

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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  
26th Legislative Day  
Wednesday, June 1, 2005

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

Prayer by Pastor Steven C. DeGroft, Lisbon Falls Baptist Church.

National Anthem by Spencer Thurlow, Lee Academy.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

---

**COMMUNICATIONS**

The Following Communication: (H.C. 265)

**STATE OF MAINE**

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

May 26, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 549 An Act To Expedite the Forcible Entry and Detainer Process in Nonpayment Cases

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

Sincerely,

S/Sen. Barry J. Hobbins

Senate Chair

S/Rep. Deborah Pelletier-Simpson

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 266)

**STATE OF MAINE**

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

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

L.D. 1009 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Real Estate To Be Valued Differently Based on the Residency of the Owner

S.P. 316 Joint Study Order To Study the Feasibility of Retiring the Income Tax by Use of an Endowment Fund

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

Sincerely,

S/Sen. Joseph C. Perry

Senate Chair

S/Rep. Richard G. Woodbury

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 267)

**STATE OF MAINE**

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

May 26, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1068 An Act To Strengthen Maine's Small Business Economy

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

Sincerely,

S/Sen. Joseph C. Perry

Senate Chair

S/Rep. Richard G. Woodbury

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 269)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

May 31, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 842 An Act To Prevent Price Gouging and To Stabilize Prices in the Sale of Milk

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

Sincerely,

S/Sen. John M. Nutting

Senate Chair

S/Rep. John F. Piotti

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 270)

**STATE OF MAINE**

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

May 26, 2005

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

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 148 An Act To Require Certain Physicians To Provide Information about Thimerosal in Vaccines

We have also notified the sponsor and cosponsors 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. 271)

**STATE OF MAINE**

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

May 31, 2005

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

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 466 An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws Concerning Attorney's Fees

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

Sincerely,

S/Sen. Barry J. Hobbins

Senate Chair

S/Rep. Deborah Pelletier-Simpson

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 272)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 31, 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 Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 939 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Preserve the Integrity of the Citizen-initiated Petition Process

L.D. 1033 An Act To Implement Fusion Voting in Maine

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

Sincerely,

S/Sen. Kenneth T. Gagnon

Senate Chair

S/Rep. John L. Patrick

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (S.C. 361)

**MAINE SENATE**

**122ND LEGISLATURE**

**OFFICE OF THE SECRETARY**

May 26, 2005

Honorable Millicent M. MacFarland

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it Indefinitely Postponed Bill "An Act To Improve the Efficiency of the Legislature" (H.P. 567 L.D. 802) and all accompanying papers.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

---

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the following members of the Lee Academy Girls Varsity Basketball Team, on their winning the 2005 Class D State Championship: Shelby Pickering, Kerri Harris, Jacqueline Moors, Ashley Jandreau, Amanda Jandreau, Karin Bird, Amanda Gifford, Dana Houghton, Aarika Ritchie, Brooke Harris, Laci McLaughlin, Nicole Jandreau, Manager Kathy Yoon, Manager Crystal Briggs, Assistant Coach Candance Gifford and Coach Ronald Weatherbee. This is the team's first state championship and their first undefeated season, with 22 wins. We extend our congratulations and best wishes to them on this achievement;

(HLS 813)

Presented by Representative McLEOD of Lee.

Cosponsored by Senator SCHNEIDER of Penobscot.

On **OBJECTION** of Representative McLEOD of Lee, was **REMOVED** from the Special Sentiment Calendar.

**READ and PASSED** and sent for concurrence.

---

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

---

**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Statute**

Representative BLISS for the **Joint Standing Committee on Utilities and Energy** on Bill "An Act Regarding Energy Codes"

(H.P. 1191) (L.D. 1685)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and assigned for second reading on Thursday, June 2, 2005.

**Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Provide Tax Benefits for Sale of Leased Land Used as a Primary Residence"

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

Signed:

Senators:

PERRY of Penobscot

STRIMLING of Cumberland

Representatives:

HANLEY of Paris

WOODBURY of Yarmouth

CLOUGH of Scarborough

HUTTON of Bowdoinham

SEAVEY of Kennebunkport

WATSON of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-267)** on same Bill.

Signed:

Senator:

COURTNEY of York

Representatives:

CLARK of Millinocket

BIERMAN of Sorrento

PINEAU of Jay

McCORMICK of West Gardiner

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-267)**.

**READ.**

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

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope that you don't accept the Majority Ought Not to Pass Report and go with the Minority. I think that the other body did the right thing when they did what they did last week in passing this bill.

Leases in the State of Maine are not going to go away no matter what you do and this here is just another tool to help people who live on those leases year round, as permanent residents, to be given a capital gains tax only if the people that own the land decide to sell the land. This here is just another tool to help the individual be able to buy the land.

Having a lease myself and not living there year round I wish that I was part of this because it would make it easier if I had an opportunity to be able to buy the land, but this here is just another tool to help individuals be able to buy the lots, buy the land if they live there year round and it gives the person that owns the land the opportunity to have a capital gains tax if they tried to sell the land.

The other body did the right thing. I hope that this morning you do the right thing and vote with me. I know that you are not supposed to use props, but I think you can read and I hope that when the vote is taken it is taken by the yeas and nays. Thank you very much Mr. Speaker.

Representative **CLARK** of Millinocket **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. Those voting for the Majority Ought Not to Pass had a couple of issues that they found persuasive.

First, this is a capital gains tax exemption to the seller of the leased land and some of the leased land will have had a capital gain between the purchase price of the land and the sale price of the land and typically this capital gain is quite substantial. The seller has made significant money on this land and we thought that there was a real issue of fairness in exempting these sellers who had substantial gains from paying a capital gains tax while other people that have gains in other kinds of real estate are not required to pay the tax.

The second concern that we had was a concern that this would create a legal loophole for any seller of land to create a lease arrangement in advance of the sale as a way to avoid the capital gains tax and that is an unintended consequence that we were really concerned about having happen. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative **HUTTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't want to repeat what Representative Woodbury just said but I do want to just point out however that the benefit to the seller is not all that great and that is one of the other things that persuaded me that this wasn't necessarily a huge incentive, but did provide the loophole. The estimate that is out for the next few years was less than \$10,000 plus a \$30,000 fiscal note to start the program in the office in order to do all of the things that we need to do in revenue services to not collect the money. In this time of looking at the budget \$30,000 seems, to me, like a huge amount, so I just hope that you take that into consideration when you are doing your vote. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hate to prolong this, but for the people who live on or have property on leased land this means a lot to them. Getting this bill passed is only another tool that will give them an opportunity to be able to buy the land only if and when the person who owns the land decides to sell it. Not everybody is going to come under this amendment or bill. It is only ones who have leased land. It is only leased land that we are talking about. If a little small portion of capital gains is going to help that individual sell the lot so be it. Give the people who are stuck on these lots – even people who rent houses have more rights than the people who are on the leased lot – and invest a lot of money in their property and who lease a real nice piece of property on bodies of water or away from bodies of water an opportunity to do that. Mr. Speaker, when the vote is taken I request the yeas and nays.

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

Representative CARR: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is an issue that is very important to a very few people that live in the State of Maine. This issue has been discussed many times over in this body as various bills have come before us.

The fact is that many years ago the large landowners used to encourage the people to build and lease land on their property. They looked at it as a way to manage forest fires. If there was a forest fire they could report it. It kept vandalism down and other things. It was something that they looked forward too.

Many of the people who live in the greater Millinocket area, as well as other areas, invested large sums of money, built homes on their land and camps on their land and many of these have been passed down through many years and many generations. As you know the land has been recently transferred. It has been transferred to companies from out of state that really don't have as much interest in taking care of the local people as the companies that used to be there.

Some of the other bills that have come forward that I have been either a co-sponsor or sponsor on try to find the solution and many of the things that we have done have actually helped. We have been able to give first refusal status to some of the people. We have been able to give a time limit for them to move their property off if they weren't going to be able to keep it. So, we have moved in that direction, but this year we have a bill before us that would give an incentive to the landowner to sell the property rather than trying to punish the large landowners for not selling the property. Here is an opportunity for us to encourage them to sell and to give them something in return. I would ask that you support the Representative from Millinocket, Representative Clark and follow our light. Thank you.

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

Representative JOY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand to support the good Representative from Lincoln, Representative Carr and the good Representative from Millinocket, Representative Clark in their position on this bill. I too, have been a co-sponsor on similar issues many times in the past and I realize the plight that many of these people have that invested a lot of money into their homes on leased land. I urge you to defeat the pending motion and support the Ought to Pass motion. Thank you very much.

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

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

The SPEAKER: The Representative may pose her question.

Representative PERCY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I can't find a copy of this amendment. Can someone just briefly describe what this amendment is?

The SPEAKER: The Representative from Phippsburg, Representative Percy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative WOODBURY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment provides an exemption from capital gains taxes for the seller of land that has been used as leased land.

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. 227**

YEA - Adams, Babbidge, Barstow, Blanchette, Bliss, Brautigam, Burns, Cain, Clough, Craven, Cummings, Daigle, Driscoll, Dunn, Duplessie, Eberle, Eder, Finch, Fisher, Goldman, Hanley B, Harlow, Hutton, Koffman, Lerman, Makas, Marley, Mazurek, Moody, Muse, Norton, O'Brien, Pelletier-Simpson, Percy, Pingree, Piotti, Rines, Sampson, Seavey, Smith N, Smith W, Thompson, Valentino, Walcott, Watson, Webster, Woodbury.

NAY - Annis, Ash, Austin, Berube, Bierman, Bishop, Blanchard, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clark, Collins, Cressesey, Crosthwaite, Curley, Curtis, Davis G, Davis K, Duchesne, Dugay, Duprey, Edgecomb, Emery, Faircloth, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Grose, Hall, Hanley S, Hogan, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, McCormick, McFadden, McKane, McKenney, McLeod, Miller, Millett, Mills, Moore G, Moulton, Nass, Nutting, Paradis, Patrick, Perry, Pilon, Pineau, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Schatz, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Twomey, Vaughan, Mr. Speaker.

ABSENT - Beaudette, Bowen, Brannigan, Bryant, Bryant-Deschenes, Canavan, Crosby, Dudley, Farrington, Greeley, Hamper, Marean, Marraché, Merrill, Ott, Wheeler.

Yes, 47; No, 88; Absent, 16; Excused, 0.

47 having voted in the affirmative and 88 voted in the negative, with 16 being absent, and accordingly the 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" (S-267)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, June 2, 2005.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-285)** on Bill "An Act To Promote the Use of Public Safety Telecommunications Equipment by the Deaf and Hard-of-hearing Community"

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

Signed:

Senators:

BARTLETT of Cumberland

COWGER of Kennebec

Representatives:

BLISS of South Portland

BABBIDGE of Kennebunk

BRAUTIGAM of Falmouth

ADAMS of Portland

RINES of Wiscasset

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-286)** on same Bill.

Signed:

Senator:

WESTON of Waldo

Representatives:

FITTS of Pittsfield

CURTIS of Madison

FLETCHER of Winslow

RICHARDSON of Skowhegan

MCLEOD of Lee

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-285)**.

**READ.**

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

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. I know that often, when there are utilities and energy issues, a majority of my colleagues tune out. I will try to make this interesting.

There is, right now, a charge on your monthly telephone bill called the Universal Service Fund and there are a variety of things that that universal service fund pays for. One of those things is a pager for people who are deaf or hard of hearing and who are below 135% of the federal poverty level and who register with the Division of Deafness and the Bureau of Rehabilitation Services and the Department of Labor. They get this pager because when the emergency 911 system is activated by the local police department or the State Police to notify people of emergencies they need some assistance in getting that notification so a vibrating pager is what we have used to alert them in the same way that phone call from your local police would alert you.

This is an \$85,000 a year expense that comes out of the Universal Service Fund. This bill requests an additional amount, \$60,000 the first year and \$90,000 the second year and then \$120,000 each consecutive year in order to provide an additional \$10 per registered deaf or hard of hearing person to upgrade that pager to a two way pager so that when they receive that notification through the vibrations of the pager they can then notify their next of kin, find out where their kids are, get more information, alert their employer or whatever it is. The other rules stay the same. You have to be registered with the Office of Deafness. You have to be at or below 135% of the federal poverty level, all of that. Everyone on this committee thought that it was a good idea. Every member of this committee supported this as a way to assist Maine's deaf and hard of hearing community.

If you notice you will see that there is no Ought Not to Pass Report. There are however, two Ought to Pass Reports, a Committee "A" and a Committee "B". They are virtually identical reports except for where the money comes from. The Majority Report, Committee Amendment "A" believes that this additional \$60,000 should come from the same place that the original \$85,000 comes from, the Universal Services Fund. Committee Amendment "B" believes that this money should come from the General Fund. Mr. Speaker, it is my belief that anything that we earmark as coming out of the General Fund today is a death sentence to that bill since there is no money on the appropriations table.

Since everyone on this committee thought that this was a good idea and everyone on this committee believed that we ought to move forward with this, it is my belief that Committee Amendment "A" is the option that we ought to pursue and take the money out of the Universal Service Fund which has the money and from which the original \$85,000 has come from and will continue to come from. Thank you Mr. Speaker.

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

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I thank my good

colleague for explaining this so well. It is a pretty straightforward thing, but I would like to share one thing with you. The Utilities Committee has a unique advantage. We can increase fees and taxes and people generally don't know that we are doing it until you get your bill – your light bill, your phone bill, whatever.

I just want to add one point of clarification. The \$120,000 will be an added fee onto your existing phone bill. The money is raised as the money is spent. It is not like there is a pool of money there that we are going to pull from. This will be an additional \$120,000. I think those of us who feel that it should come from the General Fund, the Minority Report, feel that this is an expansion of a program that was really designed for one purpose. We have gone beyond that point and now we are adding another piece of additional legislation and pulling it out of a service fund that was intended for a specific purpose.

No one is going to question the need. It is a question of how we are going to pay for it and our view was that the Majority Report is really taking somewhat of an easy way out because most people don't understand that the fee is going to go up. With that I would ask you to reject the Majority Report and move on to the Minority Report an when the vote is taken Mr. Speaker I request the yeas and nays. Thank you.

Representative **FLETCHER** of Winslow **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 Bliss.

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to thank my colleague from Winslow for reminding me that I neglected to talk about the additional tax burden that will be placed on those of us that have telephones. There will be an additional burden added to your Universal Service Fee and it will amount to about 10 cents a year.

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. 228

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

**NAY** - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Fitts, Fletcher, Flood, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, 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 - Beaudette, Brannigan, Bryant-Deschenes, Canavan, Crosby, Dudley, Emery, Farrington, Marean, Merrill, Mills, Wheeler.

Yes, 71; No, 68; Absent, 12; Excused, 0.

71 having voted in the affirmative and 68 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-285) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, June 2, 2005.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding the Wells-Ogunquit Community School District" (S.P. 486) (L.D. 1397)

Signed:

Senators:

MITCHELL of Kennebec

SCHNEIDER of Penobscot

Representatives:

DAVIS of Falmouth

EDGECOMB of Caribou

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-272)** on same Bill.

Signed:

Senator:

TURNER of Cumberland

Representatives:

FINCH of Fairfield

NORTON of Bangor

GOLDMAN of Cape Elizabeth

CAIN of Orono

MERRILL of Appleton

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

**READ.**

Representative MAKAS of Lewiston moved that the House **ACCEPT** the Majority **Ought Not to Pass Report.**

The **SPEAKER:** The Chair recognizes the Representative from Lewiston, Representative Makas.

Representative **MAKAS:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As you may notice in the divided report, it truly is a divided report. There are members on both sides of the aisle that are on both sides of this issue. I would like to give my reason for being on the Ought Not to Pass Majority Report. In 1979 the residents of both communities voted to approve the separation of the village of Ogunquit from the Town of Wells. This approval was based in part on a very specific agreement between the residents of the two communities on the shared funding for the communities school district, which would continue to serve the needs of the children of both Wells and Ogunquit.

In 1999 the Legislature voted to change this funding formula and we are now being asked to act again to change the formula. In my opinion, we are unnecessarily and prematurely getting ourselves involved in a family quarrel. I believe that since the residents of these two communities agreed in 1979 to an amicable separation, that they need to settle this issue themselves without undo pressure from us, the Legislature, by

insisting on a specific type of mediation and if that is unsuccessful then on finding arbitration.

With all due respect our predecessors, in the Legislature six years ago who acted precipitously and should have encouraged the citizens of these communities to work it out themselves and to resolve their family differences without legislative intervention. The action in 1999 set an unfortunate precedent of intervention - one that I don't wish to support further. I believe that we should leave this to the good residents of Wells and Ogunquit to try and resolve themselves, knowing that if they don't a future Legislature may be encouraged to act on this and force a solution. For now I prefer to simply tell our friends in Ogunquit and Wells, "Please don't make me have to tell your father about this when he gets home." Thank you.

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. Not too long ago a new legislative district was created down in my neck of the woods because of the population surge. I was sworn in, raised and reside in the largest community of the four that I represent. I represent a portion of Kittery and Wells, but I also represent all of Ogunquit and rise today in opposition to the Majority Report and would like to give an explanation because I represent all of Ogunquit and speak as co-sponsor of this bill. In one month Ogunquit will celebrate its 25th year of independence and in a little over 3 weeks my oldest child will celebrate her 25th birthday. She was the last child born in the Ogunquit Village Cooperation where my family resided over 25 years ago.

However, the legislation creating or permitting the separation of two long-standing communities, one partly connected to the other by certain specific municipal functions and that is the Ogunquit Village Cooperation with the Town of Wells. That separation occurred for one very overriding concern of the people of Ogunquit and that was that they were paying more than their fair share of those shared expenses and it drove them to petition the Legislature for redress of what seemed to be an ever increasing amount of money that went to the much larger town. It would seem, after 25 years that we are still in the same position as we were before.

I respectfully disagree with the Representative from Lewiston as to the nature of the amicable agreement. There was much that was forced onto Ogunquit at the time in order to achieve that measure of independence. However, that sharing of expenses, particularly regarding the school district over the intervening years has placed a much higher burden on the people of Ogunquit. Again, with due respect to the people of Wells, in pointing out that that Ogunquit can afford it, the fact is that over the intervening years, fewer and fewer children - school aged population children from Ogunquit - are receiving their education because fewer and fewer families can afford to live in Ogunquit. On the other hand, in Wells there has been a burgeoning population with a result that the cost of education has soared as many of you are well aware in your own communities.

I am pleased to say that my oldest child was able to attend the Ogunquit Village School for about a year and a half before we moved from Ogunquit back to Cape Neddick where I tried to retain my bragging rights. However, the last insult to this process has been the closure of that same beloved Ogunquit Village School at the insistence of the majority of that school district.

Where are we now? We are at a point where because of the unique nature of the legislation creating this unequal parent with no provision for an opt out that Ogunquit must again petition this Legislature for a redress of this imbalance in the shared cost of education. I would like to say briefly that there have been



attempts to negotiate and I believe that our Representative from Lewiston was very correct in stating that it is a family affair because many of the families in Wells and Ogunquit have members on both sides of that border and I share that in common with a number of them.

Without the intervention of the Legislature to find the parties to negotiations there is no fair negotiations. In a recent article in one of the recent papers, aWells selectmen indicated that they would be happy to meet with Ogunquit, but to make sure that they bring their checkbook. When the town fathers of one town say bring a checkbook, bring \$50,000,000 with you or bring \$55,000,000 with you, I doubt that any of you would consider that to be a fair means of negotiation. So this morning, Ladies and Gentleman of the House, I request that you would vote with me in opposition to the Ought Not to Pass Report and give Ogunquit a fair shake in reaching a resolution to this issue. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Collins.

Representative COLLINS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My colleague is partially right. The two towns did separate in 1979 or 1980 and formed the CSD, the Community School District. That name is very important. The Community School District.

We are all part of a community, whether you live in Wells or any other part of the state. We pool our resources to educate our children, our most precious resource. Wells' share is not a hard share. Forty nine percent of that total commitment goes to education, in most towns its two-thirds. Most towns in Maine commit two-thirds of their taxes that they collect from their citizens towards education. For each child in Ogunquit there is \$14 million of valuation for each student, \$14 million for each student. I guess what I am getting to is that this is a very highly assessed community; a very rich community. Ogunquit is a very rich community. They allocate, like I said previously 50% of their total assessed taxes to education. That is not a hardship. When they agreed to separate from Wells we formed a CSD. We formed a community school district. This is important to educate our children.

We recently closed a wooden structured school in Ogunquit based upon input from the Commissioner of Education. There were building code violations there and it was unsafe for the children. Coincidentally, we just completed a brand new elementary school in Wells to educate Ogunquit students as well. It cost fifteen million dollars. It's a brand new school. What student wouldn't like to go to a new school? We are a community that is trying to step up to the plate and pay a fair share. I urge the members of this body to follow the actions of the other body, which soundly defeated LD 1397. The Minority Report soundly defeated it yesterday during deliberations. I urge the members of this body to do the same. Vote for the Ought Not to Pass Majority Report that is coming out of the Education Committee. Thank you Mr. Speaker.

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

Representative STEDMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a brief reminder of what happened in 1999. The reason that the Legislature agreed to go along with the deal at that time was that it was a deal that was struck between the two communities that they brought to the Legislature for approval, but we did agree with it. We didn't create the situation or solve the problem at that time. All that it did was change the percentage of the relationship between the value of the community and the number of students

represented there. That was agreed upon and we just approved that agreement. Thank you.

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

Representative OTT: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Talk about inequities of the school funding situation. Here we have a school district made up of two towns, Ogunquit and Wells. There are 55 students from Ogunquit and about 1,200 students from Wells, but because of the terms and conditions under which the separation took place back in 1979 to 1980 Ogunquit is saddled with a formula for the cost of educating those children that, I admit, verges on the realm of sanity. Their cost pupil to be involved in this partnership is \$71,000 per student. The same students in the Town of Wells pay \$8,800 per student. That is inequity. The state average is somewhere around \$8,000 and some school districts have figures that run from \$9,000 to \$11,000 and maybe even \$14,000, but not \$71,000. If you break down the percentages, which have been kind of skated around a little bit this morning, Ogunquit pays 24% of the school budget for this school district, while educating 4% of the school population.

All this bill would do is ask for an opportunity for the parties to come together to mediate in a setting that would be non adversarial and, if necessary, get engaged in some kind of arbitration. This cannot be achieved in the present environment. If I understand the makeup of the school districts board it is a weighted board in the sense that while they are equal numbers from both Ogunquit and Wells, the weight given to their individual votes is certainly in favor of those from Wells. So the people from Ogunquit could never reach agreement with the people from Wells. They need a venue, such as that suggested in this bill, to engage in mediation and meaningful arbitration.

I believe that reasonable minds in an appropriate setting should be able to achieve an equitable formula and I think that we should give the opportunity to both Ogunquit and Wells to talk about it. Please oppose the pending motion so that we can go on and consider the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Collins.

Representative COLLINS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to reinforce my position of Ought Not to Pass.

The current mil rate for education in Ogunquit is \$4.32. If this legislation should pass the mil rate would drop to \$1.36, I think the lowest in the state. That is almost ridiculous. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative BABBIDGE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a little reluctant to get into the middle of a family squabble between neighboring communities, but the discussion here addresses the very principles of American education. Public education at the high school level began in the early 19th century and public education was a community responsibility in this country. It was an egalitarian ideal. We are talking about not guaranteeing the quality of condition, but providing and promoting equal opportunity.

You can grow up to be President no matter who you are in this country and it is because of American education. I think the public education in this country is perhaps its greatest legacy. Now, the discussion that goes on here is, I think, crucial to maintaining that and I ask you to consider two residences in your town, one with three children and one without any children. Should they both contribute to the education in that town? You have a new subdivision built in your community, a very wealthy

subdivision and no children. Should that subdivision be contributing to the education in your community?

An SAD is a community. It was a community that was formed by most districts in the 1960s and at that time was based on 100% valuation of property and wealth. In the 1970s a number of those districts started to include student enrollment as a factor and the ration adopted by those that changed in the 1970s was 70% based on valuation and 30% based on student enrollment.

I have been a public school teacher for 33 years. I don't wait at the door and collect \$10 a child every time they come through the door for my class. That is not what we are based on. Per pupil is not the basis of American education. I understand the frustration. Take a community like Frye Island, a community in the middle of Sebago Lake with a golf course and a bunch of beautiful residences, many owned by out of staters and some by in staters. They pay \$800,000 towards the school and have no students. Is that unjust? I think not. I think every American regardless of whether they have children or not has a responsibility to pay for public education. I am going to vote for the Majority Report on this bill because I think that this body has a responsibility to establish or maintain the philosophy behind public education and that is equal opportunity and community responsibility. I will be voting green and I hope that you will follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative **SEAVEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I feel like I am caught in the middle here between my good friend from Wells and my good friend from Ogunquit, but as a Representative from a neighboring town I wanted to speak on the issue.

Fourteen million dollars per pupil in terms of valuation may be right according to the Representative from Wells, but the important thing to remember is that when we passed LD 1, we did so because we believe that property values don't really relate to an individual and that towns ability to pay taxes. That is one of the reasons that we passed LD 1.

There is another philosophy to that is unlike the philosophy that we just heard. When one town does pay \$71,000 per pupil and another town pays \$8,000 I think that is inherently unfair so I am going to be voting on principle and will be voting no on the pending motion.

I think Wells and Ogunquit are unique because it is my understanding that only the legislature can change this inequity, it is unlike many of the other SADs that we deal with. I urge you to vote no on the pending motion. It is a very acceptable and fair committee amendment that is waiting to be voted on if we defeat the pending motion. Thank you.

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. There were a couple of corrections, one of which is that the process of mediation and arbitration does not automatically result in the figures suggested by the Representative from Wells. It is a process in which both parties must come to the table and engage in a dialogue to try and resolve the issues that lie between them.

Regarding the condition of the much beloved Ogunquit Village School. Yes indeed, there was an ancient report about deficiencies and with a nominal amount of expense the school district could have addressed the deficiencies, but by killing off the school the majority of Wells, in a sense, killed off the heart of Ogunquit. After all, if you were the parents and had a young family would you want to move into a community that lacked such a school as the one enjoyed for many years, not only by the

residents of Ogunquit, but also parents of younger school aged kids from that portion of Wells that adjoins Ogunquit. Mr. Speaker, when the vote is taken I request the yeas and nays.

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

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

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

**ROLL CALL NO. 229**

**YEA** - Adams, Annis, Ash, Austin, Babbidge, Barstow, Berube, Bierman, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Burns, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosthwaite, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duprey, Eder, Edgecomb, Faircloth, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Glynn, Greeley, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jacobsen, Jodrey, Koffman, Lansley, Lerman, Lundeen, Makas, Marraché, Mazurek, McKane, McKenney, McLeod, Miller, Millett, Mills, Moody, Muse, Nass, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Perry, Pilon, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Trahan, Tuttle, Twomey, Valentino, Walcott, Webster, Woodbury, Mr. Speaker.

**NAY** - Bishop, Blanchette, Brown R, Bryant, Cain, Cummings, Curley, Curtis, Dudley, Duplessie, Eberle, Emery, Finch, Fitts, Goldman, Grose, Hall, Jackson, Jennings, Joy, Lewin, Lindell, McCormick, McFadden, Moore G, Moulton, Norton, Ott, Pineau, Rines, Schatz, Seavey, Sherman, Thomas, Thompson, Vaughan.

**ABSENT** - Beaudette, Bryant-Deschenes, Canavan, Crosby, Farrington, Kaelin, Marean, Marley, Merrill, Percy, Watson, Wheeler.

Yes, 103; No, 36; Absent, 12; Excused, 0.

103 having voted in the affirmative and 36 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

---

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-555)** on Bill "An Act To Eliminate the Offset for Social Security and Certain Other Pensions for Unemployment Benefits" (H.P. 365) (L.D. 490)

Signed:

Senators:

STRIMLING of Cumberland

BARTLETT of Cumberland

Representatives:

SMITH of Van Buren

JACKSON of Fort Kent

HUTTON of Bowdoinham

TUTTLE of Sanford

CLARK of Millinocket

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

HALL of Holden

DUPREY of Hampden

CRESSEY of Cornish

HAMPER of Oxford

**READ.**

Representative SMITH of Van Buren moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

---

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Private Nonmedical Institutions from Passing Along the Service Provider Tax to Residents"

(H.P. 332) (L.D. 454)

Signed:

Senators:

MAYO of Sagadahoc

MARTIN of Aroostook

Representatives:

PINGREE of North Haven

WALCOTT of Lewiston

GROSE of Woolwich

WEBSTER of Freeport

MILLER of Somerville

BURNS of Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-572) on same Bill.

Signed:

Senator:

ROSEN of Hancock

Representatives:

SHIELDS of Auburn

CAMPBELL of Newfield

LEWIN of Eliot

GLYNN of South Portland

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

**READ.**

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

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

---

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Require Publicly Funded Entities To Report Undocumented Illegal Aliens"

(H.P. 732) (L.D. 1079)

Signed:

Senators:

HOBBS of York

BROMLEY of Cumberland

Representatives:

PELLETIER-SIMPSON of Auburn

FAIRCLOTH of Bangor

GERZOFKY of Brunswick

CANAVAN of Waterville

BRYANT of Windham

DUNN of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-581) on same Bill.

Signed:

Senator:

HASTINGS of Oxford

Representatives:

SHERMAN of Hodgdon

CARR of Lincoln

BRYANT-DESCHENES of Turner

NASS of Acton

**READ.**

Representative PELLETIER-SIMPSON of Auburn 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 Bill "An Act To Eliminate Estate Taxes on Family-owned Businesses"

(H.P. 321) (L.D. 436)

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"** (H-589) on same Bill.

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris

McCORMICK of West Gardiner

CLOUGH of Scarborough

BIERMAN of Sorrento

SEAVEY of Kennebunkport

**READ.**

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

---

Nine Members of the Committee on **TAXATION** report in Report "A" **Ought Not to Pass** on Bill "An Act To Require the Net Proceeds from the Sale of a Foreclosed Property To Be Returned to the Former Owner"

(H.P. 459) (L.D. 626)

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

HANLEY of Paris  
 CLARK of Millinocket  
 WOODBURY of Yarmouth  
 PINEAU of Jay  
 HUTTON of Bowdoinham  
 SEAVEY of Kennebunkport  
 WATSON of Bath  
 McCORMICK of West Gardiner

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-590)** on same Bill.

Signed:

Senators:

PERRY of Penobscot  
 COURTNEY of York

Representative:

BIERMAN of Sorrento

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-591)** on same Bill.

Signed:

Representative:

CLOUGH of Scarborough

**READ.**

On motion of Representative WOODBURY of Yarmouth, **TABLED** pending **ACCEPTANCE** of any 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. 996) (L.D. 1432) Bill "An Act To Reestablish the Milk Handling Fee" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-602)**

(H.P. 997) (L.D. 1433) Bill "An Act To Amend the Sex Offender Registration and Notification Act of 1999" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-607)**

(H.P. 1023) (L.D. 1461) Bill "An Act To Increase Access to Certain Dental Services" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-601)**

(H.P. 1026) (L.D. 1463) Bill "An Act To Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-600)**

(H.P. 1182) (L.D. 1674) Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-599)**

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.**

**BILLS IN THE SECOND READING**

**House as Amended**

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

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

(C. "A" H-553)

Bill "An Act To Clarify the Smoking Ban for Off-track Betting Facilities"

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

(C. "A" H-528)

Bill "An Act To Require Coordinated Early Childhood Care and Preschool Education in Maine" (EMERGENCY)

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

(C. "A" H-507)

Bill "An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County"

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

(C. "A" H-563)

Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection"

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

(C. "A" H-564)

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

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

(C. "A" H-551)

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

---

**ENACTORS**

**Emergency Measure**

An Act Concerning Persons Who Hold Durable Powers of Attorney or Act as Responsible Parties for Residents of Long-term Care Facilities

(S.P. 407) (L.D. 1179)

(C. "A" S-248)

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. 121 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 Compensate the Gambling Control Board

(S.P. 571) (L.D. 1597)

(C. "A" S-253)

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. 115 voted in favor of the same and 12 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 Concerning the Disclosure of Juror Information  
(S.P. 63) (L.D. 157)  
(C. "A" S-244)

An Act Relating to Animals in Food Stores and Restaurants  
(S.P. 163) (L.D. 537)  
(C. "A" S-245)

An Act To Ensure an Adequate Supply of a Skilled Health Care Workforce  
(S.P. 300) (L.D. 892)  
(C. "A" S-241)

An Act To Protect Maine Harness Racing from Illegal Wagering  
(S.P. 370) (L.D. 1053)  
(C. "A" S-246)

An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships  
(S.P. 424) (L.D. 1210)  
(C. "A" S-247)

An Act To Amend the Maine Criminal Code Regarding Deferred Disposition and Administrative Release  
(H.P. 939) (L.D. 1356)  
(H. "A" H-536)

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

**Resolves**

Resolve, To Examine the Nontherapeutic Use of Antibiotics  
(S.P. 388) (L.D. 1126)  
(C. "A" S-250)

Resolve, To Direct the Department of Conservation To Seek Public Access to Certain Prominent Water Bodies  
(S.P. 482) (L.D. 1393)  
(C. "A" S-240)

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

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

**UNFINISHED BUSINESS**

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

**HOUSE DIVIDED REPORT - Majority (10) Ought Not to Pass - Minority (3) Ought to Pass as Amended by Committee Amendment "B" (H-533) - Committee on TAXATION 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)

TABLED - May 31, 2005 (Till Later Today) by Representative WOODBURY of Yarmouth.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

On motion of Representative WOODBURY of Yarmouth, the Resolution and all accompanying papers were **COMMITTED** to the Committee on **TAXATION** and sent for concurrence.

An Act To Establish Harbor Master Standards and Training Requirements (MANDATE)  
(S.P. 584) (L.D. 1603)  
(C. "A" S-207)

TABLED - May 24, 2005 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative PERCY of Phippsburg the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

**HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass - Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act Concerning the Measurement of Firewood"**

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

TABLED - May 31, 2005 (Till Later Today) by Representative SMITH of Monmouth.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Representative SMITH of Monmouth moved the Majority **Ought Not to Pass** Report.

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

Representative SMITH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a bill that I had sponsored at the request of the AG's office and the Department of Agriculture dealing with a firewood issue. So, naturally it went to Business, Research and Economic Development and it actually does make sense because the measurement of the products for sale is a business practices issue. However, I want to review the issue and the problem we are trying to solve before I ask you to vote Ought Not to Pass on this bill.

There are two definitions for a cord of wood, the standard cord and the loose cord. I am not going to get into the details, but just to let you know, the bill would have removed the definition of a loose cord.

The problem that we are trying to solve is the abuse of the loose cord definition by unscrupulous firewood operators in order to deliver less than a true cord of wood to unknowing buyers. This became a huge issue over the winter as the cost of oil increased. More people were buying firewood for the first time and did not have a vendor that they were accustomed to using and were not used to what a cord of wood looked like so there were abuses.

Often times, the firewood sellers buy their wood by the thousands of pounds. The conversion to cords is very ambiguous. As an example, in my business on the dairy farm I sell my milk by the 1,000 pounds and you all buy it by the gallon, but that is a very easy conversion to make and again, I won't give you the details, but it works. The problem is that with the cord, it is a unit of measurement that is probably several hundred years old and it made sense when wood was wood and we didn't have scales that the truck drove over to weigh it and we didn't have the processes that we do now. They are very high tech, efficient methods of processing firewood that don't involve stacking them in rows that are four foot by four foot by eight foot.

By eliminating the loose cord definition we are not fixing the problem. I voted Ought to Pass on this out of committee hoping that in the meantime I could find the right solution and it hasn't happened yet. It is not going to happen and we need to move on. I plan to pursue this issue next year and continue to work with the AG's office as well as the Maine Forest Service and the Department of Agriculture to see what we can come up with, but I

do want people to be aware, those of us who serve constituents, that this issue is still happening and will happen as we face another winter. There is some number of crooked firewood dealers who are abusing the system and are cheating consumers and we will continue to look for a solution. I am disappointed that we weren't able to do it this session, but I do ask you to vote Ought Not to Pass at this time. Thank you Mr. Speaker.

Subsequently, the Majority Ought Not to Pass Report was **ACCEPTED** and **ORDERED SENT FORTHWITH**.

**SENATE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (S-273) - Committee on EDUCATION AND CULTURAL AFFAIRS 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)

- In Senate, 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)**.

**TABLED - May 31, 2005 (Till Later Today)** by Representative **CUMMINGS** of Portland.

**PENDING - Motion of Representative NORTON of Bangor to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report.**

The **SPEAKER**: The Chair recognizes the Representative from Fairfield, Representative **FINCH**.

Representative **FINCH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to just speak briefly as to why I oppose the Ought to Pass motion on this bill.

This bill would direct the trustees of the University of Maine System to report back to the Education Committee of the Legislature after doing a study and report on what actions they are taking to coordinate sports and league competition among the campuses of the University of Maine. It would also authorize the Education and Cultural Affairs Committee to report out a bill as a result of this report. This may sound minor, but I think that it sets us upon a road that we should not be going down.

A while ago a lot of us were criticized for getting "involved in the actions of the trustees with regard to the strategic plan." We were accused of meddling and micromanaging and so on. I submit that if that was micromanaging then this is ultra-micromanaging. I think that the University Systems Board of Trustees and the individual campuses should make the decisions on what their sports teams do and who they play. If we pass this bill, the Legislature is putting itself in the position of reviewing the athletic policies, schedules, and etc. of the universities.

If this bill is passed, whether we report a bill out of committee or not, it still has put the Legislature on record as claiming the right to do so. I hope that we do not go there. Many of us have our opinions on what sports the university should be pursuing, but it should be just that, our personal opinion. I hope the university baseball team does well in Mississippi, I hope that the girls basketball team goes back to final 64, but I don't think we should be telling the University of Maine at Machias who their girls volleyball team should be playing. Leave that to the trustees and leave that to the individual campuses.

If we micromanage in this area we may be opening the door to micromanaging all kinds of actions taken by the Board of Trustees on the different campuses. While many of us have a great interest in what those sports teams do, it should be our interest as private citizens and not as legislators. I will be voting against the motion to pass this bill and I hope that in my fumbling

way this morning I have convinced a few people that it may make sense to go along with me. Thank you.

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. All I can say is ditto. I would also like to request a roll call.

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.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative **CAIN**.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support the Minority Ought to Pass as Amended Report today and I will tell you why.

The teams at the campus in my town, the Maine Black Bear Division I NCAA teams, are not going to be affected by this resolve. What this resolve says is that the smaller campuses that, right now, have some very strong sports programs in soccer and field hockey are having to travel thousands of miles to play other teams and what the sponsor's bill was asking, and the reason why I am inclined to support it and am asking you to do so as well, is because it is looking to provide opportunities for our smaller campuses and our smaller teams to have an organized system to play one another in and to provide additional opportunities for competition and for tournaments that the UMaine women's basketball team won't be playing in because they will be playing in other places like Mississippi, Colorado or Nebraska through the NCAA Division I program. Perhaps these other teams and the club teams at my campus in Orono may have a more organized way to play, to compete, and to get better and to improve in the more remote parts of our New England area and have a little fun along the way. Thank you very much. I hope you consider supporting the Minority Ought to Pass as Amended Report.

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

#### **ROLL CALL NO. 230**

**YEA** - Adams, Babbidge, Barstow, Blanchard, Brannigan, Bryant, Burns, Cain, Cummings, Davis G, Dudley, Dunn, Duplessie, Eberle, Emery, Faircloth, Fischer, Gerzofsky, Grose, Harlow, Hutton, Jackson, Koffman, Lundeen, Marley, McFadden, Merrill, Mills, Norton, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Piotti, Schatz, Tuttle, Watson, Mr. Speaker.

**NAY** - Annis, Ash, Austin, Berube, Bierman, Bishop, Blanchette, Bliss, Bowen, Bowles, Brautigam, Brown R, Browne W, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis K, Driscoll, Duchesne, Dugay, Duprey, Eder, Edgecomb, Finch, Fisher, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Hogan, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lerman, Lewin, Lindell, Makas, Marean, Marraché, Mazurek, McCormick, McKane, McKenney, McLeod, Miller, Millett, Moody, Moore G, Moulton, Muse, Nass, Nutting, O'Brien, Ott, Paradis, Perry, Pingree, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Twomey, Valentino, Vaughan, Walcott, Webster, Woodbury.

ABSENT - Beaudette, Bryant-Deschenes, Campbell, Crosby, Farrington, Goldman, Rines, Wheeler.

Yes, 39; No, 104; Absent, 8; Excused, 0.

39 having voted in the affirmative and 104 voted in the negative, with 8 being absent, and accordingly **Minority Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, the **Majority Ought Not to Pass Report was ACCEPTED in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

---

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

**TABLED AND TODAY ASSIGNED**

An Act Relating to Disclosures in Political Advertising

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

(C. "A" H-451)

**TABLED** - May 31, 2005 by Representative **PATRICK** of Rumford.

**PENDING - PASSAGE TO BE ENACTED.**

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

---

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

**SENATE PAPERS**

**Non-Concurrent Matter**

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

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

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464)** in the House on May 25, 2005.

Came from the Senate with the **Minority (5) OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE.**

The House voted to **ADHERE.**

---

**Non-Concurrent Matter**

Bill "An Act To Modify Liability To Protect Maine Citizens from Lead Hazards That Harm Maine Children and Families"

(H.P. 1077) (L.D. 1532)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-542)** in the House on May 26, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-542) AS AMENDED BY SENATE AMENDMENT "A" (S-275)** thereto in **NON-CONCURRENCE.**

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

---

**Non-Concurrent Matter**

Resolve, To Transfer Ownership of Certain Public Reserved Lands to the Town of Allagash

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

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in the House on May 31, 2005.

Came from the Senate with the **Minority (3) OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-504)** in **NON-CONCURRENCE.**

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

---

**REPORTS OF COMMITTEE**

**Ought to Pass as Amended**

Report of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Establish the Commission To Study the Licensing Conflicts between the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services

(S.P. 442) (L.D. 1262)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-175).**

Came from the Senate with the Resolve and accompanying papers **INDEFINITELY POSTPONED.**

On motion of Representative **BARSTOW** of Gorham the Resolve and accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

---

**Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Prevent Domestic Abuse by Reinstating the Death Penalty for Persons Who Murder Family or Household Members"

(S.P. 519) (L.D. 1501)

Signed:

Senators:

**HOBBS** of York

**BROMLEY** of Cumberland

Representatives:

**PELLETIER-SIMPSON** of Auburn

**FAIRCLOTH** of Bangor

**GERZOFKY** of Brunswick

**CANAVAN** of Waterville

**BRYANT** of Windham

**DUNN** of Bangor

**BRYANT-DESCHENES** of Turner

**NASS** of Acton

**Minority Report** of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-301)** on same Bill.

Signed:

Senator:

**HASTINGS** of Oxford

Representatives:

**SHERMAN** of Hodgdon

**CARR** of Lincoln

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

On motion of Representative **PELLETIER-SIMPSON** of Auburn, the **Majority Ought Not to Pass** Report was **ACCEPTED** in concurrence.



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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-278)** on Bill "An Act To Eliminate Term Limits in the Legislature"

(S.P. 180) (L.D. 572)

Signed:

Senators:

PLOWMAN of Penobscot  
MITCHELL of Kennebec  
GAGNON of Kennebec

Representatives:

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

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

Signed:

Representative:

VALENTINO of Saco

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-278)**.

**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 Saco, Representative Valentino.

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose LD 572 and I would like to speak to that.

The amendment that was passed by the Senate on this was not the amendment that was included in our committee report on it. The amendment that was attached to it in the Senate was that this would go out to the voters for a full repeal of the term limits and that it would affect every member in this body of the Legislature.

When it went through our committee we said that, and actually I was on the opposition side to it, that it would go to the voters, but it would not affect anyone here in the Legislature. When we were elected we all realized that we were here for an eight-year period of time. I do not think that this should go to the voters with a Senate amendment on it. I do not think this should even go to the voters for the repeal.

I feel that this bill has gone too far to go back to the voters to repeal term limits entirely. We have another bill before us in the committee that we are carrying over that would change it to go to the voters as instead of an outright repeal, to go to twelve years. I feel that this is what should be brought forward to the voters. We have spent a lot of time on this repeal of the term limits here.

I think that this bill goes too far to go out to the voters and ask them to go from eight years to taking it away entirely. I would rather see another bill that we are carrying over that would go to twelve years and put that out to the voters and see what they think of that. I feel that this bill goes too far and it loses a lot of the credibility of this Legislature. I feel very strongly for term limits and don't think that I would have been here without term limits and think that I especially appeal to the freshman class.

Term limits are good. We know that there is a light at the end of the tunnel if you are looking for chairs, or at rotating committees. When people are not going to be here forever we get fresh blood in. I think term limits are a good thing, even if it goes through we will keep it at twelve years where leadership could be in a position for six years. We would keep that there. I think that going this far to ask the voters to repeal them entirely would fail. I think we have a much better shot if this bill fails and we go with another bill that would put it out to the voters for a twelve-year extension. I would hope that you would vote **Ought Not to Pass** on this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Also being a member of the freshman class I am in favor of the bill, but I am a freshman for the third time. I tell people that I have been term limited three times, once by the voters and twice by the people. Mr. Speaker, Men and Women of the House, having been a member of this institution for a number of years as Representative Clark and others have been, we have seen the changes in the institution since the implementation of term limits and I don't think that they are for the best. I talk to the people back home and the people back home say that they want to vote on this once again. It may not have been so apparent five, six or seven years ago, but now this is what they are telling me they want to do.

The amendment that replaces the bill repeals term limits for legislators who will serve their first nonconsecutive term beginning December 3, 2006. The amendment also requires the voters to vote on this matter at the general elections held in 2006. All I am asking is that we give it another chance and allow the people to make their choice. I think the time is now and I hope that you will support the Majority Report.

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

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to rise in support of the previous speaker from Sanford, Representative Tuttle. I had the unique opportunity recently to sit on a panel, and I believe our Clerk was there and heard the discussion about the effects of term limits around our nation.

I don't think that the problems that we have seen in the last ten years here in this state are unique to the State of Maine. I think that they are related to term limits. Problems like the loss of institutional memory, the power of the executive branch and the department heads. What I heard on that panel at the NCSL conference talking about the effects of term limits was that for every state that had term limits there were very similar problems.

In this state and around the nation, term limits have weakened the legislative branch and empowered the executive branch. I don't necessarily believe that I am going to take the position to repeal term limits, but what I think should occur is a good public discussion and debate about the effects of term limits and that is why I am going to support this bill here today. I think that the people of Maine need to hear all the facts, to debate the issues around term limits and make up their mind again. I personally have my own feelings on how they will conclude, but I



think having the public discussion is what we should do here today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative THOMAS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have term limits because signatures were gathered and the people of this state voted and for those people who want to do away with term limits, I believe firmly that they should go out and get the signatures and put it back on the ballot. I don't think that we should be short-circuiting this process in this short of a length of time. Thank you.

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. We have term limits. Every two years when I come up for election there are people that run against me and I win. That is where people get to say who they want to be sitting in these seats.

I think that the argument is all wrong. It is about choice. It is about people having choices and most of us keep getting reelected even when we have opponents, so people are making that decision and what you are doing is just taking that choice away. When we are left running in the halls and having to talk to lobbyists because they know the institutional memory, that is a sad day and I think that there could be a lot done and we could save a lot of money.

We are going through a budget crisis. Look at the money we spend when we have to run every two years. I think there is a lot that needs to be discussed and talked about, but don't fool yourselves we do have term limits in the fact that they can get rid of us anytime they want. If you don't do your job then you shouldn't be sitting here. Thank you.

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

Representative KAELIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the motion that is before us as well. I have had the privilege to work in this building since about 1987. I was the Executive Director of the Maine Sardine Council for about 15 years and I remember some of the returning members from those days. I agree with the previous speakers who have said that term limits occur every two years when the people go out and vote for us.

I didn't vote for term limits as a citizen in those days because I had been around the legislative process for a number of years, for a long time. I think those of us who have been, owe it to the people in our districts to be clear with them that term limits have not, in fact, worked to their advantage as individual voters. It's actually removed the power that they have to keep legislators representing them who do understand this process and who are effective and who do have institutional memory and can truly represent them in an extraordinary way. I can think of many, many, many members of this body and the other body that I think of in those terms, people who were here for a long time.

This isn't going to help me. I will be termed out. This amendment that we are looking at doesn't affect me. I am still going to be termed out, but I have said to my constituents in the five or six years that I have been doing this that term limits are not in their best interest. It dilutes the power of their vote. It has shifted the power in Augusta to the bureaucracy, to the executive and that is said not to take anything away from the good people who work in the administration, but this institution has suffered through term limits. All of us here work very hard to get our feet under us and literally, by the time we do that it is time to leave. I think this is the right way to go with this issue. We should send

this out. As the good Representative from Waldoboro, Representative Trahan said, we should have a discourse and debate about this issue statewide. Those of us who understand this process owe it to our constituents to inform them about how term limits has reduced the value and power of their vote. I urge you to vote with me in favor of the pending motion. Thank you Mr. Speaker.

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

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am going to vote against this because I am going to be 72 in a few days and every morning that I wake up I pray to God that I can serve eight years and that I would be thankful.

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

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

The SPEAKER: The Representative may pose her question.

Representative SMITH: Will there be an opportunity to have a vote on any other options, for example the twelve year term limits or is this the one opportunity this session to deal with the issue of term limits?

The SPEAKER: The Representative from Monmouth, Representative Smith 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. This is it for this year. The other bill that was mentioned was carried over until next year depending on whether or not this bill passed.

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

Representative LINDELL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Before I was elected to this House I was an ardent supporter of term limits. The moment I was elected my support began to waiver. It is kind of nice being here. It is a position of great prestige and honor and certainly we are all motivated to stay here. Certainly, those of us who run for reelection are. The problem is, Mr. Speaker that it is the people who have imposed these term limits upon us, so we should be very, very careful about trying to unchain ourselves from those shackles that have been placed upon us by the people. We are, after all, the people's representatives. I am going to oppose this motion Mr. Speaker because my constituents favor term limits. They understand that an incumbent legislator has an incredible advantage over any opponent.

Just this past weekend I was very honored and privileged to be able to give an address at four Memorial Day ceremonies. That was something I did out of a sense of duty and honor to veterans who had given their lives for us. But, at the same time that puts me in a position that elevates my status and stature as a legislator. It also elevates my electability. Let's face it.

Recently I had the privilege of sending out a mailer to all of my constituents to ask for their input and feedback on issues that are before us in this chamber. Many of them appreciated that I asked them for their feedback. That mailing did not come out of my own pocket, it is a privilege that all of us have and it is a privilege that gives us an advantage at election time.

Term limits simply level the playing field and that is why the people have imposed that restriction upon us. Now I understand the argument that it weakens the legislature to a certain extent and that may be so, but frankly, the executive has had term limits for a long time and perhaps that weakens the executive and perhaps rightly so.

The argument is that the bureaucrats don't have term limits. Well, perhaps they should. I am not going to offer that proposal, but let's think about that. The fact of the matter is that we should be to the legislator who goes against the will of the people and it is clear that although term limits are very unpopular in this chamber they are very popular out there and that is why I am going to be voting against this motion. Thank you Mr. Speaker.

---

Representative DAVIS of Falmouth assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

---

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative DUPLESSIE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to make a couple of comments on the issue of term limits. The previous Representative that talked about term limits was right in saying that he would still be impacted by term limits and it is the same for everyone else in this chamber. It is very clear that this motion that you are voting on is only for people that have never served in office before 2006. If you get elected in 2006 and you are not an incumbent this would be applicable to you. Everyone else that is currently serving would still be term limited.

Yes, term limits were voted in by the people. Yes, it was through the petition process, but let's remember how that petition process happened. Two disgruntled former chairs of the Democratic and the Republican parties went to a lady called Mrs. Noyes who financed 93% of the cost of that campaign. That was not the voice of the people of Maine. That was one person that was dissatisfied with a couple of people in the legislature at the time, 93% of the cost of that campaign. That is pretty darn near one sided to me.

Over the years the major daily newspapers that supported the term limits have since editorialized the bad effects of term limits to this chamber, to the institution and to the detriment of the citizens of the State of Maine. I have personally witnessed it. As someone that did represent my profession as a fire fighter from 1978 to 1998 when I was elected for twenty years and before term limits were in the Legislature had a lot more power. It is quickly being eroded. The executive branch and the agencies are becoming a lot more powerful believe me. Just look around the committee list this year. Many committees of 13 have 10 or 11 new members that have not served on that committee of jurisdiction.

Oversight of the agencies should be the prerogative of the committees of the Legislature, the citizens Representatives. We are loosing that. The bureaucrats in some of the agencies come in here and do not tell the full story. But, if there are 11 or 10 new members of that committee there are only a few that may remember what happened four years ago or six years ago, but that agency comes in here and tells you only what they want you to know. Believe me, that is not good accountability and oversight for the citizens of Maine. It is time to send this out to the people and let the people decide to finally rid the State of Maine of term limits.

There was a law passed the year the term limits were passed that is still on the books that would mandate anyone in a leadership position or anyone in the chairmanship of the committee be limited to six years, but the horse was already out of the barn when that was passed. That law is still sitting on the law books but is moot at this point because of the term limits. If we get rid of the term limits then that law would be effective and would be a way to limit some of the control within the Legislature

that is granted to committee chair and leadership positions. That would be fair and ensure accountability to the citizens of Maine. I ask you to please vote for the pending motion and let the citizens really decide. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am a product of term limits and I have a little bit of history so I can relate to this subject matter and I think Representative Duplessie and Representative Tuttle who also have the institutional memory laid out the scenario extremely well, especially Representative Duplessie. He goes back from '78 to '98 and I can tell you, having served in this chamber when term limits took place, they weren't so much looking at the membership body, they were looking at leadership and like Representative Duplessie explained we did take care of that problem.

I think that the ones who are being hurt by term limits are not you and I, but the public we represent because they are not getting the full value of the full dollar of what this institution really consists of. Coming back after sitting out for eight years and coming back to this chamber brought a lot of memories and a lot of good feelings, but I can tell you first hand that this institution has changed dramatically from when I served here before. It is nothing like it was when I was here. We don't have the control that we used to have. We don't have the institution as I used to know it to be and we sure don't run committees like they used to be run.

I think if we sent this back to the public they would have a strong feeling. We need to educate the public about what transpires down here and how much they have lost. Representative Duplessie explained it extremely well when he said that it became partisan between two parties. Two chairmen at the time were disgruntled and lead the fight, not so much at membership, but against the leadership. We should have taken care of it back then and we did do that and I think that if a lot of people understood what term limits consist of they would overturn it tomorrow.

I can tell you right now that unless you work hard to be here than you won't be here tomorrow. I have seen a lot of good people come and go who did not put their heart and soul into serving this body and who took it for granted and sat here and did not do the constituent work. We used to have about a 33% turnover in membership every year that I served here and those were incumbent people. Unless you work like I said earlier you are not going to come back. Just serving in this body may give you a stepping-stone to come back if you run but there is no guarantee that the public is going to make that guarantee and unless you serve them you are not going to be back here. Mr. Speaker I hope that when you vote you vote with the majority and send this back to the people and I hope that the people understand the situation that has taken place down here. I will be the first to tell you that it has changed dramatically. Thank you.

The SPEAKER PRO TEM: 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. I don't know about the rest of you, but I am looking forward to being term limited however, I will be supporting the pending motion to the Majority Ought Not to Pass as Amended Report.

There is one piece of information that hasn't been brought up during this debate, which I think is important when we are looking at term limits and why we voted for them. The sense of power in the incumbent seat before clean elections powered incumbency, it meant that Representatives could get all kinds of money from

the people who worked out in the hallway in order to come back here. Now, the majority of us run through public financing so we are answerable to our constituents.

Also in the power of the incumbent seat is that before there really was not a way for your opponent to get the message out about how you are voting, but now they have the same amount of money as you do for the most part. So, if you are voting in a way that your constituents don't like then your opponents can let them know. I think that that is an important fundamental thing that we should think about in terms of term limits, that the power of the incumbent seat has been greatly reduced by clean elections. Thank you.

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

Representative WALCOTT: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. During the 121st I voted against extending term limits and while I am not necessarily against them, when they go to the voters again, which is a good idea, but I am against this amendment and let me tell you why.

I am against this amendment not necessarily for myself, but just think for a moment what it would mean to serve in this Legislature being a termed out member with new members coming in that weren't termed out. I think that if we do this we either need to do it for everybody or for no one. When you talk about the power of the governor compared to the Legislature then if I am termed out and the person sitting next to me is not where does that leave the power within this institution. They can say that they are going to be here in two years but your going to be termed out, therefore, I have more power than you and I just think that it would throw a weird balance within the institution itself.

I am against term limits even though I did vote not to send them out last time. I think that if the voters want to bring it up again than let them bring it up. I am not against sending it out, but I am against sending out this amendment because I think that it would hurt this institution, even if it is only for four or six years, until everyone is not term limited. I still think that for that time period there would be a strange imbalance within the institution itself. Thank you Mr. Speaker.

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

Representative TRAHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that the previous speaker is right and I believe that fundamentally if you are against term limits you should be against them for everyone. There will be an opportunity to amend this bill in its second reading and I would recommend that to the previous speaker, but I would like to tell you why I am rising in support of this bill. First I will back it up just a second and tell you that a recent poll in my district shows that I am on the wrong side of this issue if I looked at it from a political position, but I am not. I am looking at it from a position that I want this institution to be a better institution than when I leave it. I personally don't care if this costs me an election in the future, but what I do care about is this institution and what happens in the future and that is why I rise here.

I ask you all to reflect on your civics education as a child coming through school. I remember my civic education classes and the emphasis being that government in our form of government only exists when there are an equal, but separate three branches of government. I don't think that that exists today. I don't think it is an equal but separate three branches of government. What I think is happening is that this institution is weaker than the other two and it is not because of the people that serve here today. It is because they haven't served here long

enough to be powerful enough to be the check and balance for the other two branches of government.

When I was first elected here I went to ask questions of the commissioners in the executive branch and they treated me like a ping-pong ball. They would send me in all directions and they would have me working on things so that I never got the questions I had asked answered. They played games with me. I remember it well, but I guess what I am telling you here today is that if we really care about this institution and government as a whole, all we have to do is reflect back on what created our great government and that was the intent, to have separate, but equal branches of government. I think that is an easy thing to teach the people of our districts about. I think it is an easy thing to justify and I am not going to be ashamed to rise here today and say it. If it costs me an election, whether because of the people in Waldoboro hearing about it or the papers that will be pocking it up, than so be it, but our government will be better for it. Thank you.

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

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First I would like to compliment my good friend from Westbrook, Representative Duplessie. We came in the Legislature together and we disagree on many things and we could not be closer together than we are on this issue.

The point that I want to add to this debate, rather than just saying dido is to communicate about this issue of how the polling says that people don't want it. You have got to understand that that is a flawed political analysis and the problem with that is that it is asking people to compare the known to the ideal. You are saying to the person, "Do you support term limits?" Well, they think to themselves, when you ask that question, that someday their ideal candidate would come up and run and they would want the opportunity for that name to come up on the ballot so they could vote for them. But, that doesn't happen in real life. What happens in real life is that you have a candidate that you know and you either vote for them or you don't. The correct way to poll the people on this matter is to ask them, "Do you want your state Representative to be reelected or not?" Regardless of whether it is their first term or fourth term or perhaps someday their tenth term that is the question that you would ask. When you ask people that way the answer is typically yes because they say I want my legislator to become my legislator next year also. Please don't accept this idea of a poll that says people are against it because it is a flawed political analysis. Term limits have harmed the institution. It was a good experiment to try and it didn't work. Let's cast it aside and ask yourself that if term limits came forward today would you vote for it anew, from scratch? I don't think so. If that is the way you would vote on how you feel about term limits as a new concept than that should be the way you frame your decision in the vote that we are taking next.

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

Representative CARR: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is the fourth term that I have stood to speak on this issue and I am going to be persistent. I still oppose the Legislature trying to rid themselves of term limits when the people are the ones who actually brought them about. I am not going over all of the notes I had because many of the things have already been touched upon, but there are still a couple of things that I still want to talk about.

We have a big concern about institutional memory. That may be a problem, but as I look around the room I see several

members that have previously served for several years. If you go on the Senate end you will find the longest serving member of the Legislature down there who was in this body when I first arrived in the 119th Legislature. So, there is some institutional memory still here. I would not be afraid of that. As far as the bureaucracies and the chief executive having all of the power now. If that is the case, and I don't know if that is the truth, but if it is the case than that is only because this legislature has allowed that to happen and if it has happened than it is time we did something about that.

Also, since I have been here I have had the privilege of serving with four different Speakers. Each one of those people had different personalities and different styles of handling the people within. If it wasn't for term limits I suspect that Speaker Rowe would still be here or somebody that was here before him would still be here and those people who have replaced him, as Speaker would not have had the privilege of serving as Speaker of the House. I think that we need to take a real hard look at what we are voting on today and I am going to be consistent. I am going to continue to vote against the Legislature being involved in this.

If the people are really concerned about this, and I don't think they are because all the polls and literature I have sent out say that they people still want term limits, if that is the case then the people should be the ones who start the process and they should be the ones to turn those signatures into the Secretary of State and ask for the people to vote. It shouldn't come from this body. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Collins.

Representative COLLINS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This legislation won't affect me. I am termed out next year, but I have truly enjoyed my tenure here. It has been a great experience. A real learning experience I might add.

The good Representative from Biddeford, Representative Twomey said it all very simply. We have term limits already in place. If the people back home aren't satisfied with what your doing here than guess what, you're going to be out. That is term limits. That is grassroots. If you are not doing the work here and doing constituent work as Representative Clark had mentioned, then you are not going to get reelected. I talk to people back home, just like all of you do here in this chamber, about different issues that are facing us and quite often term limits come up.

They say "Ron how do you feel about term limits?" And, I say to them, "Depending on what day you ask me sometimes I thank God that he or she is out of here and other days I think so and so is going to be termed out and I am really going to miss that person. That person brought a lot to the table, a lot of knowledge and put in a lot of hard work to make Maine a better place to live, work and raise our families in." I honestly don't think that term limits are good for Maine. I honestly think that term limits are determined at the polling place every two years.

I guess I am probably a slow learner, but I am in my fourth term and have just now become comfortable with my surroundings. I feel as though I can get some real work done for my constituents back home as well as the rest of the citizens of Maine. It takes a while to pick up the knowledge of how to react to things and how to present things in this chamber as well as to get legislation passed for our constituents back home. It is a long process. Having somebody here with experience is important. Having somebody here in the legislative body, in either the House or the Senate is important. Every job you encounter throughout life you will have senior members of that company who know the job inside and out, backwards and forwards and

they bring along the new people to try to help them through the learning process.

Having mandatory term limits is not good for Maine, nor for Maine's people. Quite often during this debate the Chief Executive has been mentioned. There are 3 branches of government and they are supposed to be somewhat equal. I like the Chief Executive and I think that he is a good guy. If I were meeting him for the first time I would say nice guy. However, I don't like him setting policy through his budget. I don't think that is right. I think those policy decisions should be made by the legislative branch of government and not through the Executive's budget. I just think that term limits, as the good Representative from Arundel, Representative Daigle mentioned, was a noble experiment, but I don't think it works. Thank you.

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

Representative BISHOP: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With the help of the Speaker, this body and the current information displayed prominently on the light board maybe this time this Bishop has found his way to the right pew.

Mr. Speaker, we are charged with doing the peoples business. Unfortunately, limits have weakened our effectiveness. In the last Legislature, prior to term limits, there were over 750 years of collective experience. In the 121st Legislature there was less than 350 years of collective experience. That is a big loss and it is due to term limits. It takes maybe 25 years to make a good finish carpenter. I would be willing to bet that it takes at least six to eight years before you can become a good legislator. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative HOGAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a real freshman unlike the good Representative from Sanford who is a freshman, I am a real freshman and from what I can see from the short time that I have been here – I am on Transportation – experience is everything. I don't think you can be fair to yourself and your constituents unless you have some experience. Sitting on the Transportation Committee, issues come before us that I just don't know about. I'll be very honest; I have to rely on the experienced people in my committee. For that very reason I think I am going to support sending this back to the people. I am sure that there are some issues that have been generated by the people that the intentions are very well. You have to go through the experience of term limits and non-term limits to find out the effect and we are there now and I can see very clearly that experience is a huge factor in this institution and I want to be fair to myself and I want to be fair to my constituents and I can't do that without experience. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The first thing that I have to say is that I did not like term limits before I got here. I haven't liked them since I have been here and don't plan on liking them after I leave. I don't think that this is the proper way to run the show.

There is a lot of talk about voters and polls. I believe the most effective poll comes in November and if you look around this body there is not, to my knowledge, one member who has been term limited and hasn't gotten reelected when they wanted to. The voters keep sending us back when we run again after being term limited. The body is full of us right now; I think there are seven that were mentioned a few minutes ago. I would prefer

to just plain do away with it here. Show the courage and let's do away with it here and now. I urge you to accept the bill that is presented to us here today and leave you with one last thought. I am wondering that if before term limits came about we spent this much time debating the 12 to 1 committee report? Thank you.

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

Representative VALENTINO: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Institutional memory has been brought up a lot during the committee process and on the floor today. I would only want to tell the members that on the committee that I serve on now, out of the 13 people on the committee five have all been termed out, reelected and are back again. They have institutional memory on my committee. I will never be a freshman equal with my other freshman because I am competing against people who already have eight years or twenty years on my committee. So, we are not truly a freshmen to a freshman in that regard.

As far as institutional memory goes Charles de Gaulle once said, "Cemeteries are filled with indispensable people. I think every person in this chamber can be easily replaced. We can find out the information for ourselves. I do not feel like I am a ping-pong ball going back from department head to department head. I felt that if anything I have dug my heels in. I do my research on the Internet; I check the bills before they get to my desk. I am not depending upon assistance in committee. I do my own research I do my own homework and I try and find out what the institutional memory is before I vote and I just don't sit there and say I don't know because I wasn't here last year. I try and find out what was done last year.

The good Representative from Lewiston, Representative Walcott had an excellent point. If you do away with term limits entirely and you have people that are sitting here termed that is going to create an inequity in this chamber for a few years to come on that. I would only want to tell the people in this chamber that this is going out to the voters, according to our committee, not this year, but in November of 2006. We are talking about approving something to go to the voters. Not this November, but in 2006.

We have a lot of important issues to discuss here and I would hate to see our time and the newspaper's time being debated on whether or not we are so great that we have to stay here forever. I think that this is an issue that can be taken up next year on our carry over bill and instead of going from eliminating term limits entirely, will go to twelve years and justify a little bit longer for institutional memory. Don't have this debate in the papers now amid the entire crisis that we're going through with Part II of the budget right now. I think it is very self-serving for everybody to vote. Let's extend the term limits. Let's wait till next year. Let's have a little bit of debate. We have a vehicle in committee. We want to change it from twelve years because we think that it has to be eliminated. It can be done at that time, but let's just vote this down now and get on with the serious issues.

I think everybody who is in favor could easily be replaced and new people can do their homework. Our freshman class has been very empowered and we speak on every issue and with that I see smiling faces all over. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just briefly, a point of clarification. The reason for the 2006 election is that we were hoping to get the most people to vote on the issue. When it was done before it was done in an off election year so we were

hoping that we could get the most people to vote on this issue. Thank you.

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

Representative MOODY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a fascinating debate. On the one hand the people apparently didn't know what they were doing when they voted for term limits and on the other hand if people are not happy with a legislator they can get rid of them. If people are not happy with the legislator from Falmouth it is very difficult for the people in Manchester to get rid of him. That is one argument that I haven't heard.

The other thing is the balance of power argument; that our government was designed with a balance of power built into it and that is very true and perhaps we have lost something there. Also, it establishes a citizen Legislature and I have a hard time understanding this notion of a career in politics. It seems to me that we ought to come here and represent the people as best we can and then go home and get back to something – if there is anything left – of our previous life.

I would recommend a book to you. I just read a book called *His Excellency* and it is a biography on the life of George Washington. What I saw in it was a series of reluctant service, so to speak. George Washington had to be thrust into service as the President of our country and Jefferson kept coming and going as he was pressed into service. There ought to be something of that in our experience as well I think and I don't see this loss of institutional memory, but I wasn't here 20 years ago, but I thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative BABBIDGE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will try not to prolong this debate although I think that the subject is a tremendous and productive discussion for us to have.

My experience as a freshman here has been a wonderful one, but I think my experience on committee is telling. We have a very able committee and given the fact that many of us were freshmen, I have to say that the participation and the product that we put out is something that I am very proud of.

On the other hand, given the fact that we have some very able and high priced lobbyists that have been there for many, years and given the fact that we were so reliant upon a very able analyst to sort things out for us on occasion and, given the fact that I remember one occasion where three members of our committee had to be elsewhere, we were in the middle of a work session and I realized for the first time that I missed their input on this important issue. I do feel that institutional memory is a very important thing for us to consider here. I do think that each of us depends upon leadership a little bit more than we ordinarily would as a newer person. That doesn't mean that we don't do our homework. That means that we defer to expertise and experience.

One thing that I would like to take issue with is that there has been among my emails, and it has been alluded to on the floor today, that there may be some shame in trying to overturn something that was initiated by the people. I have great admiration for Mrs. Noyes and her legacy. But, I do think that despite there having been some advantages and positive results from term limits, the negatives outweigh the positives. This amendment gets us off the hook so I am a supporter of this. It demonstrates to the people that there is no self-interest in our vote. It also seems to me that you can't be criticized for overturning a vote of the people when what you are in fact doing is asking the people how they feel. This is going out to a vote.

The final point that I have is the fact that this is a citizen legislature. If we each got \$50,000 a year and were full time legislators, I think term limits would be much more important. The fact that we are citizens that have normal lives beyond the legislature and the fact that this is a part time commitment – that we all know is untrue – and the fact that it is not our responsibility throughout the whole year puts more responsibility on us and, indirectly, on the bureaucracy that supports us and gives the Chief Executive more leverage with us than he should have.

Clean elections have been a great equalizer here and I think that this is a new time to ask the people. I see this as pro democracy and it is our job here in the legislature to answer the question of what is good government. I think we can each make up our minds on either side of this issue in good conscience. Thank you

---

The Speaker resumed the Chair.  
The House was called to order by the Speaker.

---

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

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

The SPEAKER: The Representative may pose his question.

Representative TUTTLE: Has anyone requested a roll call on this issue?

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. 231**

YEA - Ash, Babbidge, Barstow, Bishop, Blanchard, Blanchette, Bliss, Bowles, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Clark, Collins, Craven, Crosthwaite, Cummings, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Faircloth, Farrington, Fischer, Fisher, Fitts, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lundeen, Marean, Marraché, Mazurek, Merrill, Miller, Moore G, Nass, Norton, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson M, Rines, Sampson, Schatz, Sherman, Smith W, Sykes, Thompson, Trahan, Tuttle, Twomey, Webster.

NAY - Adams, Annis, Austin, Berube, Bierman, Bowen, Browne W, Campbell, Canavan, Carr, Cebra, Churchill, Clough, Cressey, Curley, Duprey, Eder, Edgecomb, Emery, Finch, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Joy, Lansley, Lerman, Lewin, Lindell, Makas, Marley, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moody, Moulton, Muse, Nutting, Plummer, Richardson W, Robinson, Rosen, Saviello, Seavey, Shields, Smith N, Stedman, Tardy, Thomas, Valentino, Vaughan, Walcott, Woodbury.

ABSENT - Beaudette, Bryant-Deschenes, Crosby, Watson, Wheeler, Mr. Speaker.

Yes, 85; No, 60; Absent, 6; Excused, 0.

85 having voted in the affirmative and 60 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" (S-278) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Thursday, June 2, 2005.

---

**SENATE PAPERS**

The following Joint Resolution: (S.P. 630)  
**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO MANDATE THAT THE BASE REALIGNMENT AND CLOSURE COMMISSION REJECT THE DEPARTMENT OF DEFENSE'S RECOMMENDATION TO REALIGN NAVAL AIR STATION BRUNSWICK AND TO CLOSE PORTSMOUTH NAVAL SHIPYARD AND THE DEFENSE FINANCE AND ACCOUNTING SERVICE IN LIMESTONE**

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

WHEREAS, the military value of Naval Air Station Brunswick, Portsmouth Naval Shipyard and the Defense Finance and Accounting Service in Limestone is highly significant; and

WHEREAS, the security of the North Atlantic seaways and the borders of the United States and of the State of Maine are jeopardized by the Department of Defense's recommendation to close Naval Air Station Brunswick, which would put the safety and welfare of United States citizens at risk; and

WHEREAS, the Portsmouth Naval Shipyard in Kittery, Maine was recently cited by the United States Navy as the most efficient submarine repair facility, public or private, in the Nation; and

WHEREAS, the economic and job loss impact of the Base Realignment and Closure Commission's recommendations is significant in terms of the potential elimination of an estimated 12,000 military and civilian jobs in both Maine and New Hampshire; and

WHEREAS, the Base Realignment and Closure Commission will tour Portsmouth Naval Shipyard in Kittery on June 1, 2005 and Naval Air Station Brunswick on June 2, 2005, and the commission's regional hearing on recommendations affecting Maine will occur July 6, 2005, with final recommendations to be made to President Bush by September 8, 2005; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request that the Base Realignment and Closure Commission and the United States Congress actively work with the Honorable John E. Baldacci, Governor of Maine, the Maine State Legislature, local task forces and Maine citizens in reviewing the accuracy of the methodology used in developing current recommendations in order to reverse or minimize the recommendations to realign Naval Air Station Brunswick and to close Portsmouth Naval Shipyard in Kittery and the Defense Finance and Accounting Service in Limestone; and be it further

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

Came from the Senate, READ and ADOPTED.  
READ and ADOPTED in concurrence.

---

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

---



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. I took your advice on one of the votes and was very slow coming back in. On LD 1326 I would like to be recorded as voting no.

---

The House recessed until 3:00 p.m.

---

(After Recess)

---

The House was called to order by the Speaker.

---

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-277)** on Bill "An Act To Create a Small Distillery License"

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

Signed:

Senators:

PLOWMAN of Penobscot  
MITCHELL of Kennebec  
GAGNON of Kennebec

Representatives:

FISHER of Brewer  
OTT of York  
PINKHAM of Lexington Township  
PATRICK of Rumford  
TUTTLE of Sanford  
BROWN of South Berwick  
HOTHAM of Dixfield

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

Signed:

Representatives:

VALENTINO of Saco  
MOORE of Standish  
BLANCHETTE of Bangor

Representative MOORE of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-277)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-277)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-277)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, June 2, 2005.

(S.P. 147) (L.D. 449) Bill "An Act To Make Changes to the Pine Tree Development Zones" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-297)**

(S.P. 258) (L.D. 791) Bill "An Act Concerning the Taxation of Buildings in Which Nonprofit Organizations Are Housed" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-299)**

(S.P. 312) (L.D. 904) Bill "An Act To Create the Maine Asthma and Lung Disease Research Fund" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-294)**

(S.P. 380) (L.D. 1063) Bill "An Act To Improve the Guardian ad Litem System" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-298)**

(S.P. 406) (L.D. 1178) Bill "An Act Regarding Access to Prescription Drugs and Reimportation" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-293)**

(S.P. 466) (L.D. 1339) Bill "An Act To Amend the Laws Governing the Powers and Duties of the Washington County Development Authority" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-296)**

(S.P. 474) (L.D. 1376) Bill "An Act To Amend the Laws Governing the Right to Periodic Review under the Maine Juvenile Code" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-288)**

(S.P. 481) (L.D. 1382) Bill "An Act To Establish Permanent Subsidized Guardianship" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-305)**

(S.P. 520) (L.D. 1504) Bill "An Act To Amend the Statutes Relating to Juveniles" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-289)**

(S.P. 536) (L.D. 1541) Bill "An Act Pertaining to Disclosure of Prescription Drug Prices" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-292)**

(S.P. 610) (L.D. 1645) Resolve, To Establish a Blue Ribbon Commission To Study Maine's Homeland Security Needs Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-290)**

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**.

---

---

**CONSENT CALENDAR**  
**First Day**

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

**SENATE PAPERS**

The following Joint Resolution: (S.P. 631)

**JOINT RESOLUTION PROCLAIMING MAY  
AS ELECTRICAL SAFETY MONTH**

WHEREAS, the month of May is National Electrical Safety Month, a way of calling attention to the importance of promoting and educating the public about the importance of having electrical safety in our homes, schools and places of employment; and

WHEREAS, as we develop more sophisticated electrical appliances and computers, our usage of electricity increases, and due to unsafe practices and accidents, hundreds of people die and thousands more are injured each year in electrical accidents; and

WHEREAS, property damage due to home fires caused by electricity-related fires amounts to almost 1.6 billion dollars annually; and

WHEREAS, following basic electrical safety precautions can help prevent damage, injury or death to thousands each year; now, therefore, be it

RESOLVED: That We, the Members of the 122nd Legislature now assembled in the First Special Session, take this opportunity to join Governor John Elias Baldacci in urging all the citizens of the State of Maine to observe Electrical Safety Month and observe the importance of establishing and practicing electrical safety habits in the home, school and workplace to decrease electrical hazards, injuries, property damage and the risk of death by conducting an electrical safety check of their homes, schools and workplaces.

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

**READ** and **ADOPTED** in concurrence. **ORDERED SENT FORTHWITH.**

---

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-302)** on Bill "An Act To Create a Senior Tax Rebate Program for Established Residents"

(S.P. 41) (L.D. 135)

Signed:

Senators:

PERRY of Penobscot  
COURTNEY of York  
STRIMLING of Cumberland

Representatives:

HANLEY of Paris  
CLARK of Millinocket  
WOODBURY of Yarmouth  
CLOUGH of Scarborough  
PINEAU of Jay  
WATSON of Bath

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

Signed:

Representatives:

McCORMICK of West Gardiner  
BIERMAN of Sorrento

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302).**

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-302)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, June 2, 2005.

---

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Delay the Implementation of the Increase in the Homestead Exemption"

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

Signed:

Senators:

PERRY of Penobscot  
COURTNEY of York  
STRIMLING of Cumberland

Representatives:

HANLEY of Paris  
McCORMICK of West Gardiner  
WOODBURY of Yarmouth  
CLOUGH of Scarborough  
PINEAU of Jay  
HUTTON of Bowdoinham  
SEAVEY of Kennebunkport  
WATSON of Bath  
BIERMAN of Sorrento

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-606)** on same Bill.

Signed:

Representative:

CLARK of Millinocket

**READ.**

On motion of Representative **WOODBURY** of Yarmouth, the Majority **Ought Not to Pass** Report was **ACCEPTED** 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. 629) (L.D. 910) Bill "An Act To Include Regional Transportation Systems under the Maine Tort Claims Act" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 614) (L.D. 863) Bill "An Act To Ensure Wraparound Services for Children in Need of Care" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-610)**

(H.P. 918) (L.D. 1320) Bill "An Act To Amend the Child and Family Services and Protection Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-611)**

(H.P. 1083) (L.D. 1542) Bill "An Act To Provide Relief to Retailers Who Have Been Issued Bad Checks" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-612)**

(H.P. 1125) (L.D. 1589) Bill "An Act To Improve Child Support Services" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-613)**

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**.

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

**HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (H-581) - Committee on JUDICIARY on Bill "An Act To Require Publicly Funded Entities To Report Undocumented Illegal Aliens"**

(H.P. 732) (L.D. 1079)

Which was **TABLED** by Representative PELLETIER-SIMPSON of Auburn pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Waterboro, Representative Jacobson.

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It took a lot of thought to put in this bill because I consider it so important to the future of Maine. Nobody wants to stand up and say that you are not welcome to anybody, but we have a problem in this country that we should all know about. We have all been reading the newspapers, listening to the radio, watching newscasts on television and we realize that there is a problem. I could go into great detail.

When I first put this bill in I really didn't know that much about it, but it became more and more and more interesting. The repercussions of illegal aliens are a serious problem that affects all of us and will probably affect future generations of this country. It is something that the federal government has not taken a strong stance on. Many other states have a severe problem and we have not felt those problems yet. I am quite sure that if you have discussed this problem with your constituents they would all give you an answer on how they wanted you to vote.

I guess when we were all younger our parents gave us some medicine and said it doesn't taste good, but it's good for you. That is a little bit like this bill. It goes against my grain and it goes against the grain of a lot of other people so I want to welcome people into this state and into this country, but the fact is that we want them to come through the front door and not the back door. Illegal aliens make it hard for illegal immigrants. They are a burden on our society and they take away from citizen benefits that we should have.

If you are an illegal alien and you put in 16 quarters of work you can collect Social Security. It takes 40 quarters for a citizen. I can't figure that one out. We spend \$15 million a year on airline tickets sending them back home. This state alone spends hundreds of thousands of dollars on this problem already and if you figure out all the money spent on social services it probably reaches into the millions. This is millions of dollars being spent on people that do not actually deserve it. When you vote I ask you to think of your constituents and to think of all the surveys that have been taken throughout the country and vote accordingly. Thank you.

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 Not to Pass as Amended Report and I do want to say that I think the sponsor of this legislation is sincere and I definitely know, working with members of the Judiciary Committee, that on both sides of this issue people are sincere and there may be some valid issue out there. I can understand creating mandated reports in some cases perhaps, but I want to emphasize to you some of the language that would require mandated reporting of illegal aliens where someone has contact with an illegal alien - unless it is a privilege. I believe there are some unintended consequences that I don't think anyone would want to support and I want to lay that out for you.

I think that these unintended consequences would create a fear factor that would really be problematic for our state. Immigration laws are pretty complicated and a lot of times - as a lot of immigration law experts made clear at the Judiciary Committee's public hearing - a lot of times the immigrants themselves as well as their attorneys are unclear at some points which status they have. But one thing that we do know is, that if this were to come to pass teachers - and this is why the Maine Principals Association opposed this - would be mandated reporters if they had contact with someone they knew to be an illegal alien. So, that is, if a child was going to school and the child themselves or their mom, or their dad, or their uncle for that matter might be an illegal alien or is an illegal alien then the teacher would have to be a mandatory reporter. That is not consistent with the mission of a teacher and furthermore, the United States Supreme Court has ruled that we have to provide education services to children in our country regardless of their status - as we should. So, would we scare - and I think we would - people from getting the education they need? I know that is not the intent, but I think that would be the result.

A woman, who is perhaps a migrant worker and becomes pregnant and seeks the services of the Maine Migrant Health Program, that again, is not privileged communication. There is an exception for privileged communications in this, but that is not privileged, just as teachers are not privileged communicators so that woman might be scared to go and get the treatment that she needs. That would be a terrible result.

Think of a man, let's say there is an immigrant out there working in the blueberry fields and he is scared even though he has a communicable disease that we want him to get treatment for, but it is not privileged because he is not meeting with a physician so he would not have a privileged communication. There would be a mandatory reporting for the Maine Migrant Health Program. I don't think that is the intention of the folks who support this, but I do think that by the language it would be the result. We don't want to scare people into not getting the education they need and we don't want to scare them into not getting the healthcare they need and in some cases possibly spreading a communicable disease. So, I think that for these reasons, with all good intentions and respect for those on the other side, I think that none of us would want to have those consequences and unfortunately, I think they would result from the language of the bill. I thank the Men and Women of the House.

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. I sent a questionnaire to my constituents on this issue and they were very strongly in favor of identifying and deporting illegal immigrants. They said, "What part of the word illegal don't you understand?" I said, "Ok." The question, for anyone who wishes to answer it is if there is any other justification for protecting illegal immigrants other than what we have heard so far?

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 Hodgdon, Representative Sherman.

Representative **SHERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It has been said before, I didn't intend to get up on this one, but before you vote there were some questions raised by the good Representative from Bangor when he was talking about the bill. We can't talk about the Minority Report until we reach there, but I would suggest that it is in your documents and that if you took a look at 581 you might see a little narrower bill, but we can't talk about that.

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

Representative **CUMMINGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do agree with Representative Faircloth from Bangor that the intentions of this bill may, I believe, be good. I can tell you that the implications are bad. First of all, it may in fact be unconstitutional, but secondly you have made every nonprofit in this state a law enforcement agency – a hospital, a library, a service sector of any kind. Third, you have done the thing that you most want to be careful of. You told people who may potentially have something that could endanger the rest of us not to show up at healthcare provider agencies and institutions. If you are seriously worried about any infection from an illegal alien then you ought to make sure that they are getting the minor or major health care that they need and don't make them afraid of the implications of not getting that help. Finally, if we are really serious about saving money we ought to be sure that they get the minor services that they need before they become major.

None of this is to say that illegal aliens ought to remain illegal. But, while they are here, which is a reality, we ought to make sure that we are wise and reasonable and thoughtful about the laws that begin to address the problem or the ones that don't. I would urge you to please support the Majority Ought Not to Pass and let us move on. If we want to address other issues related to illegal aliens we certainly can, but this is a bad idea for your libraries, your towns, your hospitals and it is a bad idea for Maine.

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 think Representative Cummings has adequately answered the question from Representative Shields and I think even setting forth that the U.S. Supreme Court has already ruled that we have to provide, for example, educational services to children regardless of status is just one example but necessary and imperative in and of itself.

I will note, and perhaps it was a parliamentary naughty, that I tried to address my comments to the underlying bill, but to be fair to the other side they apply even to the Minority Report as well.

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

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

The **SPEAKER**: The Representative may pose his question.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It has been quite some time since I have been in the classroom, but all teachers were required to report any instances of suspected child abuse. That is the question number one. Is that still in the works? Question number two is whether reporting suspected child abuse makes them members of law enforcement? Thank you very much.

The **SPEAKER**: The Representative from Crystal, Representative Joy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think the answers to the question are yes and no. Teachers act consistently with their mission and they are obligated to do so by statute. I think this mandate would be very much outside the mission of a teacher.

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

Representative **CARR**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that the Representative from Auburn, Representative Shields had a good question and what is it that we don't understand about illegal and I say that only to bring up my next point. That point is, do we want all of the people who migrate and come to this country to come as illegals? There is a system and a way that people can come to this country and most people do go through that. We call them immigrants. Those people take the time to complete the paperwork, go through criminal record checks and they carry identification and we know that they are immigrants and that they are he legally. They come and start businesses and become a major part of our society and are very productive citizens.

The estimates are that about 3 million illegal aliens enter this country every year. Over a decade we could have a few million, in fact as many as 50 million illegal aliens in this country. Some of us should start doing something to stop that.

I learned a long time ago that there are ways that you can bring information into this discussion and so I would say that the people who are on the Minority Report side do believe that what we had to begin with was a bit restrictive. But, we also thought that there was a way we could design the information and put it forward so that it would be much better by changing word "believes" to "know". In other words, a person would have to know beyond a reasonable doubt that somebody was illegal before they would be mandated to report this and this would only go to an organization, public or private, that receives money from the state. So, I don't believe that that is unreasonable and if the law hasn't changed and I don't believe that it has, but when I was an employer and hired somebody I had to verify whether or not they were legal or illegal and I would suspect that most employers have to do that today. I don't think it is unreasonable to ask those people who receive money from the state to do the same thing and to report if they find out that somebody is illegal. They would have to know it and I think there is a great deal of difference between believing that and actually having knowledge and knowing that so I would ask you to follow my light. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Waterboro, Representative Jacobson.

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is an old saying. An ounce of prevention is worth a pound of cure. This bill does not restrict services. It does not mention restricting services to illegal aliens. It does require notification if you know that somebody is an illegal alien. The alien community has a network of information. Maybe this will send a message that if

you come to Maine immigration may be notified. Maybe the laws of this country will take effect. It does not put out the welcome mat. It takes it away and sends a message, "Please, if you come here do it the right way."

We had an instance a few years ago where somebody from Canada crossed the border for gasoline and ended up in jail. I believe that was a disgrace because that had been going on for years. Down on the Mexican border in Texas there were small towns on the other side of the Rio Grande at Big Bend National Park. The people in those small towns traveled over to the United States across the border and worked in the park and helped people out for years. That border was secure. Why should we let these people that come into this country or stay here illegally do what they are doing and upset our economy? The law is the law. We are here to try to enforce the laws. We are here to do what our constituents' wishes are and I believe that if you go back to your constituents and ask them how you should vote on this the answer will be clear. 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. 232**

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, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, 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, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, 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, Marraché, Moore G, Pelletier-Simpson, Wheeler.

Yes, 75; No, 70; Absent, 6; Excused, 0.

75 having voted in the affirmative and 70 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**HOUSE DIVIDED REPORT - Report "A" (9) Ought Not to Pass - Report "B" (3) Ought to Pass as Amended by Committee Amendment "A" (H-590) - Report "C" (1) Ought to Pass as Amended by Committee Amendment "B" (H-591) - Committee on TAXATION on Bill "An Act To Require the Net Proceeds from the Sale of a Foreclosed Property To Be Returned to the Former Owner"**

(H.P. 459) (L.D. 626)

Which was **TABLED** by Representative **WOODBURY** of Yarmouth pending **ACCEPTANCE** of any Report.

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

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. Under current law, if a municipality forecloses on a parcel of real estate for the failure of paying taxes owed on that real estate a municipality is under no obligation to return any funds that exceed the amount owed in taxes after the sale of the property. This bill was intended to correct that inequity and make it possible that if such a sale does occur for the person who owned the property to receive any funds that were received in excess of the tax bill and any costs incurred in the sale of the property.

Mr. Speaker and Ladies and Gentleman of the House I would ask you to direct the pending motion and to vote in favor of the **Ought to Pass Amendment "B"** and I would ask that when the vote is taken we have a roll call.

Representative **CLOUGH** of Scarborough **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought Not to Pass.**

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 Bath, Representative **Watson.**

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. If I own a derelict property in the City of Bath and this law were on the books all I would need to do is abandon that property, stop paying my taxes and expect the City of Bath to list the property, to sell the property and to pay all the fees to pay the back taxes and to send me a check. I am sorry this bill is misplaced and I urge you to accept the **Ought Not to Pass** Report. Thank you.

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 isn't targeted for people who purposefully abandon their property. I don't know how things are done in Bath, but it is nice that some people don't have to worry about those things but I brought this forth. This is the second time and I still believe that it is a good bill and this is happening in Biddeford, this is happening in Representative **Ash's** district in Belfast and I have heard from many Representatives whom, when I presented this bill two years ago, asked me if I could bring it back. Representative **Percy** had come up to me. Representative **Gerzofsky** came up to me and asked if I would bring this bill back and I don't make light of it actually. I really believe that when people are honest and they pay their taxes there is no free lunch here.

I was on the City Council for six years in Biddeford and we were not in the real estate business. It was not our job to come in and take your property and there were people who did not pay their taxes. This bill is targeted to what I have seen in my community. People who have had bad luck for one reason or another, maybe it was cancer and they just couldn't pay and that property was sold for \$88,000 in lieu of \$12,000 in taxes. Not one red cent went back to that owner. The equity in that home is lost. I am talking about residential homes. I am talking about my home that I have been in for 37 years that is now valued at \$200,000. I am talking about someone who may be getting sick tomorrow and may be getting cancer and maybe can't work and may not have the resources to keep their home. Not every community has the same rules and it is still legal in this state to foreclose on my property, sell it for \$200,000 in lieu of \$12,000

taxes and they keep the equity that I put into my home. This is what this bill is targeted at. Not the delinquents, not the guy that is trying to make an easy payment.

There are some communities, unfortunately, where there are some town councilors who tell their families about these home that are coming up on the auction block for less money. Somebody's hardship is causing someone else to take their equity. I think that is wrong and I stand here and I am not delusional. I have an amendment that hasn't even come up and I am not even bringing it forward because it would take away the 180 days. I want to thank my counterparts on the other side of the aisle that have also supported this and think that it is a good idea and I again thank the people on this side of the aisle who think it is a good idea. I just ask for the up and down vote and this is happening. It is happening in Biddeford. It is happening in Belfast. It is happening in many small communities where we are now getting so hungry for general fund money that we are looking to sell these properties. There is no incentive for the towns to work with the people because they are seeing this as a cash cow. I think this is wrong and when I talk to the real people out there they can't believe this is legal. They can't believe this is happening. It is happening and I think it is wrong. Thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative **PINEAU**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a selectman and I have been a part of a board that has foreclosed on properties and it is probably the most difficult job a municipal officer has to do, determining that somebody's home will be taken. It is not an easy process and it is a time consuming process. From the time that the notification is sent out it takes 18 months to process and to acquire the home.

In the case of my community and I can't speak for all the communities, the process requires meeting with the individual trying to set up payment plans, trying everything we can to keep that person in that home. If that doesn't happen we give the person the option of selling the home to meet their tax commitment.

This issue is probably the toughest issue that any municipal officer faces, but passing this legislation will make it even tougher on municipal offices because there are also a number of individuals every year who push the board right to the wall in not meeting their commitment and on final notification will start the process of foreclosure. They come up with a tax commitment which is not fair to the other tax payers and municipalities. What this particular bill would do is make those people wait another 18 months and then if they didn't want to keep their property they would turn the municipality into a real estate agent to sell the property and take the proceeds and finding the owners of the estate so I would ask you to please go with the Majority Ought Not to Pass on this legislation and find another way to help these people meet their tax commitments through hard work on LD 2. 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. This is a good bill I think. This is about fairness and the important thing to remember is that it would simply require the net proceeds of the foreclosed property be returned to the original owner. The towns and municipalities would get every cent of taxes owed to them and every cent of any expenses incurred.

Well, I want to reject this motion. The towns would be fully compensated for all of their expenses. What we are talking about here are older folks in what are many times generational

properties and you would have to drag them out kicking and screaming. If anyone has read *The Grapes of Wrath* or seen the movie it is a good example of what you have to do to get some people out of their homestead land. For many reasons they can't afford to pay those taxes, whether it is an illness, or senility, there are countless reasons why they don't pay those taxes. Now, because they don't pay those taxes for a couple of years, and we are talking about properties worth a half million or more, they might only owe \$25,000 in taxes, but the municipality gets to keep the whole thing. They get to keep every bit of it. They can make a park out of it or they can just take the money as a windfall for the town and I don't think that that is fair and a lot of my constituents don't think that it is fair either. I did a survey recently in my district on this very issue. Eighty percent said no, the towns should not keep all of the money, 80% of the people who I asked said no.

In response to the Representative from Jay, municipalities would not be turned into real estate agents anymore then they are already. They can simply turn it over to a real estate agent to deal with and any cost involved would be taken out of those net proceeds so I ask you to reject the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support the Ought Not to Pass motion. I have been a selectman for over ten years. In none of the six towns that I work with have they adversely treated people who have lost their properties. In fact we spend much time trying to avoid such a thing. Most properties in the towns that I have been associated with that have come to acquire property have done so with abandoned properties and even then they try to look for the rightful owners before they put them up for auction. This is, I think, the experience of most towns. Particularly there is an article of the legislative body of the town that instructs the selectman or the body to dispose of these properties in a specific way and the administrative body does so. I have heard the horror stories and the extent to which those cases exist should be litigated or the appropriate constituency should remove the elected officials involved. I urge you to vote Ought Not to Pass. 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 going to urge you to vote against this motion Ought Not to Pass for a number of reasons.

In a former life and at a much younger age I was a City Councilor in the City of Bangor for twelve years. I also served as the city's mayor. I had to sit in on many poverty abatements for people that could not afford their property taxes for one reason or another. I also had to sign the papers when we foreclosed on people because tax liens had matured. Granted the city does not want to be in the real estate business and Bangor is one of the better communities that try with every tool available not to be in the real estate or the foreclosure business. How we have done that is that we have done reverse mortgages for people so that once the person is deceased, incapacitated or not in control of their own property then the property is sold the city is reimbursed for the taxes and any and all expenses that they have incurred over the years.

This system has worked out very well because sometimes this is a homestead and we talk about them here with a great deal of care and compassion. Well, I have to tell you that sometimes for this elderly person this is their homestead. They are incapacitated to the point that they are placed in the nursing

home so that they can receive care 24 hours a day. The city forecloses and the tax lien matures and the proceeds do not go to that family, nor do they go to the nursing home where this person is being kept. Ninety five percent of the time that person is on MaineCare and you and I as taxpayers are picking up the bill for that hospitalization.

I think that we are making a mountain out of a molehill with trying to craft a bill that is going to prevent every instance. A very simple bill needs to be passed that says if municipalities foreclose on a mature tax lien than once all payments are made whole – that includes court costs and everything that the municipality has incurred – then the money should go to the state or to the person who owns the property. If there were no estate it would most generally go to the General Fund.

The state sends every municipality and township a lot of money every year. This would help us in the long run, but it would also be a fair, compassionate and caring solution to the people who don't have the ability to come down here and stand up and fight for what is their right. I have seen some cruel injustices in my 60 odd years being on the face of this earth and, you know what, the people down in my district elected me to come here and represent them and fight for some of those injustices and to take them and not make them so readily available to dishonest or unintentional politicians that sometimes forget why they were elected and want to go on a power play.

I can't stand here and tell you that all politicians whether local, state or federal, are the epitome of honesty because that would be a blatant lie and I am not here to lie to you. I don't have time for that. So, let's put a simple law on the books that protects grandma and grandpa and the child that was born with mental disabilities and who has inherited the home, but can't pay the taxes because they are in a nursing home. Let's do something for the people that elected us here and not make this a mountain that we can't climb and that we can't conquer because we have the ability, we have the power within our hands. Let's do what is right. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The question I pose is what happens under this bill if the municipality fails to receive fair market value and who determines fair market value? What happens if the municipality undersells it and gets less than what the prior owner thought was due? Are we inviting litigation? Is the town liable for any difference in the fair market value versus the actual value received at a foreclosure auction? I guess I would like to know more about the financial ramifications to the towns if this bill goes through.

The SPEAKER: The Representative from Farmington, Representative Mills has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Belfast, Representative Ash.

Representative ASH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a good bill, a very good bill. I am from Belfast and I have also had a dozen years on the city council in Belfast and I see the same thing happening time and time again and I am going to put a little bit different spin on it. This last January I happened to be at a council meeting in town when one of these auctions came up. What we do in Belfast is put it up for public auction or public sale. They do try awful hard to get it taken care of through the heirs and the people that own that property. We have abatements and go out of our way far

more than what is called for, but this does happen. We had one come up this past January where there is a gentleman that has no relatives. He is in a nursing home. The State of Maine is putting him up in this nursing home at the present time and I believe that, as the law reads, this property should go to the State of Maine to get reimbursed for his care. Well, somebody missed the boat on it because the City of Belfast sold the property and they received a few thousand dollars more than what was owed, probably not what it was valued at. If this bill should pass there would be one more checkpoint because this money would have gone back to that property owner and, in turn, would have provided for his healthcare within the nursing home that the taxpayers of the State of Maine are providing. This is a good bill and it should be passed. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative HUTTON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to read part of what Jerome Gerard the acting director of Maine Revenue Services said about the record activity part of this bill, just so that you all know what you are voting on when you vote.

Section II of the bill provides that the changes retroactive to January 1, 2000. This type of activity is unworkable. The municipalities cannot reasonably go back in time and alter the circumstances of the property disposed of prior to an effective date of change in the laws, such as this. A practical application of this provision would apply to property disposed of after the effective date of this bill so this particular bill has that retroactive clause in it and I just want you to be aware that the revenue services deems it to be unworkable.

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

Representative MCCORMICK: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you to Representative Hutton for adding those comments. Those are very good.

I support the Ought Not to Pass motion today and I believe that Representative Schatz hit it right on the head the extent that some of these abuses may occur in towns. The place to address those is in the local warrants or articles that dictate how the properties are exposed of in that community and you can certainly do that.

I think that this bill will actually discourage towns like mine from actually extending people's stays in their homes. We have some properties in our town where their taxes are four or five years in arrears. This bill would dictate that once that time is met than you must dispose of the property and you must dispose of it within 180 days and we have taken some weight out of the town's hands to deal with the people correctly.

This is really an anti-town and anti-municipality bill. If a town does everything that they are supposed to do in this bill and disposes of the property and cannot find heirs and has done everything possible to find the owners of the home and can't what happens to it. It comes back to the general fund of the state. The town isn't even able to keep money that belongs in the town after doing everything that they are supposed to. I am supporting the Ought Not to Pass.

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

Representative VALENTINO: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would also want to address some of the concerns of the good Representative from Gray, Representative Austin. Since I did not want to speak on this issue I do not want to prolong the debate and I will be brief.

Mr. Speaker, a situation also arose in Saco in regard to this. There was a piece of land with a short little story. I was interested in purchasing it and found out Saco had taken it for back taxes. The back taxes were about \$3,000. The couple that they took the property from actually lived in Bath and I went to go see them to try and arrange for Saco to deed back the property to them so that there would be a clear title and not the foreclosure title so that we could get a warranted deed on it. Saco refused to do this. I asked this elderly couple in Bath why they didn't do something when they got the notices said they didn't have the money to pay the taxes so we just did nothing.

To make a long story short, this lot that I had brought to Saco's attention and said why do you still have this on your books, they said that it was a great idea and that they were going to put it out for sealed bid. They didn't even go to auction. It sold for \$75,000 and these people got zero. They got absolutely nothing for that lot and it is part of a lot that had been in their family, had been broken off with a farmhouse on it and they got nothing. I had pleaded with the town to give it back to the people and let them sell it because now they have the money to pay the taxes and will pay a stay over and they can make their \$10,000 on it and get their \$3,300 and let them sell it and have a clear title on it. Saco actually refused. I was on the city council in Saco and I will tell you that there has been a few councilors who rubbed their hands and said I can't wait till those liens get foreclosed so we can get our hands on that property whether it is industrial or upcountry. I think it is entirely unfair to take a person's property if they can't afford to pay the taxes and then have the town make a profit. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative HUTTON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to stand up as a former selectwoman and you all know that I am probably left of center and a bleeding heart liberal and I am proud of that, but as a selectman you are charged with doing the best for the town and with that, in all the cases I had for abatements, you try your hardest to work with the people and to find a way so that that they can stay in their property.

I don't know about this couple in Saco, but it seems to me that in that case and the other case brought up in Biddeford it went back to 1990 that the town had been trying to work with this person and find a way for her to pay her tax liens and that is the charge of a selectman to do, but to also know that you have a responsibility to the other citizens in the town that pay taxes.

I do feel that what these people are really trying to do by abandoning a piece of property is that you are letting the town have its will. They could have tried to sell the property and that is what we are trying to get to. These people have the ability to try and sell the property and I know that it is an emotional time and a hard time but they have that right before someone forecloses. It is not a short period of time. It is not two months. It is not three months. You work with these people as long as you possibly can to help them through the process. I hope that you take that into consideration and I don't want people to think that selectmen and townspeople are greedy people who stand there wringing their hands saying, "Give me that money please!" That is not what selectmen does.

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. In 1999 and last year there were two more cases and if you look at other towns there are cases all of the time. I am not trying to suggest that all select people are that way, but there are instances where this is

happening and Amendment "B" does take away the retroactive clause if we get to that. Thank you.

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 too don't want to say anything negative about 99% of the select people in the State of Maine and certainly none of the ones that are in this body. But, the thing that I keep thinking about is that even if you spent ten years trying to resolve this issue and nothing could come to pass and the people don't pay their taxes and even if they are probably not the best citizens and are arrogant and hard to deal with throughout the process and the land is sold and the town made whole with regard to the back taxes and the legal costs and time whatever is left over isn't the town's. I can't see how they can lay claim to that money. In my mind that money should still go to the taxed property owners even if they probably weren't the best person to deal with. I would ask you to support the Ought to Pass amendment.

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. 233

YEA - Babbidge, Barstow, Beaudette, Blanchard, Bliss, Bowen, Brannigan, Brown R, Browne W, Burns, Campbell, Canavan, Carr, Cebra, Clark, Crosthwaite, Cummings, Curtis, Daigle, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Edgcomb, Faircloth, Finch, Fischer, Fletcher, Flood, Goldman, Greeley, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Kaelin, Koffman, Lansley, Lerman, Lewin, Marean, McCormick, Merrill, Millett, Mills, Moody, Moulton, Nass, Nutting, Ott, Paradis, Patrick, Perry, Pineau, Piotti, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rosen, Saviello, Schatz, Seavey, Shields, Sykes, Tardy, Thompson, Watson, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Ash, Austin, Bierman, Bishop, Blanchette, Bowles, Brautigam, Bryant, Cain, Churchill, Clough, Collins, Craven, Cressey, Curley, Davis G, Davis K, Dugay, Duprey, Eder, Emery, Farrington, Fisher, Fitts, Gerzofsky, Glynn, Grose, Hall, Jackson, Jacobsen, Jennings, Jodrey, Joy, Lindell, Lundeen, Makas, Marley, Mazurek, McFadden, McKane, McKenney, McLeod, Miller, Muse, O'Brien, Percy, Pilon, Pingree, Pinkham, Plummer, Rines, Robinson, Sampson, Sherman, Smith N, Smith W, Stedman, Thomas, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Webster.

ABSENT - Berube, Bryant-Deschenes, Crosby, Marraché, Moore G, Norton, Pelletier-Simpson, Wheeler.

Yes, 76; No, 67; Absent, 8; Excused, 0.

76 having voted in the affirmative and 67 voted in the negative, with 8 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence. ORDERED SENT FORTHWITH.

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 yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.



**HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (H-513) - Minority (3) Ought to Pass as Amended by Committee Amendment "B" (H-514) - Committee on INSURANCE AND FINANCIAL SERVICES on Resolve, To Reestablish the Health Care System and Health Security Board (EMERGENCY)**

(H.P. 35) (L.D. 32)

TABLED - May 26, 2005 (Till Later Today) by Representative PILON of Saco.

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

Representative LINDELL of Frankfort **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 Frankfort, Representative Lindell.

Representative LINDELL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill is much adieu about \$5,405. Yes Ladies and Gentleman, \$5,405 dollars. Some time ago the previous legislature established a Health Security Board. The purpose of that board was to study how to provide healthcare to the most Mainers in the most effective way and it was funded entirely from sources outside of this legislature and the state government. Funds were raised from private interest groups essentially to study a proposal for a single payer healthcare system, or as I prefer to call it, government run socialized medicine. The committee finished its job and issued a report. That report has already been distributed to members of this house and of the other body and of the executive.

The 121st Legislature passed the Dirigo Healthcare Initiative that was the solution that the Legislature had implemented to the problem that was proposed. The Health Security Board has done its job. The problem is they haven't spent all the money. There is \$5,405 left in the account.

Mr. Speaker, I have often heard it said that we should let Dirigo do its work. It is time for the health security board to pack its bags and go home. The Majority Report before you doesn't do that. Instead what it asks the health security board to do is to reconvene and to spend the \$5,405 to do nothing. In fact, I would urge members to pull the Amendment "A" (H-513).

I will read from the summary "This amendment replaces the resolve and, as the Majority Report, the amendment retains an amendment of the resolve and reestablishes the healthcare system and Healthcare Security Board and the amendment limits the scope, funding and timeline of the reestablished board relative to the provisions of the resolve and the amendment limits the work of the reestablished board for finalizing recommendations regarding the feasibility of a single payer health plan and limits funding to the unexpended fund allocated to the board as of November 4, 2004. The amendment also sets the report deadline as January 4, 2006 compared with November 1, 2006. Finally, the amendment prohibits the board from seeking an extension from the Legislative Council beyond January 1, 2006 and from taking any further action after that date unless authorized by law.

In other words, the message from the Majority Ought to Pass Report is spend the money, wrap up your work and go home. Mr. Speaker, I recommend that we vote against the Majority Ought to Pass as Amended Report. If we defeat this measure than we can move on to Amendment "B" which call upon the funds to simply be refunded to those who set up this board. Thank you Mr. Speaker.

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. This bill is not just about money. I was on the Minority Report before it was a Majority Report. This is about the work of a board that we have had looking at the possibility and the other issues around what would happen with a single payer system. There was some good help information that came out of that. There were some questions and some things that they needed to do to finish their report. What we are asking is that the Health Security Board take its original charge, and finish the report. And, yes, we are asking them to work within the budget that they have in place now. I would like to see the final end of their report. I think that there are things that we have used in our decision-making that went in with Dirigo and has been helpful with us as we work with that. I think this would be helpful as well if they are able to finish their work so I ask you to pass the Majority Ought to Pass as Amended Report and allow the board to finish the work that they were originally charged with. Thank you.

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 think the report has been done. It has been done for a while. It was a very expensive report and we got the results. This is about spending left over money. To me it is very irresponsible to spend the money just because it is there. Thank you.

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

Representative **VAUGHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have just been charged with the duty of cutting the cost of government and although this doesn't exactly involve government funding it is sort of indicative of what is going on with many of the programs that we see before us and that is that once they get started the continue even if they have no purpose.

The board was established in 2001. It was expected to have a limited life. It's on its third extension. It has completed its mission and there is actually nothing left for it to do. A lot of the meetings that were had about the last report were spent discussing Dirigo Health and the Boards own future. Although the passage of Dirigo Health may have changed the landscape somewhat it didn't hinder the board's ability to fulfill its charge. They were, in fact, told to adjourn and they did not. As far as I am concerned they basically exist for the purpose of their own self-preservation. I urge you to defeat the motion and I agree with the Representative from Frankfort, Representative Lindell. Thank you.

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was here way back when. This is my last term and I helped to bring the fight onto the floor for single payer and this is what came out of that bill. They said that we could never do it. They said that it would never pass and it did pass, but you have to have political will to have single payer and I can sadly say that we don't have it. But, this committee brought a lot of work and a lot of information to the State of Maine and in their report they found out that we could do single payer and that I totally agree with my counterparts on either side of the aisle. They are absolutely correct. We are in difficult times and difficulty budget times and times to cut, but this isn't state money. This is money that was donated to this committee that they got privately. That work is separate. It is not

money that is in the budget so I don't want you to lose sight of that. Having said that however, I don't see any progressives that are willing to carry the single payer banner out of the Banking and Insurance Committee right now and this is really just a little bonus to your good doers. Finish your work and bring us back a report. We need political will and a lot more than what we are getting so this is a courtesy to the committee to finish their work. Thank you.

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. 234**

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, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Richardson E, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, 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, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Bryant-Deschenes, Crosby, Moore G, Pelletier-Simpson, Wheeler.

Yes, 76; No, 70; Absent, 5; Excused, 0.

76 having voted in the affirmative and 70 voted in the negative, with 5 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Resolve was **READ ONCE**. Committee Amendment "A" (H-513) was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Thursday, June 2, 2005.

HOUSE DIVIDED REPORT - Majority (9) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-516) - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Concerning the Regulation of Certain Information to Protect Privacy"

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

TABLED - May 26, 2005 (Till Later Today) by Representative PILON of Saco.

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

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

Representative **DUDLEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We are used to discussing this bill with notions of opt in and opt out which confuses everybody thoroughly so what I want you to do is expunge that from your memory - expunge.

Let me give you an analogy. Some of you may have heard it today, but here is the analogy. You are going away. You are going away for a week and you are going on vacation. You want somebody to take care of your home while you are away. You want someone to feed your cat and bring in your mail. You ask what you thought was a trusted neighbor to do that work for you. Come to find out when you get home the neighbor has given the key to your home to somebody else. To someone you don't know and someone that you have never heard of and somebody about whom you know nothing. That person was in your home while you were away.

That is an analogy to what we are talking about here today. Only we are not talking about your house. We are talking about something that is probably of equal importance and value and we need to secure privately and that is private financial information. That is information like your Social Security number, your account balances, your credit card purchases or debit card purchases or any late payments you might make. It is a record of your income or assets, essentially any information that you might share on a loan application. Right now under state law that information may be collected by your bank or your financial institution and shared or sold to a third party without your express consent.

To me, this is fundamentally a question of property rights. This information, your Social Security number, your spending habits, your income, etc., is information that belongs to you. When you share it with somebody you share it with that person and not with anybody else they care, independently, to share it with. The question is what can we do here in Maine. We are just state government and there are financial institutions from all over the country that do business here and aren't we as the small State of Maine only allowed to regulate state chartered institutions - state chartered institutions that claim that they don't even engage in these practices. What can Maine do about blocking what these national companies are doing? The answer is that they can exercise their right under the federal Gramm-Leach-Bliley Act, which expressly grants states the right to enact tougher privacy protections than those, which the federal government has for itself.

The federal government set a floor and we can move beyond it if we choose to. Many states have - California, Vermont, North Dakota, New Mexico, Illinois, Maryland, and Alaska. Our Attorney General informs me that in California and Vermont they are very ably regulating the sharing practices of federally chartered institutions. That is a state government regulating federally chartered institutions and that is because of the Gramm-Leach-Bliley Act.

Why do we do this? Why would we want to protect this information? There are, of course, concerns about identity theft, predatory marketing and other fraudulent practices I would be happy to share with you from the AG. The other question of course is whether financial institutions are the problem when it comes to identity theft or predatory marketing, etc. According to a 2003 report commissioned by the federal trade commission, about 200,000 cases of identity theft in a year's time were related directly to fraudulent information sharing by the financial institutions themselves. There are security breaches. They are happening with financial institutions and what we propose to do with this legislation is to give consumers the power to protect their own privacy. I urge you to please join me in opposing this motion. Thank you.



Representative COLLINS of Wells assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

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

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is about security of information with financial institutions and the Honorable Representative Dudley expressed that very well, but we have got to look at all the issues around security breach. There was a handout that was given to us as a part of testimony that gave the chronology of breaches, since the Choice Point occurred and of all those breaches only one or two were from a financial institution. We had things coming from Lexis Nexis, which is another information broker, the University of California, Boston College, Nevada Motor Vehicle Department, Northwestern University, California State University, a medical group, Tufts University, and Ralph Lauren. There is an awful lot of information out there and it doesn't all originate in financial services and security breaches are extremely, extremely important to get a handle on. But, is not what this bill is about. It is about not sharing information.

What this does to the small banks in Maine is limit their abilities because they need to make relationships with other financial institutions in order to do some of their business. The large institutions that are federal institutions have a network within their own company that can share and work information into a number of different things, but with small banks that are Maine grown banks, they have to develop relationships with other agencies in order to provide those services and that is an important part of what we want to protect, which is our small businesses.

Another issue that we can look at with that is what it means to our bigger businesses that really employ a lot of people in Maine. I am talking about businesses like MBNA. We have an issue coming up around BRAC that means we are going to be losing business anyway whether we like it or not and it is important that we take a look at what we can do to preserve that.

Another issue that I would like to talk about is the fact that this is something that, I feel, belongs federally. Gramm-Leach-Bliley was the beginning and I believe that if we are really going to control security in financial institutions, that it has to be done on the federal level. There are some things that are happening federally and I have a handout that I had sent out earlier. One thing that came out is telemarketing calls. There is now a national phone number that we can call so that we don't have telemarketers calling us. There is also a federal number that we can call to opt out of getting pre-screened credit card and insurance offers so that we won't get those in the mail. A bill that was passed in the last Legislature also allowed consumers to receive one free credit report per year from all three credit reporting agencies and on the back is the number of that to call. It is more than just a breach it is knowing what our own information is and if we do have a breach than it belongs more with the financial institutions and the financial institutions right now have some pretty significant laws that deal with security breaches themselves. I ask that you vote for the Ought Not to Pass and let's work on the issues around security and information breach that we need to be working with. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Warren, Representative Richardson.

Representative RICHARDSON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As a retired bank president and now a member of the Committee on Insurance and

Financial Services I urge your support for the Majority Ought Not to Pass Report.

I just want to communicate a couple of points to make my position. First of all, on the day of the hearing our commissioner, Christine Bruenn from the Professional and Financial Regulations Department testified in opposition and indicated that the current federal law is working. The second point that I would like to make is that Maine banks do not share information. The third point that I would like to make is that over the weekend I did personally receive my privacy statement from Bank of America and they clearly stated that they do not share information with outside marketers. I think that the precedent is there. I think that there is something. I urge all of you to support our committee's Majority Ought Not to Pass Report. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Falmouth, Representative Brautigam.

Representative BRAUTIGAM: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill is about determining who has the right control your personal financial information, you or the bank. When a person provides personal financial information to a financial institution, he or she does so with the understanding that the expectation that information be used for a particular, limited purpose and only for the purpose for which it was provided. That information is personal, it is valuable and I don't think people expect it to be sold at a profit to other people who will use that information for among other things blanketing us with unwanted sales pitches and solicitations. I worry that a day is approaching when we will forget that we even have privacy and personal property rights and information about ourselves and I worry what this loss of privacy might mean to our society and to our democracy. It was argued in the committee that it is enough for the person to have the option of opting out from having information sold and exploited and that a financial institution does not need to get your permission, but can instead rely on some sort of disclosure for you and I submit that that gets it backwards. The information belongs to the consumer and not to the financial institution. It should be protected unless the consumer permanently gives his or her consent for its use.

I also came up with an analogy that is eerily similar to the Representative from Portland, Representative Dudley's analogy and I will briefly share it with you. Suppose that you had someone come and paint the outside of your house and noticed what a bountiful tomato garden you had in the backyard and on his invoice to you he writes in the corner, "I love your tomatoes. I think I am going to take a few the next time I come by" and you notice that your tomatoes are disappearing without any consent of yours given to this person. Is that right? I don't think so, but that is what is happening here. I think the financial institutions are taking your tomatoes and selling them without permission.

The notion that if it is not tied down it is free for the taking is contrary to something that I think we hold very dear in this state and in our society. It is the trust that helps make us function. It helps make our economy function and it helps make institutions and organizations function. After hearing an advocate for the financial institutions liken the opt out proposal to the idea that you can put curtains on your bedroom window to prevent people from peering in. He said if you don't want somebody looking in your window with binoculars you should close the curtains. Well, certainly that is good advice for a modest family, but it puts the blame and the burden in the wrong place. We don't want to become a state and a culture enclosed behind curtains in the dark and isolated in our homes. I will just conclude with this thought.

There is a place where a kid can't leave a baseball mitt sitting on the bleachers without the fear that it is going to be taken and there is a place that a person can't raise a garden without fear that somebody will walk in and steal the produce from that garden. There is a place where you can't keep your curtains open and there is a place where your personal financial information can be taken and sold without your permission. I just never thought that that place was Maine. Thank you Mr. Speaker and Men and Women of the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockport, Representative Bowen.

Representative **BOWEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am feeling like this is throw back day at the Legislature or something. This is the third bill this afternoon that I distinctly recall debating in the 121st. I know we did the one about the selectmen taking property, I know we did the one about the Health Security Board. I remember the debate on those and I remember distinctly debating this one and the issues haven't changed from when we debated it two years ago. The fact of the matter is that your privacy protections under federal law are the tightest for the banking and financial community as for any industry. They have the toughest laws that there are. They are required to send you your information about your privacy rights every year. You get them all the time. You get envelopes that look like a bill, but mercifully don't have a bill in them. They have a little booklet that says here are your rights. If you don't want us to sell your information here is the phone number to call. You get it from every one of the financial institutions that you do business with, your credit card companies, your mortgage lenders and your banks. You are given this information and you are given the chance to do this and this doesn't really have anything to do with identity theft because every piece of research that is done has shown that no identity theft issues are coming from the financial community because of these tough standards. It is coming because more people are doing transactions online, which may or may not be secure and also from the overuse of Social Security numbers which have become defacto national ID numbers used by businesses all over the place.

This is not an issue that is any worse than it was two years ago. These laws are sufficient. We don't have a problem with identity theft coming from the banking industry. We voted this bill down two years ago and I hope that you we will do the same tonight. Thank you.

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

Representative **WALCOTT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would actually just take a moment to differ with the good Representative from Rockport. I, in my past life, served as a HIPPA compliance officer for an agency that provides services to people and I can guarantee you that the protections around people and their medical information. You can be fined as much as \$250,000 by the state and the federal government for violating someone's protection with their medical information which includes a lot of this information we are talking about today.

I would just like to say that it is at least as important to protect your financial information because your life can be devastated for years if people mess with your credit. So, your medical information is actually the most protected information out there. Thank you.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to

vote in favor of this bill and against the Ought Not to Pass. I agree with the good Representative Bowen that we have debated this before, but the principles haven't changed and I don't think that the landscape has changed, but I do think we know more about the consequences of a situation where the banks have the right to disclose our personal information to third parties unless we refuse them that permission. I do believe that it is fundamental that an individual's personal information should not be released without their affirmative permission.

I believe that there are consequences to our letting the banks release information. In conversations that I have had with bank officers and we talk about credit scores, it is surprising the information that appears in the reports that they rely on. You may make all your payments on time, however they are going to look to see how many credit cards you have. If you have accepted some of these cards you see in the mail and you have too many cards that information has been released and shared and your credit score is affected by it, without your knowledge, without your permission and without having much to do with whether you will be worthy of credit or not. Think about whether or not you should maintain control of your private information. The less control that you have the more it is going to affect your ability to do your business and you will be affected by credit reports that will not have any merit with regard to your abilities. I ask you to vote against the Ought Not to Pass.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be brief and to the point. If banks don't release this information then there is no problem. If they do there is protection from the problem. Thank you.

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First of all Mr. Speaker, I would request a roll call.

My good friend from Rockport said that it was throw back day. It actually feels more like Groundhog Day for some of us because this issue has been recycled on numerous occasions. But there has been one constant throughout and that constant is the question if anyone can tell us an instance where a Maine financial institution has been guilty of providing information that violated the public's privacy? We hear about identity theft and we hear about privacy theft in other places, but this question has been asked and there has never been an example given that that has occurred in Maine and I submit to you that if it ever has it was probably somewhere in the deep dark past and certainly hasn't happened recently. This is truly a solution in search of a problem and I ask you to support the Ought Not to Pass Report.

Representative **BOWLES** of Sanford **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 PRO TEM: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't know how our family's identity was stolen, but it was. I don't know who gained our information and used it and who got our credit card numbers, but it happened. I would encourage all of us to read every privacy statement very carefully that you see. Whether you go to a doctor or to a pharmacy or to a bank or to a credit union.

Some of them that I read hurt my brain because they don't make a lot of sense and essentially say we are going to release your information.

We are aware that you can get one free credit report per year. That is no longer adequate for my family. We have to do a lot more than that. We have to be rather vigilant. We have been very fortunate in the last year or so that we have been able to stop and block it and it is no longer happening. I have to tell you that I generally like to support Majority Reports, but in this case I cannot. I will vote in favor of the bill and will not be voting for this Ought Not to Pass. Thank you.

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

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am actually pleased that you didn't pick me earlier because that was excellent testimony from the Representative from Freeport. I too can point to identity theft in my own experience. I had my credit card number stolen and several hundred dollars worth of charges put on my credit card. I don't know the origin of the theft, but it has happened to me and one other member of this institution. Actually, it happened to a member of the committee of jurisdiction who has also been a victim of identity theft. It has happened to a lot of Maine people and the truth is, and I made this point earlier. From September of 2002 to September 2003, 200,000 Americans were victims of identity theft. Two hundred thousand were victims of identity theft because information was fraudulently used at the financial institutions.

This bill proposes to give consumers the right to control the information so that this information may not be shared and so that they can take some control over the situation. It has been said that this issue belongs before the federal government. Well, the federal government dealt with this issue and what they said, and I read from the orange sheet on your desk, what they said was, "A state statute, regulation, order or interpretation is not inconsistent with the provisions of this subchapter if the protection substitute, regulation, order or interpretation afforded any person is greater than the protection provided under this subchapter. What that means is that Congress said that if states want a tougher standard then they can have at it. They are inviting us to do this. That is what Vermont did, that is what California did, that is what the voters of North Dakota did overwhelmingly, 72% of them. New Mexico, Maryland, Illinois, Alaska and perhaps others have done it as well. The fact is that Congress invited us to do this. That is why it is before us.

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

Representative CLOUGH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My experience has been a little different than my good friend Representative Webster from Freeport. I do business with a number of banks, both in the state and outside of the state. I have done business with MBNA, Capital One, Key Bank of New York and Bank of America to name a few and I look those reports over very carefully to make sure what their policy is and with them and with brokerage houses and all of the local banks that I talk with their policy is that they do not share the information. I suspect that when you have a credit card problem it is because every clerk in the state has access to your credit card number when you go in to make a purchase. Bank of America had a problem just recently when one of their employees stole some records and sold them, but that can't be blamed on the bank and they took care of it immediately and notified all the people that were involved. I think, as Representative Bowles mentioned that I couldn't think of any incident where anybody in the State of

Maine has had a problem with a financial institution or a broker so I would ask you to vote in support of the pending Ought Not to Pass.

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

Representative HARLOW: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You are absolutely right. Bank fraud is not one of the biggest cases of identity theft through bank fraud. The biggest one is credit card, the next is phones and utilities, but the third type of identity fraud is bank fraud. There were 64 reported cases in the State of Maine last year and the largest place was 39 in Portland, 8 in Bangor and 8 in Biddeford and so on. Thank you very much for your time. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative CANAVAN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Well, yes it is back again, this issue of financial privacy and, for the benefit of those of you who are new to this debate, yes we did debate this in the 120th and the 121st Legislatures and both times we voted in a way we truly believe would best serve the people of Maine. Unfortunately, consumers everywhere are painfully feeling the ramifications of our decisions and the decisions of lawmakers across the country and in Washington. An example, personal data on 145,000 Americans was recently stolen by criminals from Choice Point, a company that possesses more than 15 billion files containing personal details on every living American and a few that aren't around anymore. Besides Choice Point there was the Wells Fargo bank that repeatedly lost customer files by stolen computers. The latest incident to come to light involves more than 670,000 customers in four different banks including the Bank of America and Wachovia Corporation. Apparently a ring of upper level bank officials were bribed to provide data on customers. The data was subsequently sold to dozens of debt collectors and law firms and there is more.

A federal trade commission has put the number of yearly victims of identity theft at about 10,000,000 of the adult population of the country. Men and Women of the House, security breaches are happening with increasing frequency and lawmakers across the country are finally waking up to the problem. Bills are on the table in 28 states to deal with the issue of financial privacy and as you might suspect special interests are working hard to defeat much of the legislation, arguing that it would cause consumers unforeseen headaches. I am not sure things could get much worse for consumers with respect to financial privacy. Some will argue that this legislation will not solve the security problems that are now being experienced by some banks, but I would submit to you that if it is passed than it will send a long overdue message to the industry that consumers do care about their privacy. What it will do is send a message that consumers in Maine and across the country want to take back control of the use of the financial information they provide in good faith.

I have yet to speak to a single constituent in my district that approves of the current system, which allows financial institutions to sell a customers information without that customers written permission. Most don't even know that it is happening. Today we do have an opportunity to give back to the people of Maine an measure of control of the abuse of their own financial information and over extremely personal property that is rightfully theirs and I know that in deciding which button to press on this issue you will consider what is in the best interest of the people who place their trust in us on election day. I would urge you to support the Ought to Pass Report.

The Speaker resumed the Chair.  
The House was called to order by the Speaker.

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

**ROLL CALL NO. 235**

YEA - Annis, Ash, Austin, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brown R, Browne W, Burns, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cresse, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Duprey, Edgecomb, Emery, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Hall, Hamper, Hanley B, Hanley S, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lewin, Lundeen, Marean, Marley, Marraché, McCormick, McKane, McKenney, McLeod, Merrill, Miller, Millett, Moody, Moulton, Muse, Nass, Nutting, Ott, Perry, Pilon, Pineau, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Schatz, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Vaughan, Mr. Speaker.

NAY - Adams, Babbidge, Bliss, Brannigan, Brautigam, Bryant, Cain, Canavan, Craven, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Finch, Gerzofsky, Grose, Harlow, Hogan, Hutton, Jackson, Lerman, Lindell, Makas, Mazurek, McFadden, Mills, Norton, O'Brien, Paradis, Patrick, Percy, Pingree, Piotti, Rines, Sampson, Seavey, Smith W, Thompson, Twomey, Valentino, Walcott, Watson, Webster, Woodbury.

ABSENT - Bryant-Deschenes, Crosby, Lansley, Moore G, Pelletier-Simpson, Smith N, Wheeler.

Yes, 98; No, 46; Absent, 7; Excused, 0.

98 having voted in the affirmative and 46 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-535) - Minority (4) Ought Not to Pass - Committee on STATE AND LOCAL GOVERNMENT 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)

TABLED - May 31, 2005 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

The Bill was **READ ONCE.** Committee Amendment "A" (H-535) was **READ** by the Clerk.

The same Representative **PRESENTED House Amendment "B" (H-617) to Committee Amendment "A" (H-535),** which was **READ** by the Clerk.

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

Representative **BARSTOW:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment that I present before you today I do ask for your support of it. I have spoke to my fellow committee members on both sides of the

aisle and I have found this to be a compromise on the original version that came out of our committee and feel that it is actually better than what we voted on originally so I ask for your support and indulgence of our work. Thank you Mr. Speaker.

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. I rise in support of the original bill Committee Amendment "A" and Committee Amendment "B". Mr. Speaker and Ladies and Gentleman of the house our committee was asked to deal with a problem with respect to jails that was not addressed by LD 1. Unfortunately, we have a situation where the state does not adequately reimburse counties for housing people who are held for short periods following conviction, periods of roughly six to nine months in length. Because of the inadequacies of funding for the county jails there is more than a ripple effect. It is a flooding effect. Sort of like my basement this last weekend. The flooding effect in this case is worse because the county governments have a difficult choice between two evils. Either they cut back on their own services, limited as they are. We might see fewer Sheriff's deputies patrolling on weekends and registries may have to shut down for longer periods than they are right now. Or, in the alternative, they pass those costs onto the municipalities which can ill afford them. So, in making this brief Mr. Speaker, I encourage the members of the house to support this compromise. It is for a limited jurisdiction and it will allow the counties the ability to get their house somewhat in order and I also encourage the members of the house to think strongly of better funding for state prisoners in the county jails. Thank you Mr. Speaker.

Subsequently, House Amendment "B" (H-617) was **ADOPTED.**

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 am going to oppose this motion to adopt this legislation and I will tell you why.

When I served on the committee earlier this year and we talked about LD 1 and we spent a lot of time negotiating and getting spending growth caps for the municipalities, for the counties and for the state this project came up and it was suggested that we refer this to the State and Local Government Committee to see if they could find some resolution that would be acceptable to allow the counties to handle these expenses under a spending cap. The agreement that we had, or that I at least thought we had, was that whatever came out of this the jails must fall under someone's spending cap, whether it be the county or whether it be the state. In this case, the jail is going to be exempt from the spending cap and for that reason I will be voting against it. Mr. Speaker when the vote is taken I request a roll call.

Representative CLOUGH of Scarborough **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-535) as Amended by House Amendment "B" (H-617).**

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 Boothbay, Representative Bishop.

Representative **BISHOP:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill has gone through quite a number of transitions and the latest amendment actually does put it under a cap. It puts it under the county cap and the way that it was done was that we have averaged the last three years of boarding expenses for prisoners and medical expenses for prisoners and taken the average of those and that

will be the cap for those particular expenses. Probably, in the haste of trying to get this to the floor, we unfortunately failed to inform everyone that we were trying very hard to comply with the caps and to create a situation where there would be nothing that was outside of the caps. Basically, we all know that county budgets are overwhelmingly driven by jail expenses and we all know that these same jail expenses are exacerbated by the state's inadequate reimbursement. We all know that in whose facilities the state chooses to house many of its inmates is not he choice of the county.

We have got a situation in the counties where they have no control over the number of prisoners the state will send them and they have no control over the reimbursements that the state will give them and they have no control over these expenses which drive a good portion of their total budgets, but they will appear under the caps and we are trying to make it amenable to LD 1.

In essence, the bill that we have before us will go a long way towards ensuring continuing services for those citizens of the county who are law abiding. This bill will give the counties a little wiggle room. Not a whole lot of room and only for a single year, but it will be precious time that is needed to solve this existing and ongoing problem. The bill is strictly first aid. It's not a final answer for this ongoing distortion and it is a temporary remedy and it expires in a year. It will staunch the flow and hopefully it will serve until a real solution can be found. Thank you Mr. Speaker.

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

Representative LERMAN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was a member of the Joint Select Committee on Property Tax Reform. We clearly discussed the issue of caps at length and recognized that while there needed to be a cap on prison expenses it wasn't something that we could accomplish in the forty days and forty nights that we spent together.

I do believe that this proposal is very much in the spirit of what we requested of the State and Local Government Committee. As a communication from the Joint Select Committee to complete our work in property tax relief and I applaud the committee for their efforts and I will be supporting this motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of Committee Amendment "A" (H-535) as Amended by House Amendment "B" (H-617). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 236**

YEA - Adams, Annis, Ash, Babbidge, Barstow, Beaudette, Berube, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Cebra, Churchill, Clark, Collins, Craven, Cressey, Cummings, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lansley, Lerman, Lindell, Lundeen, Makas, Marley, Marraché, Mazurek, McCormick, McFadden, Merrill, Miller, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson M, Richardson W, Rines, Robinson, Saviello, Schatz, Seavey, Sherman, Shields, Smith W, Stedman, Tardy, Thomas, Thompson, Trahan, Tuttle,

Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

NAY - Austin, Bierman, Carr, Clough, Crosthwaite, Curley, Curtis, Joy, Lewin, McKane, McKenney, McLeod, Millett, Richardson D, Richardson E, Rosen, Sykes.

ABSENT - Bryant-Deschenes, Crosby, Farrington, Marean, Moore G, Sampson, Smith N, Wheeler.

Yes, 126; No, 17; Absent, 8; Excused, 0.

126 having voted in the affirmative and 17 voted in the negative, with 8 being absent, and accordingly **Committee Amendment "A" (H-535) as Amended by House Amendment "B" (H-617) was thereto 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-535) as Amended by House Amendment "B" (H-617)** thereto and sent for concurrence.

---

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

---

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-220)** - Committee on **NATURAL RESOURCES** on Bill "An Act To Create a 5-year Statute of Limitations for Environmental Violations"

(S.P. 218) (L.D. 682)

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

TABLED - May 26, 2005 (Till Later Today) by Representative EBERLE of South Portland.

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

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

---

**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 Decrease Correctional Costs and To Increase the Number of Probation Officers"

(H.P. 375) (L.D. 500)

Signed:

Senators:

DIAMOND of Cumberland  
CLUKEY of Aroostook  
NUTTING of Androscoggin

Representatives:

PLUMMER of Windham  
GREELEY of Levant  
CHURCHILL of Washburn  
GERZOFSKY of Brunswick  
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" (H-614)** on same Bill.

Signed:

Representatives:

BLANCHETTE of Bangor

HANLEY of Gardiner

**READ.**

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

---

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-615)** on Bill "An Act To Encourage the Use of Solar Energy"

(H.P. 1122) (L.D. 1586)

Signed:

Senators:

BARTLETT of Cumberland

COWGER of Kennebec

WESTON of Waldo

Representatives:

BLISS of South Portland

FITTS of Pittsfield

BABBIDGE of Kennebunk

BRAUTIGAM of Falmouth

FLETCHER of Winslow

ADAMS of Portland

McLEOD of Lee

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-616)** on same Bill.

Signed:

Representatives:

CURTIS of Madison

RICHARDSON of Skowhegan

RINES of Wiscasset

**READ.**

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

Representative FLETCHER of Winslow **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. 237**

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick,

Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Brannigan, Bryant-Deschenes, Crosby, Farrington, Marean, Moore G, Pinkham, Rines, Sampson, Smith N, Wheeler. Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-615)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, June 2, 2005.

---

Reference was made to Bill "An Act To Improve the Water Quality of Hall Pond in Paris"

(H.P. 306) (L.D. 421)

In reference to the action of the House on May 23, 2005 whereby it insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative WATSON of Bath

Representative WHEELER of Kittery

Representative HANLEY of Paris

---

Pursuant to House Rule 201.1.H, the Speaker appointed Representative CUMMINGS of Portland to serve as Speaker Pro Tem on Thursday, June 2, 2005 at 9:00 a.m.

---

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

---

On motion of Representative MILLS of Farmington, the House adjourned at 6:08 p.m., until 9:00 a.m., Thursday, June 2, 2005 in honor and lasting tribute to Gwilym Roberts, of Farmington.