

YEA - Adams, Babbidge, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Cain, Canavan, Craven, Cummings, Dudley, Dunn, Eberle, Eder, Faircloth, Fisher, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Koffman, Lerman, Makas, Marley, Norton, O'Brien, Paradis, Pelletier-Simpson, Percy, Pilon, Pingree, Piotti, Rines, Seavey, Twomey, Valentino, Walcott, Watson, Webster, Woodbury.

NAY - Annis, Ash, Austin, Berube, Bierman, Bishop, Blanchard, Bowles, Brown R, Browne W, Burns, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Duplessie, Duprey, Edgecomb, Emery, Farrington, Finch, Fischer, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Nutting, Patrick, Perry, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Schatz, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Vaughan, Wheeler.

ABSENT - Bowen, Bryant-Deschenes, Ott, Pineau, Sampson, Smith N, Smith W, Mr. Speaker.

Yes, 45; No, 98; Absent, 8; Excused, 0.

45 having voted in the affirmative and 98 voted in the negative, with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

Non-Concurrent Matter

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

(H.P. 1024) (L.D. 1462)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392) in the House on May 18, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392) AS AMENDED BY SENATE AMENDMENT "A" (S-232)** thereto in **NON-CONCURRENCE**.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Authorize the Regulation of Firearms on Public Property"

(S.P. 106) (L.D. 344)

Signed:

Senators:

DIAMOND of Cumberland

CLUKEY of Aroostook

Representatives:

BLANCHETTE of Bangor

PLUMMER of Windham

HANLEY of Gardiner

GREELEY of Levant

CHURCHILL of Washburn

SYKES of Harrison

GROSE of Woolwich

DAVIS of Augusta

PARADIS of Frenchville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-236)** on same Bill.

Signed:

Senator:

NUTTING of Androscoggin

Representative:

GERZOFKY of Brunswick

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

READ.

On motion of Representative BLANCHETTE of Bangor, the Majority **Ought Not to Pass Report was ACCEPTED** in concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 779) (L.D. 1136) Bill "An Act To Implement the Recommendations of the Legislative Youth Advisory Council" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1173) (L.D. 1662) Bill "An Act To Amend the Law Governing the Department of Transportation's Contracting Authority" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 437) (L.D. 604) Resolve, Directing the Department of Health and Human Services To Provide Local Alternatives to MaineCare's Mail-order Pharmacy Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-556)**

(H.P. 988) (L.D. 1424) Bill "An Act To Simplify Implementation of the Maine Learning Results" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-554)**

(H.P. 1002) (L.D. 1438) Bill "An Act To Require Admission Policies for Hospitals Providing Swing Bed Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-557)**

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

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

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

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Donald J. Leaver, of Topsham, a veteran of World War II. Mr. Leaver served with the 75th Troop Carrier Squadron, 535th Troop Carrier Group for more than 3 years and was discharged in 1945. He participated in 7 campaigns and battles, including the Battle of Normandy and the campaigns of Northern France, Rome-Arno, Southern France, Rhineland, Ardennes and Central Europe. During those campaigns and battles, he received the Good Conduct Medal, the European Theater Campaign Ribbon, the African Theater Campaign Ribbon, the Middle Eastern Theater Campaign Ribbon and the Distinguished Unit Badge. Mr. Leaver is survived by his 5 sons, Robert, Don, Dennis, David and Wayne. We are honored to recognize the life of this distinguished veteran who served his country;

(HLS 811)

Presented by Representative CROSBY of Topsham.

Cosponsored by Senator MAYO of Sagadahoc, Representative GROSE of Woolwich.

On **OBJECTION** of Representative CROSBY of Topsham, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Crosby.

Representative **CROSBY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have known two of Mr. Leaver's sons, Dennis and Don, for several years and their wives and their children. We attend church together and our children attend the same schools. When I heard of Mr. Leaver's passing it saddened me because of the loss to the family. However, being a man of faith I know that he is in a better place now and is with his wife of 50 years who passed six years ago. He is now looking down from heaven upon his five sons and their families.

They had a service at the Veteran's Cemetery about an hour ago to memorialize his life. We are indeed honored, on this day after Memorial Day, to honor the life of this distinguished veteran and family man. Thank you Mr. Speaker.

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

ENACTORS

Emergency Measure

An Act To Repeal the Tax on Private Nonmedical Institutions
(S.P. 52) (L.D. 146)
(C. "A" S-173)

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. 114 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Encourage Personal and Family Financial Management Education

(H.P. 916) (L.D. 1318)
(C. "A" H-463)

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. 110 voted in favor of the same and 7 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Ensure Fair Reimbursement for the Medical Care Provided to State Inmates
(H.P. 20) (L.D. 17)

An Act To Support Animal Welfare
(H.P. 129) (L.D. 178)
(H. "A" H-444 to C. "A" H-329)

An Act To Amend the Hospital Tax
(S.P. 224) (L.D. 687)
(C. "A" S-164)

An Act To Repeal Tax and Match
(S.P. 236) (L.D. 699)
(C. "A" S-193)

An Act To Limit the Political Activity of the Members of the Commission on Governmental Ethics and Election Practices
(S.P. 247) (L.D. 749)
(C. "A" S-223)

An Act To Strengthen the Penalties for Furnishing Alcohol to or Allowing Consumption of Alcohol by Minors
(S.P. 311) (L.D. 903)
(C. "A" S-237)

An Act To Improve Sentencing for Serious Offenders
(H.P. 680) (L.D. 970)
(C. "A" H-474)

An Act To Add an Organizational Name to the Governor Baxter School for the Deaf
(H.P. 691) (L.D. 981)
(C. "A" H-481)

An Act To Provide for Variance Notification in the Shoreland Zoning Law
(H.P. 804) (L.D. 1161)
(C. "A" H-477)

An Act To Amend Certain Milk and Milk Products Laws
(H.P. 990) (L.D. 1426)
(C. "A" H-470)

An Act To Facilitate Energy Self-sufficiency for Maine's Offshore Islands
(H.P. 1006) (L.D. 1442)
(C. "B" H-486)

An Act To Establish a Fair System for the Protection of Volunteer Firefighters' Employment
(H.P. 1166) (L.D. 1652)
(C. "A" H-493)

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

Resolves

Resolve, Directing a Review of Comprehensive Planning and Growth Management in Maine
(H.P. 211) (L.D. 286)
(C. "B" H-476)

Resolve, To Improve Statewide Business Assistance Services
(H.P. 584) (L.D. 825)
(C. "A" H-475)

Resolve, To Amend the Rule-making Process for the State's Plumbing Code

(S.P. 373) (L.D. 1056)
(C. "B" S-132)

Resolve, To Grant the Town of Alton Automatic Intervenor Status

(H.P. 729) (L.D. 1076)
(C. "A" H-490)

Resolve, To Establish Energy Standards for Residential Rental Properties

(H.P. 751) (L.D. 1098)
(C. "A" H-487)

Resolve, To Promote Training Centers for Entrepreneurship

(H.P. 964) (L.D. 1387)
(C. "A" H-482)

Resolve, To Establish a Responsive, Community-based, Cost-effective and Comprehensive Adult Mental Health System

(H.P. 1060) (L.D. 1515)
(C. "A" H-479)

Resolve, Directing the Department of Inland Fisheries and Wildlife To Study the Feasibility of Establishing a Program To Assess Riverine Habitats in Maine

(H.P. 1161) (L.D. 1648)
(C. "A" H-483)

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

An Act To Protect Dogs That Are Left Outside

(H.P. 155) (L.D. 204)
(C. "A" H-484)

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

On motion of Representative PIOTTI of Unity, was **SET ASIDE.**

On further motion of the Representative, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended.**

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-484)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-546)** to **Committee Amendment "A" (H-484)** which was **READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment reflects what the members of the Agriculture, Conservation and Forestry Committee thought we had voted on in committee. Unbeknownst to us the full amendment didn't quite get here and this corrects that. The Amendment and the bill have the unanimous support of the committee.

Subsequently, **House Amendment "A" (H-546)** was **ADOPTED.**

Committee Amendment "A" (H-484) as Amended by **House Amendment "A" (H-546)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-484)** as Amended by

House Amendment "A" (H-546) thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

An Act Relating to Disclosures in Political Advertising

(H.P. 771) (L.D. 1118)
(C. "A" H-451)

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

On motion of Representative PATRICK of Rumford, was **SET ASIDE.**

On further motion of the same Representative; **TABLED** pending **PASSAGE TO BE ENACTED** and specially assigned for Wednesday, June 1, 2005.

CONSENT CALENDAR

First Day

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

(S.P. 208) (L.D. 653) Bill "An Act To Clarify Warranty Practices between Manufacturers, Distributors and Dealers of Power Equipment, Machinery and Appliances" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-258)**

(S.P. 231) (L.D. 694) Bill "An Act To Restore Fair MaineCare Payments to Critical Access Hospitals" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-262)**

(S.P. 263) (L.D. 796) Bill "An Act To Implement the Recommendations of the Commission To Study Public Health That Concern Schools, Children and Nutrition" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-268)**

(S.P. 294) (L.D. 886) Bill "An Act To Promote Parity in the Laws Governing Smoking in the Workplace" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-261)**

(S.P. 381) (L.D. 1064) Bill "An Act To Clarify the Laws Governing Agricultural Composting Operations" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-256)**

(S.P. 462) (L.D. 1335) Bill "An Act To Add Value to Maine Agricultural Products" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-263)**

(S.P. 468) (L.D. 1341) Bill "An Act To Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-255)**

(S.P. 518) (L.D. 1500) Bill "An Act To Improve Campaign Financing and Reporting and the Administration of the Maine Clean Election Act" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-264)**

(S.P. 525) (L.D. 1509) Bill "An Act To Amend the Laws Governing the Manufactured Housing Board" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-260)**

(S.P. 537) (L.D. 1548) Bill "An Act To Amend the Laws Concerning Registration of Engineers" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-257)**

(S.P. 618) (L.D. 1670) Bill "An Act To Exempt Internet Sales from the Definition of 'Auction'" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-259)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

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

(H.P. 254) (L.D. 331) Bill "An Act To Improve the Operation of Underground Damage Prevention Procedures" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-558)**

(H.P. 887) (L.D. 1290) Bill "An Act To Improve Funding for Telecommunications Relay Services" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-559)**

(H.P. 959) (L.D. 1373) Bill "An Act To Implement Emergency Medical Dispatch Services for E-9-1-1 Calls" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-560)**

(H.P. 1110) (L.D. 1572) Bill "An Act To Amend the Potato Industry Licensing Laws" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-562)**

(H.P. 1169) (L.D. 1658) Bill "An Act To Expand the Powers of the Stonington Sanitary District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-561)**

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**.

ORDERS

On motion of Representative PERCY of Phippsburg, the following Joint Order: (H.P. 1190)

ORDERED, the Senate concurring, that:

1. The Joint Standing Committee on Marine Resources shall conduct a study of methods to promote education, safety and training for harbormasters. The committee shall conduct the study when the Second Regular Session of the 122nd Legislature convenes;

2. The committee shall explore methods to promote education, safety and training for harbor masters to ensure adequate protection of public health and safety along the vast

coastal areas and inland waterways potentially vulnerable to outside threats and to ensure safety for industrial and commercial enterprises using marine transportation; and

3. The committee may invite participation of interested parties and stakeholders during this study and in the development of its recommendations. The interested parties and stakeholders may include the following:

A. The Maine Harbor Masters Association; and

B. The Maine Municipal Association; and be it further

ORDERED, that the Joint Standing Committee on Marine Resources shall submit a bill by March 3, 2006 to the Second Regular Session of the 122nd Legislature based on its study.

READ and PASSED.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-551)** on Bill "An Act To Prohibit the Disposal of Dangerous and Unsafe Material in Solid Waste Facilities" (EMERGENCY)

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

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

SAVIELLO of Wilton

DUCHESNE of Hudson

ROSEN of Bucksport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-552)** on same Bill.

Signed:

Representative:

TWOMEY of Biddeford

READ.

Representative KOFFMAN of Bar Harbor moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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. This bill was targeted to my incinerator in Biddeford because we have had some explosions. People are sending propane tanks and this technology has been promised to be state of the art and that these things would never happen and that they had a magnet in the facility that could capture all of these things. However, we did have three large explosions. One took out the back of the facility and shattered alot of windows in a nearby building. Had anybody been there during the day someone would have been hurt. So, while I think that we need to do something about this, there is a bigger problem.

We have 280,000 tons of out-of-state waste that comes into my facility in Biddeford from New York, New Jersey and Massachusetts and we cannot dictate what comes into our

community because we don't have trash police. So, this was a way of trying to do something about it. However, I think that it is backwards and I went out alone because it is my incinerator. It is my facility and I take offense when people try to cram something down our throat that wasn't asked for from our community. What I take offense to is that people need a place to bring their propane tanks. They need to know where there are facilities where they can dispose of these tanks. This isn't just propane tanks. This is torches and people in garages. What we are going to be doing is criminalizing the public because they have, no knowledge of where their tanks are going. When people put their trash to the corner of the road they don't know if that is going to my incinerator or if it is going to a landfill.

What this bill does is target those people who willingly send those to do damage. I don't believe that is the case. I just think that people don't have the education of knowing where to dispose of their tanks so my amendment asks the DEP to educate the public and print the list of disposal places where people can bring their propane tanks. Once we get that in place I think we will see less and less of these incidences. So, I am not trying to criminalize people and have them have to get lawyers and defend themselves. They didn't know why they sent that to the trash and it exploded and hurt someone and I think it is backwards. I think that we need to give them a place to dispose of these materials. I don't believe in criminalizing the public because Casella Waste and their great technology is not working. Thank you.

Representative DAIGLE of Arundel **REQUESTED** that the Clerk **READ** the Committee Report.

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

Representative TWOMEY of Biddeford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

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

ROLL CALL NO. 218

YEA - Adams, Annis, Barstow, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Clark, Craven, Crosby, Crosthwaite, Cummings, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Jacobsen, Joy, Kaelin, Koffman, Lewin, Marley, Marraché, McLeod, Merrill, Miller, Millett, Moody, Muse, Nass, Norton, Patrick, Pelletier-Simpson, Percy, Perry, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson W, Robinson, Rosen, Saviello, Smith N, Tardy, Thompson, Trahan, Tuttle, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Ash, Austin, Babbidge, Beaudette, Berube, Bierman, Bishop, Blanchette, Brown R, Campbell, Canavan, Carr, Cebra, Churchill, Clough, Collins, Cressey, Curley, Curtis, Dugay, Eder, Edgecomb, Fitts, Fletcher, Grose, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Jodrey, Lansley, Lerman, Lindell, Lundeen, Makas, Marean, Mazurek, McCormick, McFadden, McKane, McKenney, Mills, Moore G, Nutting, O'Brien, Paradis, Pilon, Plummer, Richardson M, Rines, Schatz, Seavey, Sherman, Shields, Stedman, Sykes, Thomas, Twomey, Valentino, Vaughan, Walcott.

ABSENT - Bryant-Deschenes, Hall, Moulton, Ott, Sampson, Smith W.

Yes, 79; No, 66; Absent, 6; Excused, 0.

79 having voted in the affirmative and 66 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-551)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, June 1, 2005.

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-553)** on Bill "An Act To Recruit and Retain College Graduates through Loan Repayment"

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

Signed:

Senators:

BROMLEY of Cumberland

HOBBS of York

DOW of Lincoln

Representatives:

SMITH of Monmouth

O'BRIEN of Lewiston

AUSTIN of Gray

ROBINSON of Raymond

RECTOR of Thomaston

FARRINGTON of Gorham

BEAUDETTE of Biddeford

JACOBSEN of Waterboro

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

Signed:

Representatives:

BERUBE of Lisbon

CROSBY of Topsham

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-553)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, June 1, 2005.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 26, 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 Regarding the Voting Place

(S.P. 121) (L.D. 374)

(C. "A" S-150)

TABLED - May 17, 2005 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - PASSAGE TO BE ENACTED.

Representative PATRICK of Rumford moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative CUMMINGS of Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the bill and all of its accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 219

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis K, Driscoll, Duchesne, Dugay, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lundeen, Makas, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Perry, Pilon, Pineau, Pingree, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Vaughan, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Craven, Davis G, Dudley, Faircloth, Hutton, Lindell, Marley, Pelletier-Simpson, Percy, Piotti, Valentino, Walcott, Watson.

ABSENT - Bryant-Deschenes, Dunn, Hall, Moulton, Ott, Sampson, Smith W.

Yes, 131; No, 13; Absent, 7; Excused, 0.

131 having voted in the affirmative and 13 voted in the negative, with 7 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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

The House recessed until 3:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-266)** - Committee on **TAXATION** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Change the Method of Calculating Property Values To Preserve Home Ownership in Maine

(S.P. 310) (L.D. 902)

Which was **TABLED** by Representative **WOODBURY** of Yarmouth pending his motion to **ACCEPT** the Majority **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. I would like to give you some reasons why we should not accept the Ought Not to Pass Report on this legislation. This bill amends the Constitution of Maine to establish the base property value for real

property as the just value of the property on April 1, 2006. Increases in the value of the property are limited to the just value of any improvements or degradations to the property and the lower of the rate of inflation and the actual increase in value of the real property unless there is a change of ownership. If there is a change of ownership then the value of the property may be changed to the higher of the actual property price and the just value of the property on the April 1st preceding the change in ownership.

This bill would give us an opportunity to help some of our constituents who are living in homes that have been constantly increasing in value overtime just because the valuation of property is increased for homes that have been sold in the neighborhood.

The property tax is a tax that should be reasonable and fair for those who are living on the property. If you buy a piece of property and your budget allows you to buy a home for \$200,000 or \$150,000 and it allows you to make the payments and insure the home and do what it takes to stay there and the next year you find that your home is now worth \$300,000.

Nothing has happened to your income to make that possible. We would like to change that and if we can get an approval on this piece of legislation that would be changed so that when you buy the new home it will be valued at a price that a willing buyer and a willing seller had agreed upon and the taxes would be appropriate for that amount of value. It would only increase by the amount of any inflation or any changes that you make to the property over the time that you live there. When it is sold to a willing buyer again the new value is established and that individual would continue to pay on that base price until such time it was sold again.

Property in Maine traditionally turns over about once every seven years and in some communities like mine it turns over a lot more frequently than that so, the assessed value of the municipality would not suffer. It would probably increase at about the same rate or in some communities even faster than it does at the present time. So, Mr. Speaker I would ask for a roll call when the vote is taken and Ladies and Gentlemen of the House I would ask you to defeat the pending motion.

Representative **CLOUGH** of Scarborough **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 Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just like to mention some of the reasons for members of the committee recommending the Ought Not to Pass Report.

One of the concerns about imposing property taxes in this way is that you can have two identical properties right next to each other with identical market value that are taxed at a different level regardless of the means of the person who owns the property and that creates questions of fairness in doing property taxes that way.

Second, by limiting the amount to which valuations for tax purposes can grow the overall valuation of the state will be relatively lower over time so that raising the same amount of revenue would require higher mil rates then would need to be imposed without this approach.

Finally, this approach to property taxes leads to a shift in property tax costs to new buyers - young families who are moving into a home for the first time - and we don't think that a shift to these particular property tax payers is appropriate. So, for that

reason we encourage you to support the Ought Not to Pass Report. Thank you.

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

Representative DAVIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had a bill similar to this a couple of years ago and I think that the only way in which you are going to stop taxing people out of their homes is to have this type of bill for the way you value land and homes. If you continue to do as you are you are taxing people out of their homes, especially along the coastline.

When I was going door to door in my campaign last fall there was an old couple. They were approaching 80 and they were going to sell their home. The taxes had doubled and tripled and quadrupled and they just couldn't pay the property taxes so the only way in which people of that sort are going to be able to stay in their homes is the way that you assess land and you must change the constitution. If you don't then you are going to continue to have wealthier people buying up the coastline. Recently, Mr. Smith with the Sportsman's Alliance said that we are going to be closed out of the coastline and the lakes if we are not careful and I agree with him. Thank you very much Mr. Speaker.

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. I just want to agree with what the Representative just said.

This current system of property taxation gives no stability and no predictability to what our taxes will be or what our budget will be next year. It goes up and down with the whims of the real estate market and, therefore, it is very difficult for long range planning and it's very difficult for retirement planning. We don't have a clue of what the taxes will be on our homes the following year, let alone in a decade.

If we did pass this bill we would have an idea. Taxes will continue to go up on properties; they just won't be able to go up at an exorbitant rate. They will only be able to go up at the rate of inflation. So, I ask you to defeat this pending motion. Thank you.

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. One other point that I would like to make is that the sale of a home on my street for an inflated price does not increase my ability to pay taxes. The only thing that increases my ability to pay taxes is higher income.

Just because homes on my street are selling for more money doesn't give me any higher income. The only time that that home is worth more to me is when I sell it to a willing buyer and I think that that is the time that it should change in value. Thank you.

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

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. 220

YEA - Adams, Annis, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant,

Burns, Cain, Canavan, Clark, Craven, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marraché, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Robinson, Sampson, Saviello, Schatz, Smith N, Thompson, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

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

ABSENT - Bryant-Deschenes, Churchill, Crosby, Hall, Marley, Ott, Smith W.

Yes, 73; No, 71; Absent, 7; Excused, 0.

73 having voted in the affirmative and 71 voted in the negative, with 7 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED in 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 (10) Ought Not to Pass - Minority (3) Ought to Pass as Amended by Committee Amendment "A" (H-524) - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Protect the MaineCare Program"

(H.P. 242) (L.D. 318)

Which was TABLED by Representative PINGREE of North Haven pending her motion to ACCEPT the Majority Ought Not to Pass Report.

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 Auburn, Representative Shields.

Representative SHIELDS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill can restore \$83 million of General Fund money to the budget for the next biennium according to the fiscal note that was received with it. We all know that the states budget situation will welcome these savings. The \$83 million comes from amending the MaineCare Program by reducing the unaffordable expansions of MaineCare eligibility that have taken place recently.

This bill would put us back into an affordable level that existed before the expansions. Earlier this year the non-categorical expansion of MaineCare was suspended because of budgetary concerns. These concerns continue.

The budget shortfall figures show that we have expanded our benefit programs far beyond our capability to pay for them and this bill provides the methods for us to fall back and regroup. The bill also increases the percentage level of Prospective

Intermittent Payments to Hospitals, better known as PIPHs, which help their cash flow.

The theory is that the Department of Health and Human Services owes the hospital 100% of these payments so this part of the bill should be revenue neutral. The PIPH program that is operated by the Department of Health and Human Services functions as follows; there is an estimate of what amount of MaineCare services will be rendered in a fiscal year based on data from previous years. A partial payment of that is given to the hospital every one to two weeks to help the cash flow of the hospital. However, to be safe the Department of Health and Human Services only pays a percentage of what they believe to be the total amount due. The bill simply calls for an increase of 75% up to 88% in these Prospective Intermittent Payments. At the end of the year an audit is done and the final settlement is negotiated. Please support this common sense bill and vote against the pending motion.

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.

There was a notice on your desk of an amendment, which is probably buried somewhere in your piles of amendments from the good Representative from Scarborough, Representative Curley. The Health and Human Services Committee has been working hard and there was some hesitation in the beginning, but I believe we passed with unanimous support, a major blue ribbon study commission on the future of MaineCare. I know there are different opinions on both sides of the aisle, but I think that everybody in the House will agree that the Medicaid Program has provided essential services to our elderly, to our poor and to kids in the State of Maine and I think that we would all acknowledge that it is a program whose costs have been hard to control and for our state budget to handle.

The bill that is before you and that was put forward by the good Representative from Newcastle does a few different things. First, it repeals the coverage for all of those under the non-categorical program. Those are people who are under 100% poverty would no longer receive services. I was just in an Appropriations Committee budget hearing with the Health and Human Services Committee and the Appropriations Committee on the Part Two Budget and a number of folks came forward, chiefly the Maine Hospital Association, saying that the way to balance the budget is not to repeal the non-categorical. The non-categorical population, the poorest people in the State of Maine are one of the groups that, prior to their coverage, chiefly contributed to bad debt and charity care and to cost shifting in our Maine hospitals.

We had this program growing at an unsustainable rate and we froze it. We have taken steps to scale back some of the coverage under this waiver and we are doing everything that we can to control costs. The complete elimination of this category of Medicaid is extreme at this point, at least in my mind.

In addition, this bill would roll back all eligibility expansions under the Dirigo Health Law. As many of you in this room are aware we have already frozen a number of the Dirigo expansions. Those that haven't been frozen are covered entirely by employers and the people who buy into Dirigo Health. It is not paid for out of state general funds.

The next thing that this bill does is increase the MaineCare reimbursement rate for hospitals from 75% to 88% of their actual costs, the same as Medicare. This is an absolutely laudable goal with a very substantial fiscal note and I would love at some point for the State of Maine to be in a fiscal position to increase

hospital reimbursements at such a rate. This again, would reduce cost shifting. But, at this point, as everybody in this room knows, we need to do everything that we can to pay the hospitals what they are already owed at the 75% level.

We have been working hard on a bipartisan basis in Health and Human Services to try to find solutions to ensure that hospitals are paid, but the increase from 75% to 88% is not something that the hospitals have ever lobbied our committee on. It's a great idea that I don't think is affordable right now, especially because we are having a hard time paying the 75% as it is.

I would ask members of this body to reject this bill and accept the Majority Ought Not to Pass Report. I appreciate the bipartisan effort to take a look at MaineCare under other pieces of legislation that we are considering in order to figure out how to make it sustainable and to ensure that our most vulnerable citizens are not eliminated from a program in the manner that is called for in this bill. Thank you Mr. Speaker.

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. I just came out of a meeting with the Anthem people and I believe that this was the CEO for the Northeast. She said that the best thing that we could do to lower private health insurance rates in the State of Maine, the first and number one thing that we could do, was to do something with MaineCare. Primarily, to increase reimbursement or reimburse at all, which we don't even do in some cases. We owe the hospitals millions of dollars in this state and it is costing all of the people who are buying private insurance a lot of money.

This bill would cut back the number of enrollees simply because we can't afford them. The more we enroll in MaineCare the less we pay and it is hurting the program itself. Healthcare providers are opting to not take the MaineCare card as often as they used to and are dropping out of that system altogether and for good reason. Can you imagine any other industry in this state or anywhere that would allow themselves to be continuously paid only 75% of their cost. Just think of car dealers for example. Say that Maine provided free cars to people, but that we only paid them 75% of the dealers invoice cost continuously. How long would they stay in business? How long would they put up with it? They wouldn't put up with it, but hospitals do because they have to. They can't move out of state; they can't turn people away from their doors.

MaineCare is the biggest single program in the state. It is a fifth of our budget. We had over 300,000 people on it last year. Maine is not alone in this problem with Medicaid. Every other state is facing this problem, but we are one of two states that are expanding Medicaid. Thirty-two other states are actually cutting Medicaid enrollment and 16 states are freezing Medicaid enrollment, but only Maine and Illinois are increasing it and it is obvious that we can't afford it. Maine people are taxed to the hilt, we have to borrow money for this budget and the spending on MaineCare is up by over \$179 million in just two years. That is 33% in two years. We can't sustain this. We tax the hospitals and nursing homes and health insurance policies to pay for this. It is a bit ironic at the least.

The low level of reimbursement that we pay not only drives the healthcare costs up for everybody else, but it is affecting the financial wellbeing of the hospitals in this state. It defeats the original purpose of this program. If you notice the title of this bill it is, *An Act to Protect the MaineCare Program*. It is a very vital program. It has the best intentions and we have to do everything that we can to protect this program, but we are ruining it, we are diluting it and we are pushing the eligibility towards the middle

class and that is not what it was intended to be. We need to make it leaner, more efficient, smarter and targeted. We have to pay for the services that we use as a state. Quite frankly, we are ripping off the healthcare providers with our current MaineCare system. I would ask that you defeat 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. 221

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, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

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

ABSENT - Bryant-Deschenes, Crosby, Hall, Smith W.

Yes, 76; No, 71; Absent, 4; Excused, 0.

76 having voted in the affirmative and 71 voted in the negative, with 4 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**.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 26, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act Establishing Minimum Energy Efficiency Standards for Certain Products Sold or Installed in the State" (H.P. 999) (L.D. 1435)

TABLED - May 16, 2005 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - **ADOPTION OF HOUSE AMENDMENT "A" (H-370) to COMMITTEE AMENDMENT "A" (H-307)**. (Roll Call Ordered)

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. Two weeks have gone by since we tabled this bill and I have learned quite a great deal. What I thought was a good idea, trying to help small business

has backfired many times but I haven't given up. We heard that there was no money in this efficiency fund to give rebates. We heard that all of the money was taken out for other programs. I was embarrassed in my caucus and I was attacked and not one person stood up and said it was wrong. There was an email that was sent, but unfortunately the person who did it left it behind or wherever it was supposed to go someone left it behind and I have friends in many places unbeknownst to me and it was found and that person gave it to me. When I read that email I thought it should see light of day. I thought that you should all read that email. That was of the belief that maybe the rebate isn't such a bad idea. Maybe we can get her to drop her amendment and we will offer her a spot in a press conference.

I am trying to remind people how ugly it is when you dare to stand up for something you believe and you get assassinated by many members because of your idea and I didn't like the way I was treated so thank you for allowing me to convey that. Anyway, the amendment is before you. It helps small business and we have learned since then that there is a million dollars in this fund. It will help my small lobster pounds. It will help my Laundromat people. It will help lots of people and I think that it is a good amendment.

I have another amendment, but I can't offer that and I can't even speak to it. It is about taking the ceiling fans off and we will get that done in the Senate so, I ask you to vote for this. This is a democratic process and if you agree with this it's not mandatory and I ask for your support. Thank you.

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. I will try to be brief. I would ask you to support this amendment. This is a good amendment because it really reinforces the Incentive and Rebate Program, which is in existence and which is the purpose of the Efficiency Maine Concept. We can achieve the energy conservation savings now by using a logical progression of actions. It has been proven that first you educate; provide people with the information they need so that they can make the informed purchasing decision. You provide incentives to help them get across the barriers, which in this case is the initial purchase price. Once you develop consumer preference for the higher efficiency products, the manufacturers will respond and provide more of those products to the marketplace. The final step, after you have done these three, is once you have transformed the market you can then – once there is regional acceptance – impose a standard, which will really not do harm at that point.

I just want to briefly talk about the Efficiency Maine Program. This is a program that has been in place and you and I contribute about \$7 million a year into this fund for this exact purpose. Over the next two, three or four years there are going to be millions of dollars, \$5 to \$6 million freed up that will be available to help Maine consumers with purchasing the higher efficiency products. I ask you, why is it not appropriate for Maine rate payers to have access to their money to help purchase higher efficiency products and save energy? That is the purpose for why it was formed.

Another thing that I would ask you to consider is that by utilizing this fund we are going to reduce the risk to low income people and people running the small operation that just may not have the capital to invest at this time. Let them use their money to help fund the projects that they want.

The final point that I want to make is that the Maine Public Utilities Commission has recognized that we need a critical mass of states in New England to adopt the same standards. If not, as

they put it, Maine will be going it alone and Maine consumers and merchants will be at risk.

The amendment makes sense. It is the right time. We have got the resources and I would ask you to support it. And, one final fact, Maine people already consume 27% less electricity per person than the national average. So, we are already energy conservationists. Let's not penalize Maine consumers by uniquely and too quickly imposing a burden on them I would ask you to approve the amendment so that we can get on with saving some energy and allowing people to use their money to invest in the products they want. Thank you very much ladies and gentlemen.

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. Maine will hardly be going it alone if we move forward with efficiency appliance standards. There are lots of states all over the country that have done exactly what we hope Maine will do, including the fifth largest economy in the world, California. What I am really interested in, since we are talking about taking money out of the Efficiency Maine Program and creating a long term rebate program if this amendment passes, then I am really interested in what Dennis Bergeron the director of that program for the PUC has to say. In an email he says, "The idea that we could take incentive money and accomplish the same thing as appliance standards is not correct. The amendment actually does harm to what the conservation program would otherwise accomplish. This amendment harms consumers because it takes money away from carefully considered, cost-effective programs and funnels it to projects for which it may be impossible to develop programs. I believe that we would be better off with no bill than with this amendment." Let me repeat that, "I believe we would be better off with no bill than with this amendment." I urge you to vote this amendment down. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative MOODY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Under the terms of this amendment are these appliance standards voluntary or are they mandatory?

The SPEAKER: The Representative from Manchester, Representative Moody has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. My amendment makes it voluntary, the other bill makes it mandatory and the amendment I can't speak to that is on your desk makes it mandatory also. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative FITTS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of this amendment. The Representative from Winslow Representative Fletcher has laid out why the use of rebates is the appropriate mechanism for us to use to encourage the use of more energy efficient appliances so I won't go further down this path, but I do ask you to look at the information I have circulated concerning how Governor Bill Owens of Colorado dealt with nearly identical legislation in his state by the use of a veto.

In the Governor's letter to the Colorado Legislature, which I have provided you, he explained, "Market forces provide powerful and often unpredictable incentives for consumer goods to become more efficient and less expensive. They do so in most cases without the heavy hand of government mandates and central planning. In this case the Legislature has developed a crystal ball and peered into the marketplace for fourteen appliances and devices - eighteen in our case - and in its crystal ball it sees a type of energy efficiency standard that will be needed for each and every device. Yet, history and experience tell us that the crystal ball of government's central planners is murky at best. There is however, one aspect of the future that we can foretell with certainty if this bill were to become law." He's speaking of their bill, but it is identical to ours. "The cost on businesses and consumers will rise and when government mandates increase costs to businesses these mandates can cost jobs. This is the trade off we are asked to enforce, I guess by legislators, about the state of the market in energy technology versus guaranteed expanded burdens on all consumers, businesses and the job market. I will not endorse such a trade off." He said.

Well, Governor Owens, neither will I. This amendment corrects much of what is wrong with the original legislation's approach and the funds that we are presently collecting from ratepayers for this purpose. Incentives are a much better way to move consumers to these appliances and I urge you to follow my light in support of this amendment. Thank you Mr. Speaker.

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

Representative RICHARDSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment is a good amendment. You have heard all of the reasons why it should be or shouldn't be, but the one reason that you haven't heard in this discussion was contained in the market research insight that was distributed to you this morning and for no other reason you should pass this amendment and let's get on with it.

What the insight says is that senior management officials are extremely pessimistic about the business climate in Maine with 94% saying they consider the overall business climate in Maine poorer than in other states and Canada. I can't think of a clearer reason why you should pass something that would give a voluntary approach to this, rather than mandating one more burden for any business in the State of Maine. Thank you Mr. Speaker.

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

Representative EBERLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too, urge you to vote down this amendment and take you back to the original benefit of this bill. It would provide immediate energy and cost savings for the consumer. These products - of which there are many - are accessible and made readily available to the consumer. There will be an \$18 million average estimated saving for consumers immediately upon the purchase of these appliances and in addition to that will save thousands of tons of global warming pollution, including reductions in carbon dioxide, sulfur dioxide and nitrogen oxide which are responsible for acid rain and smog. Please vote down this amendment and get back to the original intent of this bill, which is to help consumers save money and pollute less. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-370) to Committee Amendment "A" (H-307). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 222

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

NAY - Adams, Babbidge, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Fischer, Gerzofsky, Goldman, Grose, Harlow, Hutton, Jackson, Koffman, Lerman, Makas, Marley, Marraché, Miller, Mills, Norton, O'Brien, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Bryant-Deschenes, Crosby, Fisher, Hall, Smith N, Smith W.

Yes, 86; No, 59; Absent, 6; Excused, 0.

86 having voted in the affirmative and 59 voted in the negative, with 6 being absent, and accordingly **House Amendment "A" (H-370) to Committee Amendment "A" (H-307) was ADOPTED.**

Committee Amendment "A" (H-307) as Amended by House Amendment "A" (H-370) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-307) as Amended by House Amendment "A" (H-370) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

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

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-563)** on Bill "An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County"

(H.P. 1111) (L.D. 1573)

Signed:

Senators:

PLOWMAN of Penobscot
MITCHELL of Kennebec
GAGNON of Kennebec

Representatives:

FISHER of Brewer
PINKHAM of Lexington Township
PATRICK of Rumford
TUTTLE of Sanford
HOTHAM of Dixfield
MOORE of Standish
BROWN of South Berwick

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

Signed:

Representatives:

VALENTINO of Saco

OTT of York

BLANCHETTE of Bangor

Representative MOORE of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-563) Report.**

READ.

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

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

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

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

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and I wanted to give the House a little bit of background information about this item.

Prior to serving on my current committees, I served last session on the Legal and Veteran's Affairs Committee and I dealt with the racino issue. The racino issue came to us as a public referendum that was voted on by the people and was put forward in a petition. Petition the law clearly stated, and I would like to read what the law states, it states, "The operation of slot machines at the commercial track is approved by the voters of the municipality in which the commercial track to be licensed is located by referendum election held at any time after December 31, 2002 and before December 31, 2003." The reason for this was that when the public adopted the racino issue, it was for a limited time, a time certain. It provided a very small window that other communities could use to consider the adoption of a casino. After the drop dead deadline of December 31, 2003 the public was assured that there would be no more casino referendums. They were assured that the local municipalities and their abutting municipalities wouldn't be considering it and there was a restriction put forth and brought forward to the Legislature that we, in turn, would not be going out around the public and putting more racino operations in other jurisdictions around the state.

This bill that has been brought forward is in violation of the public referendum that the people approved. The people said that they did not want racinos after December 31, 2003. If, in fact, legislation like this was to go forward it should go back out to the voters and be considered by the voters if we feel as though it is warranted. But, I don't believe that this Legislature is in any position to overrule the public referendum that was just held on this issue such a short period of time ago. For these reasons I hope that you join me in voting against the pending motion and, Mr. Speaker, when the vote is taken, I request the yeas and nays.

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

Representative BLANCHETTE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess that I am rising in opposition to the Majority Ought to Pass as Amended Report, from a committee that I take a great deal of pride serving on and that is Legal and Vet's. I was one of the three defending votes on this bill and I need to give you a few reasons why I am going to be standing here opposing this today.

We are asked to debate this bill on the floor of the House the very day that the fiscal note was released to this body. That is not enough to time to analyze it, ask the questions and get the

answers that you need. The fiscal note predicts that there will be 750 slots generating revenue in June of 2006, one year from today. Before the slots operator can even apply for a slots license they must have received a license for a commercial track. There is no track in Washington County. A license for a commercial track requires final site inspection and takes months, even when the track already exists. A license for slots similarly takes months; up to six months by statute. It took Penn National ten months to get a license for an existing track and it is predicted that it will take Penn National eight months for a slots license. It is impossible to anticipate revenue in the next biennium if it will take more than 18 months to license the facility.

The fiscal note does not answer questions about the impact on Bangor and I guess that is why I am standing here fighting so hard to get you to defeat this motion. Bangor needs a chance to operate and prove that it can run. I am very, very sympathetic to my friends in Washington County, but I urge them to jump on board and seriously consider the \$8 million that the liquefied natural gas plant was going to give them a year. That is real money. That helps people on the reservation and in the county. It brings good paying jobs to Washington County.

This is a hit and miss that is going to antagonize people all over the place. I have to ask you where in the bill does it say that slots will be in Washington County? There are too many unanswered questions in this bill for you to be comfortable with it today. The title of the bill has no force of law. The bill says that beano must be in Washington County, but it isn't specific with respect to slots. The bill used to say that slots must be 45 miles from tribal land. When it was pointed out that the tribal land exists in York County the committee very quickly amended the bill to say that slots must be within 45 miles of a reservation. Yet, Matagaman dam is part of the Penobscot reservation and Houlton is 45 miles from the dam. It is an island in Medway that is part of the Penobscot reservation and Moosehead Lake, which is 45 miles from Medway. Do you know what you are being asked to vote for? Have you read the bill?

This bill, as written, would allow slots in Aroostook County, Piscataquis County and also Washington County. The bill allows a four-tribe beano facility near - I have to point out - Schoodic Point and Acadia National Park. While most of the discussion is on slots and racetracks, presumably in Calais another section of the bill allows a four-tribe beano facility. There is no limitation on the location of this facility except in Washington County. This beano facility could be located on Route 1 in Stuben, just miles from Schoodic Point and Acadia National Park. Is this what we want for growth at Acadia National Park? Acadia National Park is one of the four heaviest visited parks in our state and I believe that we want to make sure that we don't have high priced gambling racino near there.

I am going to ask you once again, have you read the bill? Do you know what you are voting for? Think about this, there are too many unanswered questions for us to take any action on this bill today. I urge you to vote this majority Ought to Pass as Amended Down and move on to the Minority Ought Not to Pass Report and give us time to, as we should, do our homework before we enact any laws in the State of Maine. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I guess I will have to start one at a time. The good Representative from South Portland said that this bill does not meet the qualifications of the citizen's referendum and I would say that he is right in one respect. The people voted for the two racinos with a limited time

frame. But, I would have to ask who was the one who wrote the citizen's initiative happens to be someone by the name of Shawn Scott and to my knowledge he is looked upon as a shyster and a crook.

A lot of times the citizen's initiative aspect doesn't always come out the way that we wanted it. In LD 1820 we looked at that in committee two years ago and came out with what we believe is a real great compromise for Bangor. It was touted as economic development up there. Bangor was to get Millions in property tax revenue. Also 10% was supposed to go to the state for harness racing purses; 3% was supposed to benefit sire stakes funds, supposed to benefit agricultural fair support, 0% was supposed to go to the Fund for a Healthy Maine for prescription drugs and 2% was supposed to go to the University of Maine Scholarship funds.

There is no difference in this bill then there was in that one with the exception of Penn National. At one point we had them down to 59% revenue, but they thought that they could not possibly do their racino with only 59% so we bumped it put to 61%. The tribal nation had no problem saying that 59% was what they could live with and they were going to give an extra 2%. One percent will go to Washington County Development Authority and 1% will go to career and tech centers in Washington County. Of the 1% that was supposed to go to community colleges in LD 1820 that could go to community colleges throughout the state. In LD 1573 the 1% scholarships for community colleges will be located in Washington County. Washington County has been devastated economically and the only reason that I am fighting for that bill - I don't like slot machines and I am not really big on the ponies- is that I am big on helping the worst county dig themselves out of the quagmire that they are in. They don't have a lot going for them and I am sure that one of the good Representatives will get up and give you the statistics of just how bad things are.

There are many people who testified on behalf of this bill. Someone from the Saint Croix Chamber of Commerce stated, "I am here today on behalf of the Saint Croix Chamber of Commerce and I am also speaking for the Machias Chamber of Commerce to solicit your support." The president of the Standard Breeders Association spoke on behalf of the bill. Someone also spoke from the executive director of the Sunrise Development Council's office - a nonprofit organization working for economic development job creation in Washington County. They said that, in addition, provisions of the legislation would allow the tribe to share revenues throughout the region and to support economic development and vocational education that will contribute to scholarship programs for our students.

The town of Baileyville sent a resolution in support. The Town of Calais sent a resolution in support. There was an issue that I had to deal with where everyone was saying that I can't support that. It's going to be located throughout the state and that it was unbelievable. I got this email from a guy from Albany Township who I supported and which basically says, "I have seen the attached clarifying language and unfortunately it still does not address the main problem which is the failure to limit the facility to Washington County." Ten minutes later, according to the computer - and I don't think that the computer lies - "On the other hand, I stand corrected because the Penobscots would be eliminated by the 30 mile provision and I, therefore, say good work and thank you."

This is a good bill. It's mirrored on a bill that we have already passed. There are so few differences in LD 1820 to this one that I really can't see what we are squabbling about. You can say whether you are in favor of gambling or not in favor of gambling but the one thing I know is that the Chief Executive, to my

knowledge, doesn't have a silver ball or a magic wand to get economic development into Washington County. The tribal nations, through Representative Moore, brought, this forward and I think it will have a great impact. Will it have as great an impact as I would have hoped that it would? I don't know, but I am willing to take that chance. Are you?

Some of the questions in LD 1820 were, "What about the law enforcement? Oh my God, there is going to be crime, crime, crime." The Sheriff's Department in Washington County sent a letter saying that the benefits will far outweigh the limited risks. "Who else will benefit from this racino?" Well, I think it is going to be great because they are going to build an all weather track. This is going to be a little different than Bangor because I think that the focus on this bill is to help the state economy, as far as Washington County, because they will be able to race all year long. There are many dates that go unraced. The Breeders Association, the Sire Stakes Association, the horse breeders and everyone say that this is going to be wonderful. Right now they are breeding horses for Yonkers, New York, New Jersey, New Hampshire and all the other different horse racing venues throughout New England. As a matter of fact, we heard testimony this spring that they are rejoicing because they are going to have the opportunity to bring their horses here to Maine and so there will be many more horses right here and it will bring back the prominence of harness racing like it was back in the seventies when I can remember going with my dad.

People like the veterinarians will take a positive hit. The people who grow hay will take a positive hit. People don't know that you pay taxes on hay for horses but that you don't for cattle so, that is a plus. I can't think of anything that worries me in this bill anymore than LD 1820 did. We are wondering whether or not we are going to get done or how long it will take for a license? Well, did it take a long time for Penn National? Yes, it did but there were a lot of obstacles to overcome. Our committee and the gaming control board overcame those obstacles. By the time that the tribal track and racino gets up and running we are already going to have the Gaming Control Board up and running at the central monitoring site. I think the aspect of licensing is going to go a lot smoother because they have already got a track record of being able to do this. I see no real negative points to this and all I would ask you to do is think about it and support the Majority Ought to Pass as Amended Report.

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

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let me just give you an idea of what this means for Washington County and why. Washington County – I hate saying this – is the poorest county in the state. We have the lowest average family household income in this state. We also have maintained a double-digit unemployment rate. We have lost businesses, L&P and 50 people from DomTar yet, we educate our people and we don't have the jobs to give them, even with retraining them.

According to the Labor Market Digest, which we have here, in February of '05 there are only three towns, or areas that have double-digit unemployment. Two of them are in Washington County – Machias and Calais. According to the Governor's Report to the State of Maine Treasurer – it went to the Appropriations Committee as well – there is a page that describes business investment in Maine in 2004 as geographically and economically diverse. Now, yes it did go from south to north, but there are two counties that were not touched by economic development and that was Washington and Hancock Counties because we are not along the 95 corridors.

One economic development tool does not a county make whole. We need to do a number of different things. Eco tourism is one thing that we are working on. That doesn't make it all, nor does L&G. In order to turn a lot of this around we have got to have jobs that go county wide and we have got to have jobs that fit within our culture. We have had three harness racing tracks within the county at one point. That was a part of our culture; horse rearing was a part of our culture. We can do so much with the monies that will come from this. We have been working with the tribes and the tribes have been wonderful to work with us and to offer monies that will go into the Washington County Development Authority that will help us pull ourselves out of this.

We now have in this state the threat of three closing bases, which is going to hit jobs phenomenally and they are going to hit them in the areas that economic development has already gone and that will go there because they are going to be the first and foremost hit. You are going to see the biggest differences. But, Washington County, because it has always been there and it has always been poor, hasn't been this great big deficit that we suddenly have. It is going to be left looking at everybody else getting it. I am asking that you pass this and that you give us the opportunity to pull ourselves out of this quagmyre that we have been in for years. We are asking for our own solution and I am going to ask that you help us do that by voting for the Ought to Pass as Amended Report.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative MCFADDEN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My good friend from Rumford, Representative Patrick is pretty hard to follow because I had mostly the same things to say that he did and also the good Representative from Calais, Representative Perry. But, at any rate, I have lived in Washington County for most of my life except for two hitches in the military and eight years in college. This is a good bill. This is going to help the Maine Community College System and it is going to help the Washington County Development Authority and it is going to tremendously help the municipality where it is located. It is also going to help the General Fund of the state, which really needs help.

There are two old tracks right now that are located in Washington County. There is one in Pembroke and there is one in Machias. They are old and they have been there for years and years. You hear about crimes and so forth and so on, but I don't remember any special police protection or any crime around those racetracks. I don't even so much as remember a chicken house around those tracks any place.

I have many friends down in the area, including Governor Francis at Pleasant Point and I know how difficult it is for the tribe and the people of Washington County because I have been exposed to it for most of my life. I have seen businesses, go over and over and more and more all the time. Nothing new ever comes in.

A vote against LD 1573, as far as I am concerned, is a vote against the tribe. It is a vote against Washington County and it is also a vote against the state. The question is, do we want our money? Part of the money will be going to Penn National out of state, but do we want the money to stay in state with the tribe and the different things that it would benefit in Maine or do we want it to go to Pennsylvania where Penn is located and I know that part of it will? So, I urge you to vote yes on LD 1573 because it is going to help the tribe and it is going to help the county and it is going to help the economy of the state as a whole. Thank you Mr. Speaker.

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

Representative FAIRCLOTH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the Majority Ought to Pass as Amended Report.

Men and Women of the House, I agree with Michael Heath on something - yes, you've heard it here. About, ten years ago I served in this Chamber and Michael Heath and I were allied because we had concerns about criminal elements with gambling facilities and we shared concerns about the rise in teen age gambling when you have racinos or casinos. Michael Heath and I agreed that there are issues about addictive gambling and I was on the Judiciary Committee that addressed this issue in detail for months and months and as Representative Moore knows, I was a strong opponent of a statutory proposal for a casino in the Calais area, but I have thought about this issue a lot in this last decade.

At that time I had argued that if there were a constitutional amendment that would limit such a facility to a remote resort location like Calais, I would have supported it then and that proposal did not succeed. I still feel that that was a valid point and a valid concern because what has happened in the last decade since that debate - in this chamber - is that we have seen racinos and casinos spread all over the United States of America. They have exploded around the United States and so for me I was left, in a sense, with a moral issue and I don't think that a referendum binds us to not modify a statute passed in referendum. A democratic republic came first and referendums and initiatives came second. We are the primary deciders of public policy and if we choose in a deliberative process to modify those statutes we are free to do so in this case and I think we should.

As I said, I spent a lot of time in that era on the Judiciary Committee looking at this issue and to the degree that racinos and casinos are beneficial to an economy, I think that the studies will show that the best way in which they are beneficial is if they are in rural, low income locations that will draw people from away to that facility. They don't work as well in urban areas but they work better in the remote rural locations to help generate strength for those economies that need it. This location is one where we might draw people from Atlantic Canada and we might draw people from Quebec to spend their money in this area. I have to look in the eye of friends of mine, and people who are in the tribe, and people in Washington County and consider this issue carefully. Given all that has happened in history in the last decade, I felt that I had no choice, not only to vote for the Majority Report, but to feel like these people - Washington County people and people in the tribe - you can't find more good people that need help, and they do and that is why I support this Majority Ought to Pass as Amended Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative HOTHAM: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I too rise in support of the Majority Ought to Pass Motion that we have before us. I don't know that I could add much more as far as what we need to try to do for the people in Washington County. The case has been made very well before you this afternoon.

I would suggest that we all think about what we would say to the folks if they were lining the hallways outside of the chamber. What opportunity would we offer them today? They have worked hard on putting this proposal forward. They have utilized the resources available to them in Washington County and what we have before us is a good proposal. I would tell you that it is enhanced even further by the committee amendment, which, as you read, you will see that it requires municipal approval before

moving forward with the racino license. I think it is in keeping with the spirit of the people's vote and knowing that they have waded into this subject once before and will get a chance again before any racino is built in their back yard.

I urge you to support the motion on the floor and to support those people in Washington County who have been suffering under double-digit unemployment, twice the state average unemployment; over 10% in most of the last four or five months. Again, I urge you to push the green light, make it work and help the people in Washington County to get to work. Thank you very much.

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

Representative PARADIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too rise in favor of this bill. I think that it is a very good one. Let's consider a few facts. Gambling is one of the fastest growing past times - some call it a recreational sport - in the United States. Right now we have busses going south to Connecticut everyday. We have people crossing the boarder into Canada just about everyday to gamble. People will go where the action is. Right now Rhode Island is building a resort casino. We must not miss the opportunity. New Hampshire will be next.

I was very proud last fall with the referendum campaign and with Chief Barry Dana in the Valley and I think that this is good. What is good for Bangor should also be good for Washington County. Certainly the economics in Washington County warrant it even more. As outlined, there is need of an infusion of money for good programs. Let's be honest too. We continue to expand lottery games and yet we try to stifle the growth of racinos. The situation is really somewhat analogous to the fight to outlaw alcohol in the thirties. People then continued to drink illegally for a time until they wised up and legalized the sale of alcohol and the consumption of it and we profit from the taxes of that today. So, why not legalize more gambling and profit from the tax revenue. By the way, studies have shown that gambling is 2-5% addictive and that alcohol is 15% and politics 30%. Join me in going green. Thank you.

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

Representative BLANCHETTE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am beginning to feel like the villain in Star Wars but I guess that that is what comes with the job and so we say that is what we get the big bucks for. I need you to look at your fiscal note that came out today before you vote. They are telling me that the Harness Racing Commission, the Department of Agriculture and Rural Resources will require General Fund appropriations of \$56,042 in the fiscal year '06 to '07. That is for the cost of two part time positions that, for operational costs, will be necessary to regulate the new commercial track. On top of that - and that is just one of many things that is in this note that you need to be aware of - the Gambling Control Board within the Department of Public Safety will require additional General Fund appropriations of \$303,000 in '06 and \$392,000 in '07 for the cost of one additional detective position, two additional public safety inspector positions and the operational costs necessary to regulate the new slot machine facility. This is a lot of money in a time where we need to be putting more money into the Computer Crimes Task Force to protect our families and friends that are being ripped off from their life savings out there, not pounding into an additional gambling facility.

I have to question that if the county had three existing racetracks than where are they now? I also need to point out to you that Bangor Raceway opened up its 122nd season of

continuous harness racing for the season this year. We have more money behind us than God. Penn National is behind us, but do you know how many horses we had? We barely, just barely, had enough to fill eight races. That is a short card. The handles were less. If you want to average the three nights out, they were less than \$30,000 a night. That is not a big ticket; that is not a big purse for horseman. I have listened to the arguments and I accept people at their word. I guess I reserve a smidgeon of doubt that the high stakes horses that they are paying a quarter of a million dollars for, a million dollars for, and a million and a half dollars for are, going to race at a small track in Washington County when it is 30 degrees below zero and they could be down sunbathing on Pompano Beach. Take your choice. Do you want to be in Washington County or do you want to down where the sun shines all the time?

Look at this bill. Look at the note and give yourself time to digest it. This is moving too fast, too furiously and I have to ask what has been swept under the rug. I asked the good Representative Moore some weeks ago where the financing was coming from. I had some concerns about that. He thought he answered me, but we corrected that miscommunication today and I heard some questions about Penn National going to Pennsylvania. Well guess what? This track is coming from tribes outside of Maine, the Pequots, another tribe that is going to finance this. Is the largest portion of the money going to stay in Maine? No, you bet it isn't going to stay in Maine. It is going to hit the gambling trail the way it all does. So I ask you, postpone this. Look at this note. Think about what you are doing before you open up another hornets nest like we faced last year on Legal and Vets trying to sort everything out. I am sorry. I'm really not the evil person from Star Wars. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative SHIELDS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Representative Blanchette has already answered one of my questions which was who is financing this? The second question is how many days in a year will horse racing take place? Could anyone answer that?

The SPEAKER: The Representative from Auburn, Representative Shields has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I believe the number of race days that are licensed nowadays are between 180 and 186.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative MOORE: Not to split a hair here but the number of racing days that would be offered would be closer to 60. I'm not trying to just split a hair here but it would be closer to 60 and it wouldn't be taking racing days away from other venues.

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

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I urge you to vote against the pending motion. I understand the desire upon many to have this as a great opportunity for Washington County, but let me please point out that the deception that is intrinsic to this idea of a casino is in thinking that if we put this there all of the gambling income will come from people from away and that has never proven the case. Studies consistently show that the

revenue from organized gambling takes place within a small radius of the facility. You are not going to have people flocking to Washington County and it is going to be people in that area already spending discretionary income there at the slot machines instead of in more constructive ways that they could do it.

The second thing that I just cannot accept to be true is that the gambling revenue will be spent the way that we are told. Certainly, we were all sold about the lottery being spent on education. How many believe that that has happened lately? The racino money from Bangor was already tapped to pay off a credit card debt. It just isn't going to happen. The general idea is that gambling will make winners out of Washington County, but it is impossible to be a winner when the very premise of the business is the only time that you can make money is when somebody loses. This cannot ever be a win-win situation. What is striking to me is that the people who are proposing this are taking the despair that exists in Washington County and they are using that as the very motive to get in there and it is really just preying upon people who are desperate and saying that in your desperation we will give you this.

Let me ask you this question, if things were good in Washington County do you think anybody would ever be seriously considering doing this here in Maine? Of course not. I just cannot imagine that. The final deception is that this is using the very term racino and that is simply somehow trying to conjure up the old farmhouse image of a horse track with a couple of slot machines. It would be intellectually more honest if the supporters of this had gone through and said let's have a casino in Washington County because that is what it is. It is not a racino. It is not a horse track with slot machines. It's slot machines with horse manure. That is where it has come from. That is what is being sold to us and there is good reason to say no to this in the State of Maine so, please vote red on the pending motion.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My good colleague Representative Blanchette from the other side of the aisle keeps talking about Bangor and about native Americans coming in from somewhere else. Let me tell the good Representative that the native Americans were in Bangor, they were in Rhode Island, they were in Connecticut and they were everywhere else long before you got to Bangor or I got here or any one of us.

Why is it that every time that the Native Americans step up to the plate, whether it is natural gas or this or that and everything else we make the decision for them? It is about time that they made their own decision and we turn around and stand up as Americans with the Native Americans and supported them for once.

The SPEAKER: The Chair recognizes the Representative from Cutler, Representative Emery.

Representative EMERY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am from Washington County, I live in Cutler and there are two harness racing tracks. The point I want to make here – and I am not interested in duplicating the responses that have been put forth here in the last half hour – is that I think the big issue is letting this racino occur at another location in Maine. It has already been approved in one location, in Bangor, and I can't see why this isn't something that wouldn't be well received at another location in this state.

I am looking at the fiscal note right now and it appears as though the General Fund will actually receive quite a bit of money over the next four years according to the projections that I am

seeing from 2005. In 2006 there is over \$600,000 worth of increases in the General Fund and it goes up to \$2 million, to \$4 million and almost \$5 million in the 2008 to 2009 year. So, in terms of economic development and its impact on the state, there is certainly going to be a wonderful addition to the General Fund. In terms of the county there is not a whole lot going in the county right now and we have the natural resource based industries and we have some service industries, but for the large part we have an unemployment problem. It is over 10% and it has been like that for a long time. So why not give this proposal a chance to fly?

The tribe has worked real hard over the years with different economic programs. We saw the LNG proposal and they brought other economic development plans to the state. One that is being considered right now is in aeronautics manufacturing. They continually keep coming to the table with ideas and a lot of times they are looked at and half heartedly supported so here is a perfect opportunity. I know there is a lot of support in this body, so I would encourage everyone here to support the pending motion and I thank you for your time.

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

Representative HARLOW: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This venture will or will not be successful. It is not something that I am worried about. It is up to the investors to make up their minds whether it is going to be successful or not successful. Is it right or is it wrong? In a country that bets billions of dollars on football we wonder whether gambling is right or wrong and I never win. In my own community we have three shopping centers going up within two miles of my home. I will tell you that some of them will fail or will they not fail? I don't know. I am not into this business. I am going to let somebody take their own chances with their own money. I was against this when I walked in here today.

Free enterprise is a very strong market force. It may or may not be successful in Washington County. I think that it will only be successful when it becomes a vacation destination and I think that that is what will happen. I am kind of in a quandary here because I know that in Portland we want to start off track betting downtown and our studies indicated that it would not be successful. The reason that was deemed that way is because it didn't produce a product. But, I think that in Washington County it does produce a product. It produces a vacationland. I think that there is a chance. The only thing that I hope is that it does not have its biggest offshoot be pawnshops. 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. I think it is a shame that the debate so far has centered around slot machines and on the gaming aspect of this proposal. This proposal is for a harness racing track. Harness racing is an honored tradition in Maine. It goes back I think probably to the origin of the state itself and many thousands of Mainers earned their livelihood from the sport of harness racing.

A track in Washington County will have innumerable benefits including the additional race stakes that it will bring to the industry. Someone asked a question about race stakes and let me tell you that Scarborough races just over a hundred days a season, Bangor only races 26 days a season and so if we were to add 40, 50, or 60 race dates in Washington County then there would be a considerable boom to this industry.

There will be horses. After a couple of years there will be a better supply of horses. The horses will be of better quality and there will be more of them. More people will enter the industry

and harness racing will thrive. The increased purse revenues will see to that. How are increased purse revenues generated? They are generated through the gaming operation that accompanies the racetrack. If some of you watched the Preakness, the famous horse race that was run a week ago Saturday, you saw not only a wonderful horse race, but you saw the Governor of Maryland – when he presented the trophy to the owners of the winning horse Fleet Alex – say that slot machines were desperately needed to keep Pimlico race track an operating and functional track in Maryland.

Every state that has racing and has brought in a limited amount of gaming to support that industry has benefited both the industry and the state. We have spent a lot of time in here worrying about vanishing farmland and we worry about sprawl. Many of you know that I was raised in the Finger Lakes area of New York. Once a year I go out there and I visit my folk's graves. One of the things that I have noticed as I have been going out there recently is how all of the farmland is still farmland. Now, they don't do much dairy farming anymore but they have a wonderful, healthy equine industry. Why, because major racetracks out there have gaming and that gaming have allowed those farms to covert to equine. The ancillary businesses feed veterinary equipment and farm equipment. All of them are prospering. We still have farms in eastern New York.

I saw some of the pieces of information that were being distributed and one of them caught my eye. It says that Maine is poised to become the next Nevada. One of the sentences asks whether or not the state should become the Las Vegas of the east. There are really dozens of states that have hundreds and thousands of slot machines. We are in no danger of becoming Las Vegas east, although Las Vegas is one of the most prosperous and fastest growing places in the country. I know we don't want to emulate that.

Earlier today during the debate I listened to the gentlelady from Biddeford, Representative Twomey and she was talking about the trash incinerator in Biddeford that has been a thorn in her side for many years. She said that she is tired of people from away telling the people in Biddeford how to live their lives. Just imagine what it is like to be from Washington County. I want you to know, those of you from Washington County and those of you who want to support an equine industry and those of you who are going to support this project, that not everybody from southern Maine is opposed to economic opportunity in the north and in the east. Some of us do support you. I come from a town that, while we don't have double-digit unemployment, does have one of the high-test unemployment rates in southern Maine. We share a little bit of your pain and we are willing to help your pain go away.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Marean.

Representative MAREAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Twenty years ago when I became involved in the harness racing industry the industry was thriving. Since that time it has gone down the drain, and I mean down the drain. I rode it from the top to the bottom. It has been an extremely exasperating business to be in. It is only a business that I stayed in because I love it. I have spent hundreds of thousands of dollars on my farm in southern Maine. This bill in Washington County, believe it or not, is going to have a huge effect on all of the farms in Maine and especially in southern Maine.

I get called an average of three times a month by someone who wants to buy my farm. It is in York County, it is on the Saco River and I could sell it any day of the week for a heck of a lot more than I paid for it and it can be turned into house lots. There was another farm in Saco, 400 acres; this lady and I are the

largest breeders in the State of Maine. We mean a lot to our communities. This industry means a lot to the communities. We can help you. You can help us. This bill is very important for Washington County. It is very important for people in the harness racing industry.

The Representative from Rumford, Representative Patrick made mention of someone breeding their mares out of state. That is me, I am one of them. I have invested a tremendous amount of money in stallions in other states because it is not economically feasible to breed horses and raise them here and try to sell them.

Just since Bangor has been approved, and because this looks like this could be a viable situation as well, my phone rings continually about what I have for babies on the ground or what I have for pregnant mare carrying Maine bred fowles. This is going to be a boon to our industry. We need your support. The tribe needs your support. Washington County needs your support and thank you very much Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative MOORE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To follow up for just a moment on what Representative Marean from Hollis commented upon. A short time ago, about four years ago, my wife and I contemplated selling a small farm that we have in Standish. We contemplated that because we had been involved in the harness racing world and we were no longer able to afford to do that. The need for the farm was slipping away from us. My family was involved in harness racing for our entire lives. You probably heard that story a thousand times last year when we were talking about LD 1820. Not to go on and on about this, but I haven't had the great opportunity to ever race over in Washington County. We have raced in every other venue that exists in the state including one in Gorham that used to be a great place to go – I wish there was another one there. My point is that since the conversations began about the Bangor racino friends of mine have called and said, "Do you still have room for horses at your house? Could you board my mare and her fowles over there for a few months because we don't have the space anymore; we are breeding again." It is so great to have this opportunity. I guarantee that I will be right in line with a couple of horses to go over to Washington County.

One of the fun things that Representative Marean and others will tell you is that one of the fun things that you do when you have a couple of babies is try to pick a name that suits the situation. I had one several years ago that was named Balance the Budget. We know where that went, but at any rate I think he is pulling a wagon in Pennsylvania at the moment. I certainly hope so. However, there are two babies at our place right now that stand a good chance of racing over at this all weather, brand new facility in Washington County, where Representative Moore hails from. Two of the names that we are going to look at are Passamaquoddy Pal for the little guy or Washington County Girl for the little girl; the County Girl. Let's go with that one for her. Enough said about that, but there is enthusiasm here and we are having a great time with it. Please support Brother Moore and the people from Washington County.

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

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to pose a number of questions about this bill. If this bill were simply a matter of economic development or sympathy for the people of Washington County I would support it. If it were only a matter of economic development I would support a similar facility for

Franklin County which has a high unemployment rate and a similar facility for Aroostook County, which lost the bases 10 years ago and has high unemployment rates. I support a similar facility for Piscataquis County, which has a high poverty and unemployment rate, but this kind of proposal is not the solution to our economic development problems. If it were then the State of California, which has 15 tribal casinos and a number of non-tribal casinos, wouldn't be in the hole that it is in with billions and billions and billions of dollars in debt.

Casinos, racinos and slots are not the solution to our economic development problems. This bill is not simply about racinos. I was sitting here and trying to listen to the debate and also trying to read the bill and amendment, which came across our desks earlier today. It is, to me, a very confounding amendment and bill because it talks about a commercial racetrack and then it talks about off-track betting facilities and that those facilities might be operated within the market area of a tribal commercial track. There is the possibility that that off-track betting facility, whatever and wherever, will receive a percentage of slot machine income from the fund to stabilize off track betting facilities. Then it talks about slot machines, which has been the focus of the discussion here. But, it then also talks about a high stakes beano operation in Washington County on non-tribal lands in § 21 of the bill.

I am a little concerned about how much and what exactly we are talking about and where we are talking about it going and what it is supposed to do, whatever it is. I do not think it is as clear as the Gentleman from Rumford tells us it is about where the facility or facilities will be located. I don't think it is clear that they will be located in Washington County based on the language itself.

On another level I am deeply concerned that this bill may represent a very drastic amendment and change to the Maine Indian Land Claims Settlement Act of 1980, an act that was negotiated in good faith, both sides being aptly represented by counsel and both sides having come to a conclusion that was ratified by the U.S. Congress and ratified by the tribes in question, both sides, having come to an agreement on statutory language, which is contained in Title 30 and relates to jurisdiction in tribal lands and tribal territories and relates to law enforcement. It relates to the procuring of lands and a number of other things contained in that thirty pages or so of that document that is codified in Title 30 of our Maine Revised Statutes.

I don't think it is clear at all what kind of interplay there is between this bill and that very important act that took years to negotiate and conclude and this bill also raises serious, serious concerns of whether or not it would open up the door for the Indian Gaming Regulatory Act to come into play and take over jurisdiction. I don't see any ready answers to any of these questions because I have so many questions about this bill. It is just so confoundedly worded and the amendment as well, that I am voting against the motion.

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

Representative MOULTON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. They say that confession is good for the soul and I have a confession to make. Not too long in the recent past I voted very strongly, or as strongly as I could against a gambling facility down in York County and I rise today in support of this legislation however, reluctantly. The idea of gambling I find troubling as a basis for our state economy. The method by which the money comes in causes problems for people. Having said that, and in order to keep peace with my closest constituent, I still have to consider the other portions of this proposal that is before this body today,

together with the request of the legislators not only from Washington County, but elsewhere around the state. On the economic side this will be good for Washington County and for the State of Maine. So, Mr. Speaker and Ladies and Gentlemen I rise today in favor of the bill and will give it my vote and encourage you to do the same. Thank you.

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

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. The debate began with reading the public referendum that the voters had approved saying that there would be no more racinos coming to communities near you following the December 21, 2003 deadline. We are less than a year and a half beyond the deadline and already we have commercial tracks shopping for places for slot machines in other municipalities in Maine against the wishes of the voters as expressed at the ballot box. Over 50,000 registered voters in Maine signed those petitions. That the voters approved that law, make no bones about it your voting to overrule the voters and place a facility with slot machines against that public vote. If, in fact, this is done we will return to the day, which many of us remember in southern Maine as race track facilities shop their proposals from community to community as they started going through Westbrook, Saco and Scarborough shopping for a place for their slot machines to have a home because the precedent will be set that this deadline, put in statute by the voters, was a soft deadline. Please say no to slot machines and say no to this measure. Thank you.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a bit of a clarification. I do believe that LD 1820 said that there would only be 3,000 slot machines in Maine. We are not asking for an increase in slot machines we are just asking for some of them to be put in Washington County and I ask that you vote for this.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to touch upon a couple of points that some have made that I think I would like to clarify.

One, I can't remember how many years Bangor has been racing. It's been 100 years plus that they have been racing, but they usually only race something like 1- to 25 days a year out of 180 days that are available with the bulk of those around 70 or 80. I think Scarborough Downs has carried harness racing.

We talk about the fiscal note, \$300,000 or \$400,000 whatever it is. There is a \$200,000 license fee that the tribal nation will have to pay in order to get a license. Penn National actually blazed a trail for that. They paid a couple of hundred thousand dollars for that. There was a question of whether \$250,000 thoroughbreds will race in Washington County or Bangor and I would answer that they will probably not. That wasn't the intent. The idea of the whole thing is that right now there are very few horses, but there is nobody who wants to breed them in Maine because they have to truck them all the way down to New York and New Jersey and Massachusetts. This year in our committee they came and said that they are breeding a lot more because this bill has the possibility of passing.

Financing the tribe. I don't know about any one of you folks, but I will tell you right now that if I am going to go buy a car and if I can't afford to pay cash, I would look to find whatever place I

could get my money as long as it was the lowest possible interest rate to get the best deal for me and my family.

We talk about revenue, whether it comes from Maine or whether it comes from away I would ask the Chief Executive to have his number crunchers crunch the numbers of how many \$100s of millions of dollars are leaving the state of Maine that are coming out of the pockets of the people of the State of Maine. I know hundreds of people that go to Las Vegas, they go to New Jersey, they go to Connecticut to all these gambling facilities that live here in Maine. I went down and visited Foxwoods myself just to do a little research thing and I actually spent a lot of money in the motels and restaurants in Mystic, Connecticut and my wife loved it, but I didn't spend a lot in the casinos.

A couple things that I would like to say, Bangor had the opportunity to come down and voice their opinion for or against and Penn National did. I probably had ten meetings with Penn National over the course of the time and they didn't complain about this issue. This is an issue of if you want to have an opportunity for economic development through building a harness racing track and slots in Washington County and I look at what the actual fiscal note was in LD 1820, and I think it was around \$2 million total. We actually waived part of that for income reasons in the Part I Budget or maybe in last year's budget because it wasn't going to be up and running. Well, now that they bought Miller's and it is going to be up and running as a pilot one in December, then we have to spend the monies to get that one up and running. I am glad we are because it is going to make it that much easier to get this one running. With that I would once again urge you to accept the Majority Ought to Pass as Amended Report.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to be very, very brief. I just need to correct a statement that was made here. LD 1820 and the law that is on the books in the State of Maine says that there will only be 1500 slot machines in the State of Maine and those 1500 are going to Bangor. If this bill passes the law would have to be amended to go back and allow for additional slot machines.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **MCFADDEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I heard a while ago that there weren't 't horses enough for the Bangor racetrack, but I disagree with that statement I heard and I will tell you why. Down in St. John, New Brunswick at an exhibition park that they have been running down there they have a full slight of horses there and when it comes time they bring their horses across the border into Bangor and they take them down to Scarborough. I am sure that they would be taking them into Calais so, I am sure that this is not an excuse; not having enough horses to fulfill the programs. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We seem to hear so much about Bangor that maybe we should put in an amendment to do away with the Bangor track too.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to

Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 223

YEA - Annis, Ash, Berube, Bierman, Bishop, Blanchard, Bliss, Bowles, Brannigan, Brown R, Browne W, Bryant, Cain, Campbell, Canavan, Churchill, Clark, Craven, Crosby, Davis K, Duchesne, Dugay, Dunn, Duplessie, Duprey, Eder, Edgecomb, Emery, Faircloth, Farrington, Fischer, Fisher, Fitts, Fletcher, Gerzofsky, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Lerman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, McCormick, McFadden, McLeod, Miller, Millett, Moody, Moore G, Moulton, Muse, Nass, Nutting, Paradis, Patrick, Pelletier-Simpson, Perry, Pineau, Pingree, Pinkham, Piotti, Richardson D, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Sherman, Smith N, Sykes, Tardy, Thompson, Tuttle, Vaughan, Walcott, Watson, Webster, Mr. Speaker.

NAY - Adams, Austin, Babbidge, Barstow, Beaudette, Blanchette, Bowen, Brautigam, Carr, Cebra, Clough, Collins, Cressey, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Dudley, Eberle, Finch, Flood, Glynn, Goldman, Hamper, Jodrey, Koffman, Lansley, Lewin, Mazurek, McKane, McKenney, Merrill, Mills, Norton, O'Brien, Ott, Percy, Pilon, Plummer, Rector, Richardson E, Seavey, Shields, Stedman, Thomas, Trahan, Twomey, Valentino, Wheeler, Woodbury.

ABSENT - Bryant-Deschenes, Burns, Joy, Smith W.

Yes, 94; No, 53; Absent, 4; Excused, 0.

94 having voted in the affirmative and 53 voted in the negative, with 4 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-563)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, June 1, 2005.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-592)** on Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 967) (L.D. 1390)

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-593)** on same Resolve.

Signed:

Representatives:

LEWIN of Eliot
GLYNN of South Portland

Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority Ought to Pass as Amended

by **Committee Amendment "A" (H-592)** Report.

READ.

Representative PINGREE of North Haven moved that the House **ACCEPT** the Majority Ought to Pass as Amended Report.

The **SPEAKER**: The Chair recognizes the Representative from Elliot, Representative Lewin.

Representative **LEWIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just have a couple of comments that I would like to make about this bill and the Maine Healthcare Data Organization.

Hospitals and some other providers and pharmacies have to pay to submit data to this organization. They not only have to pay for the privilege of submitting data to the state, but if they want a report than they get the privilege of paying to get a report, which by the way they need to design themselves. I don't think that that is a really good thing.

As to the issue of confidentiality of data, we have a bill before us and I was told that there was a \$250,000 fine for anyone misusing any data and so I asked what I thought was a logical question and that was, "Exactly what are we going to do to police this? How are we going to know if anybody misuses this data which is confidential and should remain so in my view?" I was told that there was no plan for policing it, but I was told that there were lots of teeth in this bill and my remark at the time was that this bill has about as many teeth in it as Gabby Hays did when he made his last movie. It doesn't have teeth in it and I am very concerned about all of the data that the state continues to collect and that I do not see going to productive problem solving in a meaningful way and in a meaningful timeframe. I see lots of studies, lots of task forces and lots of committees that have come through here and I would submit to you, Ladies and Gentlemen that most of them are in a closet somewhere or in a box buried under someone's desk. So, I am very alarmed about the amount of data we are requesting, the nature of it and I really think that we need to take another long hard look at that. Thank you Ladies and Gentlemen.

The **SPEAKER**: The Chair recognizes the Representative from Summersville, Representative Miller.

Representative **MILLER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the comments from the good Representative, colleague on Health and Human Services and I rise to kind of clarify a little bit what this is all about.

This bill does allow the production of a lot of healthcare data in this state and uses healthcare data to look at the quality of care in the state. Yes, hospitals pay for the collection of this data and hospitals use this data. Hospitals order studies themselves using this data and have like type data for the past 20 to 25 years. This state is one of the best states in the country for the production and use of healthcare data for studies of quality of care. That is precisely what this bill is for and what this data is for. There are not many hospitals that complain about high quality, 100% accessible data about their care in their hospitals.

What this major substantive rule - I remind you that it is a substantive rule and can only be amended but will pass otherwise - does is allow us and Maine Quality Forum to hold up a mirror to healthcare in this state and to the quality of healthcare in this state. We have many, many discussions in this chamber about the cost of healthcare, but what good is expensive healthcare if it is not quality healthcare and effective healthcare? By and large healthcare in our state and our country is high quality, but not all. Data like this permits us to look at the quality of care in this state and ensure good quality healthcare for the

money that we pay. I rise and support the Majority Ought to Pass as Amended Report. Thank you Mr. Speaker.

Representative TARDY of Newport REQUESTED a roll call on the motion to ACCEPT the Majority Ought to Pass as Amended Report.

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

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

ROLL CALL NO. 224

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowles, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Crosby, 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, Lundeen, Makas, Marley, Marraché, Mazurek, McCormick, Merrill, Miller, Mills, Moody, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rines, Rosen, Sampson, Saviello, Schatz, Shields, Smith N, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

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

ABSENT - Bryant-Deschenes, Smith W.

Yes, 84; No, 65; Absent, 2; Excused, 0.

84 having voted in the affirmative and 65 voted in the negative, with 2 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Resolve was READ ONCE. Committee Amendment "A" (H-592) was READ by the Clerk and ADOPTED.

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

Under further suspension of the rules, the Resolve was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-592) and sent for concurrence. ORDERED SENT FORTHWITH.

CONSENT CALENDAR

First Day

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

(H.P. 342) (L.D. 467) Bill "An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws Concerning Personal Contact Information" Committee on JUDICIARY reporting Ought to Pass

(H.P. 171) (L.D. 232) Bill "An Act To Enhance Highway Safety" Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "A" (H-578)

(H.P. 248) (L.D. 325) Bill "An Act To Clarify the Definition of 'Domiciled' for Maine Income Tax Purposes" Committee on TAXATION reporting Ought to Pass as Amended by Committee Amendment "A" (H-588)

(H.P. 403) (L.D. 548) Bill "An Act To Enhance the Prosecution of Child Pornography Cases" Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "B" (H-577)

(H.P. 430) (L.D. 597) Bill "An Act To Amend the Solid Waste Landfill Laws" Committee on NATURAL RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (H-567)

(H.P. 452) (L.D. 619) Bill "An Act To Require Background Checks on All Camp Employees" Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "A" (H-575)

(H.P. 465) (L.D. 632) Bill "An Act To Lower the Tax Burden for Small Businesses" Committee on TAXATION reporting Ought to Pass as Amended by Committee Amendment "A" (H-586)

(H.P. 510) (L.D. 715) Bill "An Act To Provide Support for Legal Services for Low-income Mainers" Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-582)

(H.P. 801) (L.D. 1158) Bill "An Act To Allow Disabled Retired State Employees To Be Eligible for a Pension Deduction under Maine Income Tax Law" Committee on TAXATION reporting Ought to Pass as Amended by Committee Amendment "A" (H-585)

(H.P. 870) (L.D. 1273) Bill "An Act To Improve Economic Development of the Penobscot Nation" Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT reporting Ought to Pass as Amended by Committee Amendment "A" (H-565)

(H.P. 881) (L.D. 1284) Resolve, To Provide Increased MaineCare Reimbursement Rates to Physicians with High Ratios of MaineCare Patients Committee on HEALTH AND HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (H-569)

(H.P. 899) (L.D. 1302) Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and Education (EMERGENCY) Committee on HEALTH AND HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (H-570)

(H.P. 923) (L.D. 1324) Bill "An Act To Improve Access to Affordable Prescription Drugs" Committee on HEALTH AND HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (H-571)

(H.P. 945) (L.D. 1362) Bill "An Act Regarding the Maine Criminal Justice Academy" Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "A" (H-576)

(H.P. 1072) (L.D. 1525) Bill "An Act To Amend the Real Estate Brokerage Laws" Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT reporting Ought to Pass as Amended by Committee Amendment "A" (H-583)

(H.P. 1093) (L.D. 1552) Bill "An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption" Committee on TAXATION reporting Ought to Pass as Amended by Committee Amendment "A" (H-584)

(H.P. 1106) (L.D. 1568) Bill "An Act To Allow Nurse Practitioners To Sign Death Certificates" (EMERGENCY) Committee on HEALTH AND HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (H-594)

(H.P. 1154) (L.D. 1636) Resolve, To Study the Cost of the Provision of Certain Governmental Services in the Unorganized Territories (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-587)**

(H.P. 1181) (L.D. 1672) Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures; Portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-566)**

(H.P. 1188) (L.D. 1681) 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) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-568)**

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

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

Amendment "A" (H-580) and sent for concurrence. **ORDERED SENT FORTHWITH.**

CONSENT CALENDAR

First Day

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

(S.P. 416) (L.D. 1202) Resolve, To Study the Accessibility of Birth Certificates and Other Vital Records Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 342) (L.D. 1002) Bill "An Act To Transfer Responsibility of Potato Marketing Matters to the Maine Potato Board" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-276)**

(S.P. 411) (L.D. 1183) Bill "An Act Regarding Access to Mental Health Services" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-279)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-580)** on Resolve, Directing the Secretary of State To Develop a Titling System for Mobile Homes

(H.P. 882) (L.D. 1285)

Signed:

Senators:

HOBBINS of York
BROMLEY of Cumberland
HASTINGS of Oxford

Representatives:

PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor
SHERMAN of Hodgdon
BRYANT-DESCHENES of Turner
NASS of Acton

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

Signed:

Representative:

CARR of Lincoln

READ.

On motion of Representative PELLETIER-SIMPSON of Auburn, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Resolve was **READ ONCE.** Committee Amendment "**A**" (H-580) was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the Board of Dental Examiners"

(S.P. 419) (L.D. 1205)

Signed:

Senators:

BROMLEY of Cumberland
HOBBINS of York

Representatives:

SMITH of Monmouth
O'BRIEN of Lewiston
AUSTIN of Gray
ROBINSON of Raymond
RECTOR of Thomaston
FARRINGTON of Gorham
BEAUDETTE of Biddeford
JACOBSEN of Waterboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-271)** on same Bill.

Signed:

Senator:

DOW of Lincoln

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

READ.

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

REPORTS OF COMMITTEE
Divided Report

Eleven Members of the Committee on **UTILITIES AND ENERGY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-281)** on Bill "An Act To Amend the Procedure by Which the York Sewer District May Be Dissolved"

(S.P. 137) (L.D. 413)

Signed:

Senators:

BARTLETT of Cumberland
COWGER of Kennebec
WESTON of Waldo

Representatives:

BLISS of South Portland
BABBIDGE of Kennebunk
CURTIS of Madison
BRAUTIGAM of Falmouth
FLETCHER of Winslow
ADAMS of Portland
RICHARDSON of Skowhegan
RINES of Wiscasset

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-282)** on same Bill.

Signed:

Representative:

FITTS of Pittsfield

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Representative:

McLEOD of Lee

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-281)**.

READ.

On motion of Representative BLISS of South Portland, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-281)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-281)** in concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Help Voters Control the Cost of Government

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

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on May 23, 2005.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437) AND SENATE AMENDMENT "A" (S-265)** in **NON-CONCURRENCE**.

On motion of Representative CUMMINGS of Portland, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Require a 10-day Waiting Period for the Purchase of Firearms by a Person under 22 Years of Age"

(H.P. 234) (L.D. 310)

Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in the House on May 11, 2005.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative BLANCHETTE of Bangor the House voted to **RECEDE AND CONCUR**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Amend Maine's Divorce Laws"

(H.P. 508) (L.D. 713)

Signed:

Senators:

HOBBINS of York
BROMLEY of Cumberland
HASTINGS of Oxford

Representatives:

PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor
NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-579)** on same Bill.

Signed:

Representatives:

SHERMAN of Hodgdon
CARR of Lincoln
BRYANT-DESCHENES of Turner

READ.

Representative PELLETIER-SIMPSON of Auburn moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak briefly in opposition to the pending motion. The purpose of this bill, which is one of my bills is as a response to a situation that occurs under the Maine divorce statutes, particularly the no fault divorce statute wherein a constituent of mine actually found herself in a position of having her espouse transfer much of her premarital assets and marital assets through fraud and financial misconduct and when all was gone and the money was spent promptly filed under the no fault divorce statute leaving my constituent with no remedy available to her.

I wish to ask for a roll call when the vote is taken. This may not be the perfect solution to the problem, but I think that there is

a serious problem. I don't wish to debate the members of the committee and I thank the Gentlelady from Auburn, Representative Pelletier-Simpson who gave me a fair hearing, but I believe that there is a problem here, it remains and I ask for a roll call on the acceptance of the report.

Representative MILLETT of Waterford **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 Auburn, Representative Pelletier-Simpson.

Representative **PELLETIER-SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. While our committee was quite moved to hear the story of Representative Millett's constituent, as we kept looking at the law trying to decide what we could do in order to prevent this sort of thing from happening in the future, we did find that under the current law "Types of Spousal Support" that reimbursement support may be awarded to achieve, "an equitable result in the overall dissolution of the parties financial relationship in response to exceptional circumstances. Exceptional circumstances include but are not limited to economic misconduct by a spouse." So, the law is already there, unfortunately it was not used to help this individual, but there is no reason to change the law. I hope you will support the Majority Ought Not to Pass Report. 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. 225

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

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

ABSENT - Bryant-Deschenes, Smith W.

Yes, 81; No, 68; Absent, 2; Excused, 0.

81 having voted in the affirmative and 68 voted in the negative, with 2 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-597)** on Bill "An Act To

Improve the Management and Safety of State Correctional Facilities"

(H.P. 943) (L.D. 1360)

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-598)** 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-597)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-597)** and sent for 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-595)** on Bill "An Act To Amend the Laws Governing Crimes against People Who Are Homeless"

(H.P. 1170) (L.D. 1659)

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
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-596)** on same Bill.

Signed:

Representatives:

GERZOFKY of Brunswick
PARADIS of Frenchville

READ.

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

On motion of Representative DUDLEY of Portland, **TABLED** pending the motion of Representative BLANCHETTE of Bangor 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 Not to Pass** on Resolve, Directing the Board of Trustees of the University of Maine System To Institute a Statewide Sports Program

(S.P. 453) (L.D. 1326)

Signed:

Senator:

TURNER of Cumberland

Representatives:

FINCH of Fairfield
EDGEComb of Caribou
GOLDMAN of Cape Elizabeth
STEDMAN of Hartland
MAKAS of Lewiston
LANSLEY of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-273)** on same Resolve.

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot

Representatives:

DAVIS of Falmouth
NORTON of Bangor
CAIN of Orono
MERRILL of Appleton

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 "A" (S-273)**.

READ.

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

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

Representative **STEDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You will notice that I am on the Majority Report. This bill is, in my opinion, telling the University System to do something that they should be doing for themselves if they feel that it is important so I would move that you defeat the present motion and go on and accept the Majority Report and I would ask for a roll call on this motion.

Representative **STEDMAN** of Hartland **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

On motion of Representative CUMMINGS of Portland, **TABLED** pending the motion of Representative NORTON of

Bangor to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-564)** on Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection"

(H.P. 1124) (L.D. 1588)

Signed:

Senators:

COWGER of Kennebec
MARTIN of Aroostook
SNOWE-MELLO of Androscoggin

Representatives:

KOFFMAN of Bar Harbor
THOMPSON of China
ANNIS of Dover-Foxcroft
EBERLE of South Portland
DAIGLE of Arundel
SAVIELLO of Wilton
DUCHESNE of Hudson
ROSEN of Bucksport
TWOMEY of Biddeford

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

Signed:

Representative:

JOY of Crystal

READ.

Representative KOFFMAN of Bar Harbor moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative JOY of Crystal **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

ROLL CALL NO. 226

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Cressey, Crosby, Cummings, Curley, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, McKane, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson D, Richardson E, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Shields, Smith N, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Bierman, Bishop, Brown R, Carr, Cebra, Churchill, Clough, Collins, Crosthwaite, Curtis, Fitts, Hall, Hamper, Hanley B, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKenney, McLeod, Moore G, Nutting,

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Pinkham, Plummer, Richardson M, Sherman, Stedman, Sykes, Thomas, Vaughan.

ABSENT - Bryant-Deschenes, Sampson, Smith W.

Yes, 114; No, 34; Absent, 3; Excused, 0.

114 having voted in the affirmative and 34 voted in the negative, with 3 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-564) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Wednesday, June 1, 2005.

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

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

Representative CROSBY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Had I been present for roll call number 220 I would have voted yea. On roll call number 221 I would have voted yea and on roll call number 222 I would have voted yea. Thank you.

On motion of Representative CROSBY of Topsham, the House adjourned at 6:12 p.m., until 9:00 a.m., Wednesday, June 1, 2005 in honor and lasting tribute to Donald J. Leaver, of Topsham.