

MAINE STATE LEGISLATURE

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

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First Special Session

May 26, 2005 – June 17, 2005

Second Special Session

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Second Regular Session

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST SPECIAL SESSION
28th Legislative Day
Friday, June 3, 2005

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

Prayer by Reverend Lance Almeida, St. Andrew's Episcopal Church, Millinocket.

National Anthem by Honorable Robert A. Daigle, Arundel.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Allowing Certain Commercial Vehicles at Canadian Weight Limits To Travel from the Canadian Border at Houlton to New Limerick and from the Canadian Border at Calais to Baileyville"

(H.P. 257) (L.D. 334)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-261) in the House on May 11, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-261) AND SENATE AMENDMENT "A" (S-319)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Remove the Sunset on Part-time Unemployment Insurance Benefits"

(H.P. 233) (L.D. 309)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-33) AND HOUSE AMENDMENT "C" (H-402) in the House on May 19, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-33) AS AMENDED BY SENATE AMENDMENT "B" (S-318)** thereto **AND HOUSE AMENDMENT "C" (H-402)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Protect Dogs That Are Left Outside"

(H.P. 155) (L.D. 204)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-484) AS AMENDED BY HOUSE AMENDMENT "A" (H-546) thereto in the House on May 31, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-484) AS AMENDED BY SENATE AMENDMENT "A" (S-309)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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)

Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and

ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-535) AS AMENDED BY HOUSE AMENDMENT "B" (H-617)** thereto in the House on June 1, 2005.

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

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

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

Non-Concurrent Matter

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)

Report "A" (9) **OUGHT NOT TO PASS** of the Committee on **TAXATION READ** and **ACCEPTED** in the House on June 1, 2005.

Came from the Senate with Report "B" (3) **OUGHT TO PASS AS AMENDED** of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590)** in **NON-CONCURRENCE**.

Representative RICHARDSON of Brunswick moved that the House **INSIST**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INSIST**.

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

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

ROLL CALL NO. 249

YEA - Adams, Ash, Austin, Babbidge, Beaudette, Berube, Blanchard, Bliss, Bowen, Bowles, Brown R, Browne W, Burns, Campbell, Cebra, Churchill, Clark, Cressey, Crosby, Cummings, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dunn, Duprey, Eberle, Edgecomb, Emery, Faircloth, Finch, Fischer, Fisher, Fletcher, Flood, Hamper, Hanley B, Hanley S, Hotham, Jennings, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Makas, Marraché, McCormick, McFadden, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, Paradis, Patrick, Percy, Perry, Pineau, Piotti, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Saviello, Schatz, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thompson, Trahan, Tuttle, Twomey, Vaughan, Watson, Woodbury, Mr. Speaker.

NAY - Annis, Blanchette, Brautigam, Bryant, Cain, Canavan, Carr, Clough, Collins, Craven, Curley, Davis K, Duplessie, Eder, Farrington, Fitts, Gerzofsky, Glynn, Goldman, Grose, Hall, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jodrey, Joy, Lundeen, Marley, McKane, McKenney, McLeod, O'Brien, Pelletier-Simpson, Pilon, Pingree, Pinkham, Rines, Rosen, Sampson, Smith N, Smith W, Thomas, Valentino, Webster.

ABSENT - Barstow, Bierman, Bishop, Brannigan, Bryant-Deschenes, Crosthwaite, Dugay, Greeley, Marean, Mazurek, Moore G, Ott, Plummer, Rector, Walcott, Wheeler.

Yes, 89; No, 46; Absent, 16; Excused, 0.

89 having voted in the affirmative and 46 voted in the negative, with 16 being absent, and accordingly the House voted to **INSIST**.

Representative TWOMEY of Biddeford moved that the House **RECONSIDER** whereby the House voted to **INSIST**.

On further motion of the same Representative, **TABLED** pending her motion to **RECONSIDER** its action whereby the House voted to **INSIST** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 276)

STATE OF MAINE

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

June 2, 2005

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

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 644 An Act To Prohibit Discrimination in Housing

L.D. 838 An Act To Amend the Uniform Unclaimed Property Act As It Applies to Gift Cards

L.D. 1474 An Act To Require That Corporations Be Operated in a Manner That Does Not Adversely Affect the Public Interest

L.D. 1495 An Act To Limit Corporate Influence Over the Political Process

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

Sincerely,

S/Sen. Barry J. Hobbins

Senate Chair

S/Rep. Deborah Pelletier-Simpson

House Chair

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Amend the Laws Governing Political
Caucuses, Conventions and Committees"

(H.P. 1192) (L.D. 1686)

Sponsored by Representative GERZOFKY of Brunswick.

Cosponsored by Senator BRYANT of Oxford and
Representatives: CUMMINGS of Portland, DUGAY of
Cherryfield, MARLEY of Portland, PATRICK of Rumford, PERCY
of Phippsburg, RINES of Wiscasset, SYKES of Harrison,
WEBSTER of Freeport.

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

Committee on **LEGAL AND VETERANS AFFAIRS** suggested.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **REFERENCE** and later today assigned.

ORDERS

On motion of Representative RICHARDSON of Carmel, the following Joint Resolution: (H.P. 1193) (Cosponsored by Senator PLOWMAN of Penobscot and Representatives: BLANCHARD of Old Town, BLANCHETTE of Bangor, DUNN of Bangor, FAIRCLOTH of Bangor, FISHER of Brewer, GREELEY of Levant) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE FEDERAL
AVIATION ADMINISTRATION TO FULLY AND PROPERLY
STAFF AND MAINTAIN THE AUTOMATED FLIGHT SERVICE
STATION LOCATED AT THE BANGOR INTERNATIONAL
AIRPORT IN BANGOR, MAINE**

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 United States Department of Transportation's Federal Aviation Administration as follows:

WHEREAS, Bangor International Airport, in the City of Bangor, County of Penobscot, Maine is the home to the Bangor Automated Flight Service Station, AFSS, of the Federal Aviation Administration, which serves all of the State of Maine and all of the State of New Hampshire, and provides facilities that provide briefing and weather services to pilots throughout those regions; and

WHEREAS, the flight service controllers at the Bangor AFSS on a daily basis provide essential aviation weather and aeronautical information, assist civilian and military pilots with flight planning, perform search and rescue operations and orient lost aircraft; and

WHEREAS, given it is the most northeastern flight service station in the Nation, and with Maine being a border state, the strategic importance of the Bangor AFSS cannot be understated; and

WHEREAS, the services provided by the Bangor AFSS and other similar stations across the country are so crucial and intimately related to the public interest as to mandate performance by federal employees; and

WHEREAS, on September 11, 2001, automated flight service stations were the primary source of vital information for the other air traffic control facilities, airports and the Nation's general and business aviation communities, and the Bangor AFSS quickly changed from being a provider of weather and flight planning information to an important source of information regarding expectations of the resumption of flights in the region; and

WHEREAS, the proper staffing and maintenance of the Bangor AFSS with a full contingent of station controllers is a fundamental necessity for the continuation of crucial services to civil and military aviation in Maine and New Hampshire; and

WHEREAS, as do employees of the rest of the air traffic control system, the employees of automated flight service stations deal with the safety of lives and property, both in the air and on the ground, and this important duty makes operation of these stations an inherently governmental function; and

WHEREAS, the closure or degradation of the only automated flight service station in Maine and New Hampshire is contrary to the public interest and the safety of civil aviation as administered by the Federal Aviation Administration and homeland defense; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge that the Federal Aviation Administration recognize that the employees of automated flight service stations conduct an inherently governmental function and that it is necessary to

maintain the staffing standard of station controllers in order to maintain the Bangor AFSS; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Secretary of Transportation, Norman Y. Mineta, to the Administrator of the Federal Aviation Administration, Marion C. Blakely, to each Member of the New Hampshire Congressional Delegation and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Robert Strong, of Bangor, professor of finance and University of Maine Foundation Professor of Investment Education, who has been named Distinguished Maine Professor by the University of Maine Alumni Association for his outstanding achievements in teaching, research and public service. He has been a faculty member at the University of Maine since 1983 and his colleagues have noted his positive interaction with his students throughout his 22 years of teaching. In 1993, Professor Strong started the Student Portfolio Investment Fund (SPIFFY), through which students manage a University of Maine Foundation investment fund. It began with a \$200,000 allotment and the fund is now valued at more than \$1.1 million. He is a recognized scholar in his field, and is very active in civic organizations and statewide commissions. We extend our congratulations to Professor Strong on his receiving this honor;

(HLS 846)

Presented by Representative CAIN of Orono.

Cosponsored by Senator SCHNEIDER of Penobscot, Representative DUNN of Bangor, Senator PERRY of Penobscot, Representative NORTON of Bangor, Representative BLANCHETTE of Bangor, Representative FAIRCLOTH of Bangor.

On **OBJECTION** of Representative CAIN of Orono, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. My district is full of interesting people that work at the University of Maine and on the University's faculty. Doctor Robert Strong is an exceptional member of that faculty and, this year, has been recognized as the Distinguished Professor by the University of Maine Alumni Association. This recognition puts him in a list of very distinguished men and women, including other University of Maine Professors such as Vincent Hartgen, Robert Thompson, Michael Lewis, Eugene MawHinney, Dana Humphrey, Habib Dagher, Irv Kornfield, Brenda Power and many more.

Doctor Strong is the University of Maine Foundation Professor of Investment Education and Professor of Finance at the University of Maine. His Bachelor of Science degree in Engineering is from the United States Military Academy at West Point. His Master of Science Degree in Business Administration is from Boston University and his PHD in Finance is from Penn State. He has also been a Visiting Professor of Finance at Maine Maritime Academy and at Harvard University where he was

Deputy Director of the Summer Economics program from 1997 to 1999. He is a Chartered Financial Analyst.

Dr. Strong is a consultant and he is a researcher. Numerous Maine and national organizations have benefited from his expertise. His research centers on investor asset allocations and he has been published in many journals from the Journal of Finance, the Journal of Portfolio Management to trade journals. He is a past president of the Northeast Business and Economics Association, the Bangor Rotary Club, Maine Security Analysts Society and is on the Board of Directors of many Bangor area and statewide and national organizations.

After this long list of credentials there is something else that makes him a distinguished Maine professor and that is all of the other things. That is the long hours, that is the love of what he does and that is the love of the University of Maine and the state of Maine and his ability to advocate for it and add to it in order to make it a better place.

A few weeks ago I circulated to all of you Dr. Strong's commencement remarks. He was the opening act, if you will, for Stephen King – someone that you may have heard of. But, I tell you that I think as many people remember what he said as remembered what Stephen King said. The best things about his remarks were that he follows his own advice. The need to further your education and to speak and write well, to be interesting, to understand that you can't always be an expert on everything and on those days you need to ask for help. You need to be distinguished and to not be afraid to take risk and that when you deal with people's money and, in our case, when you deal with the people's policy you are actually dealing with people's lives. You have to be honest and competent, just like you would expect your doctor to be. But, my favorite, and I think what speaks the most to Dr. Strong is the final thing he said. He said being a college professor is the best job in the world. He loves what he does and it shows and that is why I am proud to honor him before all of you and why the University was proud to honor him as the 2005 Distinguished Maine Professor. Thank you Mr. Speaker.

The **SPEAKER:** The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This was a surprise to me. I didn't realize that it was going to be on the calendar, but on my way to my MBA degree I was a student of Doctor Strong and I can honestly say that he took complicated material and made it so even I could understand it. I would like him to know that I learned a lot. I didn't retain much of it, but I learned a lot and I will be forever grateful for the experiences that I had in his classroom. Thank you Mr. Speaker.

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

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

REPORTS OF COMMITTEE

Ought to Pass as Amended

Report of the Committee on **NATURAL RESOURCES** on Bill "An Act To Amend Water Quality Standards"

(S.P. 496) (L.D. 1450)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-291).**

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-291) AS AMENDED BY SENATE AMENDMENT "A" (S-315)** thereto.

(S.P. 602) (L.D. 1625)
(C. "A" S-306)

Report was **READ** and **ACCEPTED**.

On motion of Representative **DUPLESSIE** of Westbrook, **TABLED** pending **FIRST READING** and later today assigned.

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

On motion of Representative **FLOOD** of Winthrop, was **SET ASIDE**.

Representative **FLOOD** of Winthrop moved that the House **RECONSIDER** its action whereby **Committee Amendment "A" (S-306)** was **ADOPTED**.

The same Representative **PRESENTED** House Amendment **"A" (H-630)** to **Committee Amendment "A" (S-306)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Winthrop, Representative **Flood**.

Representative **FLOOD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The amendment that I propose, (H-630) attempts to find an achievable middle ground with the homestead exemption issue. I seek to reduce its fiscal impact to this state and the municipalities and in doing so I will try to be honest about its funding prospects. The current homestead exemption revised through LD 1, for those of you who haven't been badgered by your towns over the last four months and have forgotten, is a statewide tax exemption that exempts the first \$13,000 of a home's value from taxation. More precisely, it exempts the value of the land upon which one's home resides. With my amendment I try to amend a well intended, but very expensive and unworkable proposal from the other body and I seek to create a revised homestead exemption reasonable enough so that it might survive the appropriations and/or budget process looming ahead.

I propose changing the homestead exemption to \$10,000 and provide state funding at 70%. Let me provide a short summary for your consideration. The current LD 1 homestead exemption is \$13,000 funded 50% by the state and 50% by towns. It costs the state \$17 million and it costs the towns \$17 million and nobody within town government is happy with this \$17 million hit that we have blessed them with. You must admit, it has given editorial page writers much to gleefully write about.

Perhaps I am just guessing, but maybe it wasn't the best part of our efforts with LD 1. What we have in the bill proposed in the other body is a proposed \$13 million homestead exemption that is fully funded by the state and that would be a very nice way out of this mess. I like the idea as much as anyone else and I wish that it could happen, but let's be honest. Let's face the truth. Passage of such a bill would be a false, feel good vote and not unlike others that I have recently witnessed here with no genuine prospects for funding because its cost to the state would be \$34 million. The amendment that I now present proposes a homestead exemption reduced to \$10,000 funded 70% by the state and 30% by the towns. It shares the responsibility in this manner for two years before evolving to full funding at \$10,000 by the state. It costs the state \$18 million and now costs the towns only \$8 million. The amendment also results in marginally less tax exemptions for the homestead owners. Yet, it finds a real fundable middle ground. Not a hallow promise. It reduces municipal homestead costs from \$18 million to \$8 million and it reduces the state's fiscal impact from \$36 million as presented here before you today, in the bill from the other body, and reduces that to \$18 million.

In closing I wish to say that a nearly identical amendment was proposed during the LD 1 debate in January and my good friend and colleague the Representative from Winthrop, Representative **Flood**, proposed it. It was a very good amendment then and, judging from the reaction of town officials in ensuing months I suggest that it may be an even better amendment now. But, the

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Reduce the Minimum Participation Requirements of Insurance Carriers"

(S.P. 89) (L.D. 269)

Signed:

Senators:

SULLIVAN of York
MAYO of Sagadahoc

Representatives:

MCKANE of Newcastle
LINDELL of Frankfort
PILON of Saco
RICHARDSON of Warren
MARRACHÉ of Waterville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-73)** on same Bill.

Signed:

Senator:

MILLS of Somerset

Representatives:

PERRY of Calais
BRAUTIGAM of Falmouth
VAUGHAN of Durham
GLYNN of South Portland
HARLOW of Portland

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-73)**.

READ.

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

BILLS IN THE SECOND READING
House as Amended

Bill "An Act To Eliminate Estate Taxes on Family-owned Businesses"

(H.P. 321) (L.D. 436)
(C. "A" H-589)

Bill "An Act To Adopt the Streamlined Sales and Use Tax Agreement"

(H.P. 747) (L.D. 1094)
(C. "A" H-603)

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.**

Bill "An Act To Fully Fund the Homestead Exemption"

amendment in January was defeated. Perhaps the late hour and partisan nature of the debate contributed to its demise. Rarely are we given the opportunity for a second chance such as this opportunity before us now and I would hope that we would not hesitate to seize that moment and choose wisely. Choose a fundable, genuine homestead exemption and not another hallow and misleading, "We don't have the money, but well vote for it anyway" vote. Mr. Speaker, when the vote is taken I request a roll call. Thank you.

The same Representative **REQUESTED** a roll call on **ADOPTION of House Amendment "A" (H-630) to Committee Amendment "A" (S-306)**.

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 Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The towns that I work with did not get a lot of money because of LD 1 and because of this they have two choices. They could either borrow money to make up the homestead exemption or they can increase the mil rate. Those are their two choices.

I have the Town of Strong that in its whole life history as a town and community in Maine has never borrowed money to make their budget. They have to do this now. I think that this bill goes well towards helping them not do that and helps to reimburse them accordingly. Thank you Mr. Speaker. I will be supporting this amendment.

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. With all due respect for my good friend from Winthrop, Representative Flood I am going to oppose the pending motion and I will tell you why.

We have been uncertain about how to handle this particular situation with the homestead exemption for the last couple of years. We changed it from a \$7,000 exemption to either a \$7,000, \$5,000 or \$2,500 exemption depending on the value of your home. Of course, as most of you know if you are not at 100% valuation then that gets watered down so it was fairly meaningless for a large number of people. With LD 1 we decided that we should fund the Homestead exemption and we should fund it at a higher amount. We decided on \$13,000 and then the option came up to only fund it 50%. The unintended consequence of that is that we have devalued a number of towns so that even though they get a \$13,000 circuit breaker they get a higher tax bill. I would ask you to consider the effect of coming back again with another plan that is still only partially funded and is for another amount of money. People are confused enough. I think that they are pretty sure that we don't know what we are doing up here and with one more change they would be absolutely certain.

The fiscal note on this is not much different in '05 to '06 then fully funding the \$13,000 exemption. It sends a message to the people that we are intent on giving them something worthwhile and that we intend to provide some relief to municipalities such as Wilton that have a problem with the partial funding. I would ask you to support fully funding at \$13,000. There is nothing better that we could spend money on in this state at the present time, if we have the money to spend, than fully funding the Homestead. Thank you Mr. Speaker.

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

Representative **WOODBURY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am also going to

oppose this amendment. My concern, much like the Representative from Scarborough, Representative Clough is that municipalities around the state have been proceeding with developing their own budgets on the basis of the Homestead exemption that was enacted in LD 1 and I believe changing the amount now creates real complications to the budgeting processes that have been taking place. Thank you.

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I concur with the four Representatives who spoke recently here. We need to do something to change and, in my view, fix the Homestead provision as enacted in LD 1 Chapter 2. The issue of actual shifting of the tax burden within and among towns, particularly the 50% provision that we now have is causing considerable problems. I believe that this amendment is an improvement over the Committee Amendment (S-306), which is currently on the bill, but I think it fails, in many ways, to move us in the direction where we ought to be going. Here are my reasons.

In the last month we have seen three different rating agencies downgrade the state's bond rating. The common themes among each and every statement that we have all heard and read about have been two things. The state has minimal liquid assets or reserves and secondly, we have a looming structural gap wherein revenues fail to catch up with, or even keep pace with ongoing expenditures. The bill that came to us with the committee amendment does damage to both of those principles. It, in effect, wipes out the only reserves we have by spending over 33 million of the budget stabilization fund, which is the only extra cash that we have on hand at the moment. It creates a structural gap of a like amount going into the '08 - '09 biennium.

If we were only interested in getting a bill to the Appropriations table I wouldn't be speaking. Like a lot of you, and I have done this myself, it sometimes feels good to say that we are in favor of something even though we know that we can't fund it. Here, I draw a major distinction. I don't think it is credible for us to think that we can even pretend to fully fund a \$13,000 Homestead exemption without the resources to pay for it.

I think that the Representative from Winthrop has tried to cut down on the cost and stay away from wiping out the liquid assets that we have, minimal as they are, but in each case it fails to deal with the issue of tax shifting. My hope is that we can get the bill to the Appropriations table and perhaps work out a level of exemption for the '07 tax year and the '06 municipal year that we can fully fund and to do so within existing resources. So, I will be supporting the amendment as an improvement over the original bill, but I ask all of you to keep in mind that we are engaging in a false promise of the worst kind. Our economy is not going to support either of these approaches with the extra price tag that is attached to them and we need to start being realistic about the long-term consequences. Thank you.

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. As a member of the Joint Select Committee on Property Tax Relief I have got some background around this because, in fact, the proposal to increase the Homestead exemption to \$13,000 was part of LD 1.

Just a couple of observations. First of all, I think that with all the changes taking place with how we are trying to provide property tax relief and also in regards to some of the revaluations that are taking place within municipalities, we have somehow got to get the property tax payers to recognize that it is not the mil rate that they should look at as the indicator of how much they

are paying in taxes, but what their property tax bill is itself. That mil rate could bounce around for a lot of different reasons because we make policy changes here and also because revaluation is, obviously, going to affect that mil rate.

The key question is what are people paying for property taxes and it is my contention and it was the contention of the Joint Select Committee that in many communities, even though there might be a slight rise in the mil rate there would be a decrease in the property taxes paid by many primary residential property tax payers. I urge you in your communities to suggest that people look at the bottom line. What are they really paying in property taxes as opposed to the mil rate as the true indicator of our ability as a body to provide property tax relief to people? I think that in many cases, if not most cases, people would find that their property taxes have gone down as a result of the changes we made around Homestead.

The second piece that I want to share and that I think is somewhat ironic is that, in essence, the \$13,000 issue that we are talking about has, in fact, caused many communities to reduce spending which many of us would like to see as part of the solution to getting our tax situation more under control. The fact that there are a number of communities who have used this because of the sensitivity to rises in mil rates as a means to reduce taxes, which wasn't our intention - we thought that the caps were going to accomplish that through the work on the Joint Select Committee - but the Homestead adjustment that we made is doing that as well. I will be voting against this amendment and I hope that you will join me. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-630) to Committee Amendment "A" (S-306). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 250

YEA - Annis, Austin, Babbidge, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Campbell, Carr, Clark, Collins, Cressey, Curtis, Daigle, Davis K, Duchesne, Duprey, Emery, Fischer, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lewin, Lindell, Lundeen, Marean, McCormick, McFadden, McKenney, Merrill, Millett, Moody, Moulton, Muse, Nass, Nutting, Pinkham, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Thompson, Twomey, Valentino, Vaughan.

NAY - Adams, Ash, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Cain, Canavan, Cebra, Churchill, Clough, Craven, Crosby, Cummings, Curley, Davis G, Driscoll, Dudley, Dunn, Duplessie, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lansley, Lerman, Makas, Marley, Marraché, McKane, McLeod, Miller, Mills, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Rines, Sampson, Schatz, Smith N, Smith W, Trahan, Tuttle, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

ABSENT - Barstow, Bryant-Deschenes, Burns, Crosthwaite, Dugay, Mazurek, Moore G, Ott, Plummer, Wheeler.

Yes, 68; No, 73; Absent, 10; Excused, 0.

68 having voted in the affirmative and 73 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-630) to Committee Amendment "A" (S-306) FAILED ADOPTION.**

Subsequently, **Committee Amendment "A" (S-306) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-306)** in concurrence.

**ENACTORS
Acts**

An Act To Clarify and Harmonize State Policy on Groundwater Management

(H.P. 1158) (L.D. 1643)
(C. "A" H-547)

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

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE.**

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment 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 (8) Ought to Pass as Amended by Committee Amendment "A" (H-491) - Minority (5) Ought Not to Pass - Committee on LABOR on Bill "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects"

(H.P. 1146) (L.D. 1628)

TABLED - May 26, 2005 (Till Later Today) by Representative SMITH of Van Buren.

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

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

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

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

Representative DUPREY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. What we have before us here is disguised as a safety bill, but is not really a safety bill. I need to explain a little bit. I used to be in the construction industry.

Federal law now requires the OSHA, the Occupations Safety and Health Administration, to ensure that all construction workers are trained in the areas specific to what their task is. If they are an excavator operator they need to be trained to do excavation. If they are a pipe fitter than they need to be trained for pipe. Whatever their specialty is that is what they need to be trained on. This bill paints the picture that everybody is trained equally. That is not the case on construction projects. What the bill says is that everybody must go through this one type of particular training, an OSHA 10 hour training, which is a very good training by the way. But, it paints the picture that everybody on a jobsite needs to know everything in this OSHA 10 hour and that is absolutely not true.

The bill also brings in every subcontractor on the job. Whether a subcontractor is doing \$20.00 worth of work or \$200,000, worth of work, they would be included in this OSHA 10 hour course. There are only two states that require this type of training on public projects.

At the University of Maine alone it is going to cost them several hundred thousand dollars to implement per year. It is very costly. In a business safety is vital because if you are not safe your Worker's Comp rating is going to go through the roof. I will give you an example; a business in my community. I pay about \$7,000 a year in Worker's Comp. A local business in my community has the same amount of employees and about the same payroll. It pays \$65,000 a year for Worker's Comp. The difference between the two of us is that they have a more injury prone profession. An industry has the incentive to train their workers because if they don't train them properly, they are going to get hit with Workers' Comp rates that are through the roof. Let's let business train their employees the way that OSHA tells them to train them with site-specific training. This bill does not address that.

Somebody who attends this OSHA Ten-Hour course does not make them safer at all. There is no statistics that show that this OSHA 10-Hour training will make them safer on the jobsite. There is proven fact that the OSHA specific training required for certain specialties does. I just have not seen anything in the OSHA Ten-Hour course, which is a blanket training and that is going to cost businesses millions and billions of dollars to implement, that is effective. When you are in business in Maine it is hard enough to do business as it is, it costs us 10% to 12% more than any other state to do business. This just adds to that total and will make construction jobs more difficult. The money for this has to come from the benefits of construction workers. It does not get passed on because the bidding in construction jobs is very competitive. It is going to be passed in one way, shape, form or other and in an area where it is so hard to do business, let's really start thinking about the business in this state and stop doing mandates and let the businesses do what they do best for the workers of Maine. Let's just use a little common sense. That helps around here too.

MMA, the School Management Association, and the entire University of Maine System oppose this bill. Anybody that does public projects says that is going to be extremely costly. We just don't have the money. Thank you Mr. Speaker.

The SPEAKER: 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 must differ with my colleague on the Labor Committee. This bill, Committee Amendment "A" is not the same bill that the University of Maine said was going to cost \$700,000. We changed that greatly and we took off the cost from the employer for the training. But let's go back and talk about what this bill does. It only affects jobs of over \$100,000 and it will not affect any employers or contractors who provide their own certified safety training.

The bill calls for 10 hours and it is addressed towards the public works field for, in other words, state and local jobs. Now, you just had placed before you on your desks a blue handout. Let me tell you what the significance of this is.

When you look at the accident rates on public jobs, both state and local, compared to private jobs the figures are scary. Our people, our workers, are being injured at a much greater rate on the public jobs than they are on the private jobs. Take a look at it. We don't have figures for 2004, but I know that it didn't get any better. In 2003, in the construction industry, jobs that were for state government had 14.9:100 employee days. For the private sector it was 10.4:100. So, the public works jobs for the state were 43% higher. On the local side it is even worse. They are 89% higher. So if you want statistics to base a judgment on they are there in front of you. The public works jobs are not being run as safe as the private sector jobs.

Is safety important? Yes it is. It costs people's lives. It affects their ability to earn. It makes the state have to support them in many ways. We know that safety is important. There are none of the people that appeared before the committee that denied the importance of safety. Most of them said that we are providing the training already. What this bill is doing is getting at them to make sure that the subcontractors have the same training and that is where many of the injuries are coming from.

You must also know that there is no cost to the employer from this and the bill is very, very gentle with regard to the bringing in of the safety training. An employer or subcontractor has got 30 days to give someone the training, 30 days. If that isn't enough it is extended so that they can take advantage of the state training. It will be until the state training is made available within a two-hour drive. What more can the state do to bring safety and help to the workers of our state? Is safety important or is it a few extra dollars profit more important? I believe that the safety of our people is the most important thing here. I ask you to vote in favor of the Ought to Pass as Amended and help our working people. It is not going to cost. We are simply helping their save their lives. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative McKenney.

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

The SPEAKER: The Representative may pose his question.

Representative **MCKENNEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have that blue sheet in front of me and I am interpreting that differently. Now, maybe I am a little slow this morning but that shouldn't be the case because due to the Speaker's good graces I had an extra hour of sleep today, but I am reading that the private sector has the best record of all. State government and local government have a dismal record. I guess I am asking if somebody can really explain this blue sheet and has this been spun to somebody's advantage?

The SPEAKER: The Representative from Cumberland, Representative McKenney has posed a question through the Chair to anyone who may care to respond. 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 very pleased to answer the Representative from Cumberland. What this shows is that the safety record on public jobs is dismal compared to the private jobs and it shows the need, let me repeat, the need for safety training to be emphasized on the public jobs. That is what we are dealing with. We are meeting the need. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. For anybody that could answer the question, in the numbers on state and local government projects did anyone split the private sector contractors from the state workers who were working on those projects? In other words were these year round state employees that were being hurt on the projects or were they the contractor's employees that were being hurt on the project?

The SPEAKER: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Again, let me respond. This deals with the contracted jobs. Not state workers. This is not state worker information. This is the contractor information on state and private jobs.

The **SPEAKER**: The Chair recognizes the Representative from Holden, Representative Hall.

Representative **HALL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just in response to the Representative from Van Buren. This information that I am looking at here is nothing that we saw in committee. I quite frankly question whether or not these are, in fact, private sector employees working on state government jobs or whether they are state government employees, but again it is new information to me so, I really can't comment one way or the other, but I guess I would say that I have to question whether or not that is indeed the case.

A couple of factors that haven't been talked about here. Yes, the Maine Department of Labor does offer an OSHA Ten-Hour course at no charge. The only problem is that if we pass this bill as written there is going to be such an influx of people requesting training that the Department of Labor is not even going to be able to come close to handling more than 2% to 3% of these people. The remaining people are going to be left to go out and find private instructors that offer this course and that charge can be up to \$425 per course. Now you are talking about an employer, before it can even start to work on a job, paying every single employee — some that are making \$25 - \$30 an hour — for ten hours of time to go out and take this training. So, you have \$425 for the training, \$200 to \$300 in wages, plus benefits before anybody even steps on the job. If they have got 25 employees that are going to be working on a job that lasts a month that becomes a huge, huge part of the cost of this job. Again, there is absolutely no correlation whatsoever between taking the OSHA Ten-Hour training and the number of accidents that occur.

The private sector has a great record, much better than the record that we are seeing from the state government and the private sector employees are not required to take the OSHA Ten-Hour course, in fact, a great deal of them don't. The OSHA Ten-Hour course for those of you that aren't familiar with it, is a managerial, supervisory type course. It is very general and it covers lots of broad, general areas and it is a managerial type classroom course. We would be so much better served putting our time and energy into actual, on the job site, job specific training. If somebody is going to be working on a bridge there is absolutely no reason why they should be out taking training in building roads, in putting up buildings, in putting up towers. They ought to be training and focusing their time on bridge construction. If they are going to be building roads they ought to be trained in safety for building roads rather than getting a ten-hour course in every single kind of construction that can possibly be done. This bill, as written, is going to cost a great deal of money and it only effects state funded projects. So, once again, what we are doing is driving the cost of state funded projects through the roof in a time when our budget is absolutely as tight as it can possibly be. We are out looking for a way to raise the cost of state projects and there is no proof that this is going to fix any problem whatsoever so I urge you to please defeat the pending motion, follow my light and vote no on this motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Tardy.

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

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

Representative **TARDY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My question doesn't have to do with the obvious financial burden that is going to be passed to businesses in Maine. My question is, given the obvious burden to the Department of Labor, why hasn't a fiscal note been prepared?

The **SPEAKER**: The Representative from Newport, Representative Tardy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Surprising, as it may be to some in this House, the Bureau of Labor Standards said that they have the resources within their budget and within their manpower to provide this training. The arguments about the great fiscal costs somehow never surfaced at committee. To these claims that there is going to be a huge cost there was nothing, quite frankly, that was presented to our committee about such a thing. What was presented to the committee was that this is something that is available within the department's resources.

The other thing that was presented at committee was that many of the employers who came to speak against the original bill all said that they have their own certified training and asked if they could do it with their own certified trainers and, yes, we have allowed that in the bill. So, I fail to understand how these statements of huge costs ever came about.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have to disagree with the good Representative. Having put the bill in I was nice enough to sit there for the rest of the testimony to hear "the rest of the story". We had two people testify against this, one a Mr. Butt's. Mr. Butt's was almost apologetic testifying against this. Quoting from his own paper, "First of all I need to explain that an association, CAN, provides a wide array of safety training for our members from OSHA Ten-Hour training to first aid and CPR, to evacuation safety, to mine safety, and health administration compliance training, just to name a few. On an annual basis we train close to 1,000 individuals so safety training is something that we and other construction organizations do well and we take very seriously."

The other lady who testified, Mrs. Newman from ABC Builders stated most of her people already get this OSHA Ten-Hour training. She has 30,000 contractors. The only complaint that Mr. Butt's made was what on earth are we going to have to do for a few laborers who are going to dig a ditch. That is going to hold up the whole project. I don't know if I necessarily want some guy digging a ditch and having the thing cave in because he had no safety training. The testimony the of Department of Labor was that they would supply the training if it was needed, but most of these large contractors do it themselves and go well beyond.

I believe that I have quoted some of my statistics. I have had well over 50 hours of OSHA training and putting in the bill I actually asked for 10 and I think one good Representative asked me what would I really want and I said that I would like to see 40 hours and a \$10,000 price tag on state jobs, but I would compromise with 10 hours and \$100,000 because I think it would be a little too restrictive at a \$10,000 contract.

It amazes me that most of the contractors are already doing this. The Department of Labor said they would go throughout the state. We might not be able to get them all in one day, but they are not going to hold up a job because they don't have the training. They are going to expect you to get that.

This is about subcontractors and if you go back statistically and look at who dies on jobs you will have a Maine contractor and I think one happened down in the Gorham area where the contractor themselves have a stellar safety rating and hired a subcontractor and the wall caved in and killed him. If he had had the safety training, the basic OSHA Ten-Hour safety training, I believe that it might have saved his life. Let's get on with it. Let's save the workers. Our resources in America are our workers and our children. Let's save them. Let's give that free training to them. Vote Ought to Pass as Amended please.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Tardy.

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

The SPEAKER: The Representative may pose his question.

Representative TARDY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I thank the good Representative from Van Buren for his clarification that available resources from the Department of Labor will solve this issue, but my additional question is this: has the committee identified how much of those available resources is going to be allocated to this endeavor and whether that is really the fiscally prudent thing to do, given our fiscal crisis?

The SPEAKER: The Representative from Newport, Representative Tardy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rurnford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would basically say that this training has been available already and there are those that don't want to take the training, but if our injury rate and death rate and occupational rates are high then let's force them to get some training. Maybe not today, but in a realistic amount of time.

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. To also add an answer, I questioned the Department of Labor in committee and they said that they could handle it and the original committee report was a unanimous Ought to Pass so there really wasn't any reason to go to the department and start digging in for all this information. That is why the committee has never seen this blue sheet because right up until last week it was a unanimous report, but with all bills some very intelligent people called the Lobby came in and changed the report.

These same people that came in said that they already provided training so it wasn't really going to be an issue for them. It was going to be an issue for the people that they pass the work on to. I don't think that this is very restrictive at all. It is a free class. The department says that they can do it. If any worker or company is providing training that is comparable that also applies. Ten hours of training come on; let's be real here. If people can't have their workers get at least 10 hours of training I think we have a serious problem here. Support the Ought to Pass Report, which most of the committee did support up to a week ago.

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 want to take us back to our own houses. If you built your own you will know what I am talking about. You hire a contractor to build your house and he subcontracts it out and he hires a plumber for example. He doesn't really know what he is doing and he sets a fire in your

basement. Would you want him to have 10 hours worth of safety training before he got there in order to know what to do to put the fire out? I would. It actually happened to me and I almost fired that plumber. I really wish that he had had ten hours of safety training.

I want to clarify something too. The burden is so light here that I am amazed that we are having this much of a controversy because it allows the contractor 30 days to get the training if they can do it in house. If they have to go the Department of Labor it can be longer than 30 days and can be until the next available and appropriate training by the Department of Labor occurs within a two-hour drive of that work site. So, theoretically we could have someone on the job for a couple of months before they actually got the training. We bent over backwards to try and make it the least burdensome as possible to that business to get that training and still be able to apply for a state contract. I hope you vote Ought to Pass and thank you.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Hall.

Representative HALL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Wow, I have got some things to answer here. First of all and with all due respect to the Representative from Fort Kent, clarify that I never voted for this bill in any way shape or form. So there is no way that this report was ever unanimous. So, please don't be misled by that. Secondly, with respect to the Representative from Bowdoinham I am probably a little bit harsher to you because I think I would have fired that plumber but that is just me personally.

The thing here that really, really bothers me, getting back to our good Assistant Leader's comments is that what bothers me is that I have heard time and time again that we can absorb the cost of training these 30,000 workers within existing resources. What that tells me is that we have got someone within the Department of Labor, or what sounds like 25 people that are sitting around all day doing nothing all year long and they say, "Oh yea we've got people. We've got money, we are spending it right now, but we could stop doing what we are doing because it is not that important and we can go train these people." My idea is let's vote Ought Not to Pass on this thing, go dig into the Department of Labor's budget and find out where all of these existing resources are and let's get rid of them. Boy we could almost close our entire budget gap. So please follow my red light.

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

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to respond to my good friend across the aisle, Representative Hutton. She said if you hire a plumber and he comes into the house and goes downstairs and sets the house on fire she would hope that he would have ten hours of training. Well, if you are a good union plumber and every time that you went on a job you needed ten hours of training I don't think that you are a very good union plumber.

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

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not to belabor this point because it sounds like we are all trying out for the On and On Anonymous Club again, but for those of you who look at this and say, "Gosh, I wish we had a tool to make construction safety better than it is today and how can I tell a good contractor from a bad contractor?" there are tools to do that. Every employer in the state fills out what is called an OSHA 200 log, which is a list of all of the injuries that they have experienced in their work force. State contracting guidelines do allow – and I

hope that we are already doing this – people to see the OSHA 200 log and ask how safe has the company been in the last couple of years and on the last few jobs. You also have what is called a worker's compensation modifier, which is the actual experience of your workforce for injury claims. If your modifier is greater than one it means that you have a greater accident frequency than other people in your field. Then of course it would be an excellent thing for the people of the state and anyone to do to say that they are not going to hire someone if the records show them to be an unsafe worker because there are all kinds of other contractors out there that can do the job and give me a safe work place.

What I am getting at is that this new proposal to add this restriction on industry and this cost to the construction projects in the state isn't the only tool in the toolbox. There are several other tools in the toolbox. We are using these tools now and until I am convinced that they aren't working we really don't need this.

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. Mathematics has always intrigued me. I taught it for years. I love it and so I am always drawn to charts that are passed across the desk and to data. I realize that we can make the data say anything that we choose to have it say.

Looking at this chart on the blue paper that came across our desk, I see that what it would have us believe is that we have a safety problem and that is the obvious conclusion. As a matter of fact it has been summarized for us what the numbers mean. The state has a 43% higher accident rate and the local governments have an 89% higher accident rate than the private sector.

When I look at the source of the data it says that these are rates for reportable injuries and illnesses resulting in at least one day of work missed. So, I guess if we are talking about including all people in these numbers that had the flu and were out for a day or two or called in sick or otherwise missed work then I don't see how we could draw the conclusion at the bottom that these are accident related injuries and that we have a serious safety problem. Notwithstanding the fact that we have to promote safety in the work place I don't think that the conclusions drawn on this chart are valid. Thank you Mr. Speaker.

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. Apparently, no one gets sick on private sector jobs. While I didn't have the ability to change this document I apparently did misspeak awhile ago in reference to Representative Hall and I am sorry for that one thing and I do pride myself on not lying when I get up to speak. Apparently, it was a 12 to 1 report with very little resistance from my seatmate.

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

Representative FITTS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I may be one of the few people that have taken this OSHA Ten-Hour course and I agree with the good Representative from Rumford, Representative Patrick that safety training is important, but this 10-hour course is a manager training. It is not going to help prevent somebody who is going down to dig a ditch from putting themselves in danger. There is virtually no training about the safety requirements in ditch digging. The issue here is that we have laws on the books already that require training for job specific activities and for us to add a new requirement that puts training that isn't going to help is only adding another layer to the

government intervention into business which we do so well. I don't want to belabor this either because we are going on and on and on, but I just want to stress that we already have training laws.

If somebody goes into a ditch and is injured or killed as a result of a cave in there is an investigation and often times it is found that there was insufficient training. But, that training is already required and to put another 10-hour course on that is a manager's training and that helps people on job sites who are overseeing lots of different activities to understand the variety of jobs that they are overseeing and the hazards that may come from that we don't need to be required for everybody on the job site. I encourage you to oppose this motion and defeat it so that we can move on to something more productive.

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

Representative DUPLESSIE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. If I could just speak briefly on this and maybe clarify a few things.

The previous speaker, Representative Fitts was talking about how he may be the only one in this chamber who has had such safety training. I believe I heard the Representative from Rumford, Representative Patrick talking about how he has had over 50 hours of training. I myself have had probably had 200 to 300 hours of safety training and there are many others in this chamber. It is always applicable to the trade that you are doing. If you are doing ditch digging, yes there is training that goes along with that.

In my profession as a firefighter we had trench rescue training because of people that had a lack of training when they were digging ditches and it is called a cave in. Often times we have to go because the proper forms were not put down in the trench to stop the sides of the walls where they are digging from caving in and we go and recover the bodies. It is like this in many trades and the training is always applicable and that is why we are talking about ten hours. Someone building a bridge would be getting training on how to put up cement forms. It would be applicable to the trade that they are working in.

Ten hours is basic. If I recall Worker's Comp –problems that we had back a few years ago in the late '80s and early '90s it came down to the issue of training, training, training or the lack thereof. We did Worker's Comp reform and most of all the large respectable employers and contractors in this state undertook vigorous training in the late '80s and '90s and we have seen how the injury and death rates for those contractors have just about nullified. Their costs of comp have stabilized or gone down in the last six or seven years and rebates are going out to large employers because their comp is not being paid. They don't have to pay out claims so they are getting rebates and that is because they have done the training. It is the little subcontractors that are sometimes hired that need to have the training and that is why the department can absorb this because most employers are already doing it, but it is the ones who are not that we should try to get trained so that we will not have those injuries that will increase the comp rates. Please vote for the Ought to Pass report that is pending.

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 have thoroughly enjoyed this debate and I think that there are a lot of well meaning people, but I would like to bring to your attention a real flaw in this current debate and why I think this bill needs a little bit more time to be worked and better targeted at the problem. I asked you earlier if anyone in the chamber could answer the

question of whether this bill included the data before us, when it referred to state and local government, if it included private contractors. The answer was yes. I went out and I got the answer from the department that those state and local government numbers include private contractors and state workers.

I want you to use logic for a moment. These folks are trained. They have their safety training in the private sector. The real question here, and the question that this Legislature needs to get to the root of is why do private contractors whose employees have the same level of training on different jobs - those in the private sector and those in the public sector - have a spike in injuries when they go on to a public project. That is the real question that needs to be answered.

This injury rate is a huge cost to the State of Maine. The fiscal note on it and the cost to families of injured workers is huge, but the real question is why do these public sector jobs - when the private sector contractors go on to them - have a spike in injuries. That is the question that needs some analysis. The department can't answer that question right now, but we may very well have a different problem that we are trying to fix with this solution. It may very well be that the contractors are working in unsafe conditions. It could be that their training isn't the training that they need to work on the state project.

I guess what I am asking the Legislature here to do is find out what the real problem is and address it. Let's not just put a band-aid over it with some generic training and hope that the problem goes away. The real issue is why are the numbers what the numbers are before you today.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending the motion of Representative SMITH of Van Buren to **ACCEPT** the Majority Ought to Pass as Amended Report and later today assigned. (Roll Call Ordered)

The House recessed until 1:00 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:

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 (11) Ought Not to Pass - Minority (2) Ought to Pass as Amended by Committee Amendment "A" (H-527) - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Permit Interstate Wine and Malt Liquor Sales and Delivery to Homes"

(H.P. 415) (L.D. 560)

TABLED - May 26, 2005 (Till Later Today) by Representative PATRICK of Rumford.

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

On motion of Representative PATRICK of Rumford, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and sent for concurrence.

Bill "An Act To Create a Senior Tax Rebate Program for Established Residents"

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

(C. "A" S-302)

TABLED - June 2, 2005 (Till Later Today) by Representative WOODBURY of Yarmouth.

PENDING - PASSAGE TO BE ENGROSSED.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-302)** was **ADOPTED.**

The same Representative **PRESENTED** **House Amendment "A" (H-631)** to **Committee Amendment "A" (S-302)** which was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (S-302) as Amended by **House Amendment "A" (H-631)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-302)** as Amended by **House Amendment "A" (H-631)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

An Act To Amend the Laws Governing the Student Code of Conduct (MANDATE)

(H.P. 419) (L.D. 564)

(C. "A" H-333)

TABLED - June 2, 2005 (Till Later Today) by Representative DUPLESSIE of Westbrook.

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

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

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 251

YEA - Adams, Annis, Ash, Austin, Babbidge, Beaudette, Berube, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Cebra, Churchill, Clark, Craven, Crosby, Cummings, Davis G, Davis K, Driscoll, Duchesne, Dudley, Duplessie, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Koffman, Lansley, Lerman, Lundeen, Makas, Marean, Marley, Marraché, McCormick, Merrill, Miller, Millett, Mills, Moody, Muse, Nass, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Rines, Robinson, Rosen, Sampson, Saviello, Shields, Smith W, Stedman, Tardy, Thompson, Trahan, Tuttle, Twomey, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

NAY - Bierman, Carr, Clough, Collins, Cressey, Curley, Curtis, Duprey, Emery, Glynn, Hall, Hamper, Hanley B, Joy, Kaelin, Lewin, Lindell, McFadden, McKane, McKenney, McLeod, Moulton, Nutting, Plummer, Seavey, Sherman, Sykes, Thomas, Vaughan.

ABSENT - Barstow, Bryant-Deschenes, Crosthwaite, Daigle, Dugay, Dunn, Greeley, Mazurek, Moore G, Ott, Piotti, Richardson W, Schatz, Smith N, Valentino, Wheeler.

Yes, 106; No, 29; Absent, 16; Excused, 0.

106 having voted in the affirmative and 29 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-604)** - Committee on **TAXATION** on Bill "An Act To Impose a Gross Receipts Tax on 'Big Box' Stores"

(H.P. 1094) (L.D. 1553)

TABLED - June 2, 2005 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - Motion of Speaker RICHARDSON of Brunswick to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

ENACTORS

Emergency Measure

An Act To Amend the Motor Vehicle Laws

(H.P. 1026) (L.D. 1463)

(C. "A" H-600)

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. 109 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 Allow Nurse Practitioners To Sign Death Certificates

(H.P. 1106) (L.D. 1568)

(C. "A" H-594)

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. 101 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization

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

(C. "A" H-592)

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

Emergency Measure

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

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

(C. "A" H-587)

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures; Portions of Chapter 3: Maine Clean Election Act and Related Practices; and Campaign Reporting Forms for Candidates, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices

(H.P. 1181) (L.D. 1672)

(C. "A" H-566)

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. 118 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services To Convey the Former Maine State Prison Property in Thomaston and the Kennebec Arsenal Property in Augusta for an Additional Five Years

(H.P. 1188) (L.D. 1681)

(C. "A" H-568)

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 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Acts

An Act To Enhance Highway Safety

(H.P. 171) (L.D. 232)

(C. "A" H-578)

An Act To Enhance the Prosecution of Child Pornography Cases

(H.P. 403) (L.D. 548)

(C. "B" H-577)

An Act To Amend the Solid Waste Landfill Laws

(H.P. 430) (L.D. 597)

(C. "A" H-567)

An Act To Lower the Tax Burden for Small Businesses and Low-income Families

(H.P. 465) (L.D. 632)

(C. "A" H-586)

An Act To Provide Support for Legal Services for Low-income Mainers

(H.P. 510) (L.D. 715)
(C. "A" H-582)

An Act To Allow Employee Retirement Disability Benefits To Be Eligible for the Pension Deduction under Maine Income Tax Law

(H.P. 801) (L.D. 1158)
(C. "A" H-585)

An Act To Improve the Economic Development of the Indian Tribes

(H.P. 870) (L.D. 1273)
(C. "A" H-565)

An Act To Improve Access to Affordable Prescription Drugs

(H.P. 923) (L.D. 1324)
(C. "A" H-571)

An Act To Improve the Management and Safety of State Correctional Facilities

(H.P. 943) (L.D. 1360)
(C. "A" H-597)

An Act Regarding the Maine Criminal Justice Academy

(H.P. 945) (L.D. 1362)
(C. "A" H-576)

An Act To Increase Access to Certain Dental Services

(H.P. 1023) (L.D. 1461)
(C. "A" H-601)

An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption

(H.P. 1093) (L.D. 1552)
(C. "A" H-584)

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

Resolves

Resolve, Directing the Department of Health and Human Services, Bureau of Health To Review Youth Camp Counselor Hiring Practices

(H.P. 452) (L.D. 619)
(C. "A" H-575)

Resolve, Regarding Increased Reimbursement for Physicians Caring for MaineCare Members

(H.P. 881) (L.D. 1284)
(C. "A" H-569)

Resolve, Directing the Secretary of State To Develop a Titling System for Mobile Homes

(H.P. 882) (L.D. 1285)
(C. "A" H-580)

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

(H.P. 1182) (L.D. 1674)
(C. "A" H-599)

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

An Act To Clarify the Definition of "Domiciled" for Maine Income Tax Purposes

(H.P. 248) (L.D. 325)
(C. "A" H-588)

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

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

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

SENATE PAPERS

Bill "An Act To Develop a New Judicial Facility in Bangor"

(S.P. 632) (L.D. 1687)

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

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

CONSENT CALENDAR

First Day

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

(S.P. 491) (L.D. 1402) Bill "An Act To Provide Guidelines, Standards and Rights for Children and the Guardians Who Care for Them" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-326)**

(H.P. 954) (L.D. 1368) Bill "An Act To Protect Small Forest Landowners" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-629)**

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

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

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

SENATE PAPERS

Non-Concurrent Matter

Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and Education (**EMERGENCY**)

(H.P. 899) (L.D. 1302)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570) in the House on May 31, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570) AND SENATE AMENDMENT "A" (S-325)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH**.

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

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 TWOMEY of Biddeford pending her motion to **RECONSIDER** its action whereby the House voted to **INSIST**.

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 comes from the Senate and it is my bill. It doesn't look like my bill anymore. They gutted it out and what the amendment does is that it does not give any money back to people they have foreclosed on, it simply states that they have to advertise anything that is over \$10,000 in property value so, it is giving the family notice. It doesn't come close to what my original intent was, but if you think that is a valid thing I thought I should offer it up. It comes from the Senate so I would like to make a motion to Recede and Concur and ask for a roll call vote.

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

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

The SPEAKER: The Representative may pose his question.

Representative KAELIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What I understand the good Representative from Biddeford, Representative Twomey is trying to do here is to bring in an amendment that requires municipalities to – I know we aren't on the amendment so I hope I can ask this question – advertise the sale of properties that have been foreclosed on for purposes of tax liens or delinquencies. Isn't that already required today without this amendment? That is my question Mr. Speaker. Thank you.

The SPEAKER: The Representative from Winterport, Representative Kaelin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Auburn, Representative Pelletier-Simpson.

Representative PELLETIER-SIMPSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In my reading of this amendment it says that they have to advertise that they have had a net gain of \$10,000 after selling the property and advertise that.

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

Representative TRAHAN: Mr. Speaker, point of order.

The SPEAKER: The Representative may proceed

Representative TRAHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If this motion to reconsider fails wouldn't we move back to our previous posture, which was the adoption of the motion that was before us?

The SPEAKER: If this motion were to fail you would be back to the motion to Insist.

Representative TRAHAN And that motion would have already occurred and I think we would have been in the posture where we were done with that motion. The way I understood your previous explanation, at that point, once we have taken action can the Representative then make another motion on top of that?

The SPEAKER: That is correct.

The Chair ordered a division on the motion to RECONSIDER whereby the House voted to INSIST.

A vote of the House was taken. 81 voted in favor of the same and 39 against, and accordingly the House RECONSIDERED whereby it voted to INSIST.

Representative TWOMEY of Biddeford moved that the House RECEDE AND CONCUR.

Representative WOODBURY of Yarmouth REQUESTED a roll call on the motion to RECEDE AND CONCUR.

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

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

ROLL CALL NO. 252

YEA - Adams, Annis, Ash, Austin, Babbidge, Blanchette, Bowles, Brautigam, Bryant, Burns, Canavan, Clough, Collins, Craven, Curley, Davis G, Davis K, Duchesne, Dugay, Eder, Faircloth, Farrington, Fitts, Flood, Gerzofsky, Glynn, Goldman, Grose, Hogan, Hutton, Jackson, Jacobsen, Jennings, Joy, Koffman, Lewin, Lindell, Lundeen, Makas, Marley, Marraché, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pingree, Pinkham, Rosen, Sampson, Smith W, Thomas, Trahan, Twomey, Valentino, Vaughan, Walcott, Webster, Wheeler.

NAY - Beaudette, Bierman, Bishop, Blanchard, Bliss, Bowen, Brannigan, Brown R, Browne W, Cain, Campbell, Carr, Cebra, Churchill, Clark, Cressey, Crosby, Cummings, Curtis, Driscoll, Dudley, Duplessie, Duprey, Eberle, Edgcomb, Emery, Finch, Fischer, Fisher, Fletcher, Hall, Hamper, Hanley B, Hanley S, Harlow, Hotham, Jodrey, Kaelin, Lansley, Marean, McCormick, Millett, Moody, Moulton, Nass, Nutting, Pineau, Plummer, Rector, Richardson D, Richardson E, Richardson M, Robinson, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thompson, Tuttle, Watson, Woodbury, Mr. Speaker.

ABSENT - Barstow, Berube, Bryant-Deschenes, Crosthwaite, Daigle, Dunn, Greeley, Lerman, Mazurek, Mills, Moore G, Ott, Piotti, Richardson W, Rines, Schatz, Smith N.

Yes, 69; No, 65; Absent, 17; Excused, 0.

69 having voted in the affirmative and 65 voted in the negative, with 17 being absent, and accordingly the voted to RECEDE AND CONCUR.

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

Bill "An Act To Amend the Laws Governing Political Caucuses, Conventions and Committees"

(H.P. 1192) (L.D. 1686)

Which was TABLED by Representative DUPLESSIE of Westbrook pending REFERENCE.

Under suspension of the rules, and WITHOUT REFERENCE to any Committee the Bill was READ TWICE.

Under further suspension of the rules, the Bill was PASSED TO BE ENGROSSED and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 543) (L.D. 1559) Bill "An Act To Adopt the Uniform Environmental Covenants Act" Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (S-328)

(H.P. 226) (L.D. 301) Bill "An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws" Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-632)

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

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

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 38)

ORDERED, that Representative Timothy E. Driscoll of Westbrook be excused Wednesday, May 25th and Thursday, May 26th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeff Kaelin of Winterport be excused Monday, May 23rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Everett W. McLeod, Sr. of Lee be excused Thursday, May 26th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative James M. Schatz of Blue Hill be excused Wednesday, May 25th and Thursday, May 26th for personal reasons.

READ and PASSED.

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

Report of the Committee on **NATURAL RESOURCES** on Bill "An Act To Amend Water Quality Standards"

(S.P. 496) (L.D. 1450)

Which was **TABLED** by Representative DUPLESSIE of Westbrook, **TABLED** pending **FIRST READING**.

Subsequently, the Bill was **READ ONCE**.

Committee Amendment "A" (S-291) was **READ** by the Clerk.

Senate Amendment "A" (S-315) to **Committee Amendment "A" (S-291)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-291) as **Amended** by **Senate Amendment "A" (S-315)** thereto was **ADOPTED**.

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

Representative MAKAS of Lewiston **PRESENTED** **House Amendment "A" (H-635)**, which was **READ** by the Clerk.

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill has been around for quite a while. This is a new amendment to it. I would like to tell you first what my amendment does and then I will tell you what it does not do.

What it does is that it replaces the portion of LD 1450 that sets apart certain pieces of river as being not quite at the same standards as other C-Class water bodies. My amendment strikes out the whole section saying that if a particular stretch of C-Class river was licensed before a certain time as opposed to after a certain time. In essence what it does is that it makes this bill, LD 1450 or the portion of the bill dealing with water quality, consistent with what the Environmental Protection Agency told DEP that they wanted last year. This is on the yellow paper that was passed out to each of you. You have it and I highlighted the

appropriate sections. In essence what it says, I both highlighted sections, and you can read it yourself, is "We would hope the Maine Legislature would support the adoption of a numerical standard of 6.5 ppm monthly average without the temperature restriction." and that is exactly what my amendment does.

What my amendment does not do is that it does not conflict at all with either the Governor's proposal for raising the water quality standards and it does not interfere with either the issuing of licenses to these various stretches of river and it does not conflict with the consent agreements that are being prepared with the written understanding of International Paper and New Page. Nothing in my amendment conflicts with either of those two agreements that are under way.

Why this matters? It may not seem like an important matter to other people but I assure you that it is very important to the people of Lewiston-Auburn because it is our river. I wanted to read you a portion of the letter to the editor that came out in today's Sun Journal. It says, "Like many service centered communities in Maine, Lewiston and Auburn have struggled in the last decade to retain people and businesses and keep their downtowns healthy places to live, work and visit. Between 1990 and 2000 both cities experienced population declines, 4.5% in Auburn and 10.2% in Lewiston as the population shifted to the surrounding rural towns. In recent years the tide seems to have changed. This is due in large part to the hard work of many local businesses, community leaders and citizens who are working to bring new life to the downtown. Downtown revitalization means more businesses, more jobs, tourists and population growth. We can look to emerging cities like Bath and Gardiner to see the kind of success that is possible and already starting in Lewiston and Auburn. We can support these local efforts at revitalization by holding the Androscoggin River, the heart of this community, to the same standards as other rivers of the state. What kind of message does a different standard send to residents who have been working so hard to bring life back to Lewiston and Auburn? A substandard river sends the message that these are substandard communities." I assure you that the people of Lewiston-Auburn are as proud of our communities as you are of yours. Please allow us to at least share the same standard as the other C-Class rivers.

I will conclude on a more personal note on what it means to the people of Lewiston and this is a story that just happened on Monday of this week which you all know was Memorial Day. I attended the Memorial Day ceremonies at Veterans' Park in Lewiston, which is right by Great Falls on the Lewiston side of the river. Each of us that was in attendance was given the opportunity to say a couple of words of thanks to the people who were there and to veterans of the past and I did my part in thanking our soldiers, past and present, and reminding people to think about the ones that are still serving. When I finished a man came over to me and he had on the uniform of the 133rd, which as you know, has just come back from Iraq and this man grabbed my hand and said, "Representative Makas, thank you so much." I was kind of surprised because I didn't think that what I said was so special and others that were there had said things equally as impressive. I said, "No, today is your day, I should be thanking you and I am thanking you. This is Memorial Day. This is your day." And he said, "I appreciated what you said, but I was saying thank you for the river. Thank you for fighting for my river. I am a kayaker and I know that you are having trouble getting your bill through in Augusta, but it really matters that you are trying because the river is important to me." So, I hope that you keep this young man in mind. He is somebody who just came back from Iraq and who had the pride of other people in Lewiston. Please accept this amendment. Thank you.

Representative KOFFMAN of Bar Harbor moved that **House Amendment "A" (H-635)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative KOFFMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have great respect and admiration for the Representative from Lewiston, Representative Makas who I served with for two years on the Natural Resources Committee as this issue of water quality and water classification has been discussed at great length and I appreciate her untiring efforts to work to improve the water quality on the river on behalf of the communities of the Androscoggin and the citizens of Maine generally. But, I do think that the Natural Resources Committee in its unanimous and collaboratively developed a report on LD 1450, actually share the ultimate goal that we all want to achieve for the Androscoggin – a goal that has been in the process for probably more than 30 years. We have seen enormous improvement in the river, astonishing improvement on the river and we are going to continue to see improvement on the river and that segment that represents about 50 miles out of 1100 miles of Class C rivers is currently in non-attainment. I can't speak to LD 1450. I have to speak to this amendment and so I will limit my remarks to this. While I appreciate the objective that Representative Makas has in introducing this amendment and trying to improve the bill, I am afraid that the language would actually diminish the impact of the bill and of the direction that we are trying to take as a committee and I, therefore, urge the House to support Indefinite Postponement. Thank you Mr. Speaker.

Representative O'BRIEN of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-635)**.

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 Bar Harbor, Representative Koffman.

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

The SPEAKER: The Representative may pose his question.

Representative KOFFMAN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. There are members in the House who are unsure of how you just described the vote. Was it Indefinite Postponement of LD 1450 or House Amendment "A" (H-635).

The SPEAKER: It is Indefinite Postponement of House Amendment "A"

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-635). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 253

YEA - Annis, Ash, Austin, Beaudette, Berube, Bierman, Bishop, Blanchette, Bowen, Bowles, Brannigan, Brown R, Browne W, Bryant, Burns, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Cummings, Curley, Curtis, Davis G, Davis K, Duchesne, Duplessie, Duprey, Eberle, Eder, Edgcomb, Emery, Faircloth, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hanley S, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lewin, Marean, Marley, Marraché, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moody, Moulton, Muse, Nass, Nutting, Paradis, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Robinson, Rosen, Sampson, Saviello, Seavey,

Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Babbidge, Blanchard, Brautigam, Cain, Canavan, Clark, Craven, Crosby, Driscoll, Dudley, Dugay, Farrington, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Lerman, Lindell, Lundeen, Makas, Merrill, Miller, Norton, O'Brien, Patrick, Rines, Smith W, Tuttle, Twomey, Valentino, Walcott.

ABSENT - Barstow, Bliss, Bryant-Deschenes, Crosthwaite, Daigle, Dunn, Greeley, Jackson, Mazurek, Mills, Moore G, Ott, Piotti, Richardson W, Schatz, Smith N, Vaughan.

Yes, 100; No, 34; Absent, 17; Excused, 0.

100 having voted in the affirmative and 34 voted in the negative, with 17 being absent, and accordingly **House Amendment "A" (H-635)** was **INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by COMMITTEE AMENDMENT "A" (S-291) as Amended by SENATE AMENDMENT "A" (S-315)** thereto in concurrence.

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

Representative VALENTINO: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to roll call number 251 on LD 564, had I been present I would have voted yes. In reference to roll call 240 on LD 1573, had I been present I would have voted no.

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

On motion of Representative HOTHAM of Dixfield, the House adjourned at 3:40 p.m., until 9:00 a.m., Monday, June 6, 2005 in honor and lasting tribute to Gladys E. Conant, of Canton, Nathalie Preston Bennett, of Sanford and Joseph Myers Koch III, of Cumberland Foreside.