

MAINE STATE LEGISLATURE

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



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

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

Volume II

First Special Session

May 26, 2005 – June 17, 2005

Second Special Session

July 29, 2005

Second Regular Session

January 4, 2006 - April 6, 2006

Pages 737-1487

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST SPECIAL SESSION
29th Legislative Day
Monday, June 6, 2005

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

Prayer by Chaplain Andrew Gibson, Chaplain for the 52nd Troop Command, Maine Army National Guard, Bangor and Augusta.

Pledge of Allegiance.

The Journal of Friday, June 3, 2005 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 633)

ORDERED, the House concurring, that the Task Force To Study Sea Urchin Fishery Management is established as follows.

1. The Task Force To Study Sea Urchin Fishery Management established. The Task Force To Study Sea Urchin Fishery Management, referred to in this order as "the task force," is established.

2. Task force membership. The task force consists of the following 9 members:

A. One member of the Senate, appointed by the President of the Senate, who serves on the Joint Standing Committee on Marine Resources;

B. One member of the House of Representatives, appointed by the Speaker of the House, who serves on the Joint Standing Committee on Marine Resources;

C. Four members appointed by the President of the Senate:

(1) Two members who are marine scientists with expertise in sea urchins, one of whom is employed by the Department of Marine Resources and one of whom is not;

(2) One member representing the sea urchin processing industry; and

(3) One member representing the Sea Urchin Zone Council; and

D. Three members appointed by the Speaker of the House:

(1) One member who holds a Zone 1 sea urchin fishing license;

(2) One member who holds a Zone 2 sea urchin fishing license; and

(3) One member representing the Department of Marine Resources.

3. Task force chairs. The first-named Senator is the Senate chair of the task force and the first-named member of the House is the House chair of the task force.

4. Appointments; convening of task force. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointing of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force, which must be no later than September 15, 2005.

5. Duties. The task force shall study the current management structure and strategies of the sea urchin fishery and make recommendations regarding short-term and long-term management options. Recommendations must address the sea urchin harvesting season, including

the number of open days. The task force shall hold at least 3 meetings and may hold no more than 5 meetings to complete its work. The task force may study the following issues:

A. Number and area of sea urchin fishing zones;

B. Minimum and maximum size laws;

C. Sea urchin harvesting season and open days;

D. Sea Urchin Zone Council composition, membership requirements and terms;

E. Licensing and entry issues;

F. Research methods, funding and a resource recovery plan;

G. Methods of sea urchin sales; and

H. Any other issues to further the purposes of the task force.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the task force.

7. Compensation. Legislative members of the task force are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force.

8. Report. No later than February 1, 2006, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Marine Resources and the Legislative Council. The task force is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on Marine Resources may report out a bill to the Second Regular Session of the 122nd Legislature.

9. Extension. If the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the task force terminates.

10. Task force budget. The chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force's chairs and staff with a status report on the task force's budget, expenditures incurred and paid and available funds. Notwithstanding any other law, the Sea Urchin Research Fund, established in the Maine Revised Statutes, Title 12, section 6749-R, must be used to cover the costs of the study.

11. Funding. Notwithstanding the Maine Revised Statutes, Title 12, section 6749-R, the State Controller shall transfer \$3,790 at the beginning of fiscal year 2005-06 from the Sea Urchin Research Fund within the Department of Marine Resources to the Legislature to fund the expenses of the Task Force To Study Sea Urchin Fishery Management.

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

On motion of Representative PERCY of Phippsburg, TABLED pending PASSAGE and later today assigned.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

that October 15, 2005 and the 15th of October of subsequent years is named "Pregnancy and Infant Loss Remembrance Day," to recognize the grief of the families involved, remember the pregnancies and infants lost and to help heal and comfort the families and give them hope for the future. Each year in our nation, more than 16% of pregnancies end in either a miscarriage or stillbirth and tens of thousands of live-births end in deaths of infants 11 months old and younger. We encourage that information on this subject be made available to the public and we also encourage all society to respond with compassion to help heal the pain of these families;

(HLS 840)

Presented by Representative SMITH of Monmouth.
Cosponsored by Senator COWGER of Kennebec.

On **OBJECTION** of Representative SMITH of Monmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, TABLED pending PASSAGE and later today assigned.

Recognizing:

Doris Bryant Makas, of Lewiston, on the occasion of her 95th birthday, June 5, 2005. Mrs. Makas is the proud mother of Representative Elaine Makas of Lewiston and Bruce Makas of Sun Lakes, Arizona and proud grandmother of Brian Makas of Metuchen, New Jersey. Throughout her life, Mrs. Makas has dedicated herself to her family, her employers and her community. She is much loved for her wit, her great sense of humor, her generosity and her youthful spirit. We extend our congratulations and wish many happy returns to Mrs. Makas on this special occasion;

(HLS 875)

Presented by Representative MAKAS of Lewiston.
Cosponsored by Senator ROTUNDO of Androscoggin, Representative SAMPSON of Auburn, Representative WALCOTT of Lewiston, Representative O'BRIEN of Lewiston, Representative CRAVEN of Lewiston, Senator SNOWE-MELLO of Androscoggin, Representative SHIELDS of Auburn, Representative PELLETIER-SIMPSON of Auburn.

On **OBJECTION** of Representative MAKAS of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will simply add that I am blessed and I know that I am blessed to have this wonderful woman as my mom. Thank you.

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

Recognizing:

the 7 sons of Alice and Alfred Payeur, of Springvale, who joined the United States military during World War II, the Korean War and the Vietnam War. They served honorably, ranging in

years from 1941 to 1968. Clement, Robert, Conrad, Raymond, Albert, Donald and Larry Payeur gave a total of 47 years to the United States Army and the United States Navy for the future and security of their country. *The Sanford News* dedicated its 2001 Veterans' Day issue to these brave men, reviewing the military history of each man. We acknowledge their selfless dedicated service to our Nation, and we extend to them our best wishes;

(HLS 898)

Presented by Representative TUTTLE of Sanford.
Cosponsored by Senator COURTNEY of York, Representative BOWLES of Sanford, Representative NASS of Acton.

On **OBJECTION** of Representative TUTTLE of Sanford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It's indeed a proud day for me to bring the Payeur family to the Maine Legislature. As somebody mentioned, today marks the 51st Anniversary of D-Day and I think it is only appropriate that we have this family before us today. Throughout its history the United States of America has been involved in some of the biggest wars in the world. During each of those wars families from all over the nation have been asked to send their sons and daughters to serve in the armed forces.

Many families from Maine sent their children off to fight, and in some cases, die to defend this country. My father and my uncles included. My uncle Mike Dougherty was a tail gunner and he was shot down over Yugoslavia and died in 1943. Alice and Alfred Payeur and their eight children lived on Mousam Street in Springvale. It was from that house that they saw their seven sons. At all of their own choosing, join the armed services.

Robert, the first and the oldest, joined the Navy in 1941 at the age of 19. The second, Raymond was just 17 when he enlisted in the Navy in 1943. The third Payeur son Conrad was also 17 when he enlisted in the Navy in 1944. Alice and Alfred's fourth son Albert joined the Merchant Marines in 1944 at the tender age of 16. Clement, the fifth son joined the army in 1946. The sixth son, Larry enlisted in the army in 1947 on his 17th birthday. Donald the seventh and the youngest was 19 when he joined the Navy in 1952. The seven sons served in the military during World War II and the Korean War. All seven sons served honorably from 1941 to 1968. A total of 47 years were given to the United States of America from seven sons and their family for the future and security of the United States of America. Mr. Speaker, with your permission I would ask that the Sergeant at Arms escort the Payeur families of Raymond and Larry Payeur and their wives to the well of the House to receive recognition from a grateful state.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-280)** on Bill "An Act To Care for Families"

(S.P. 361) (L.D. 1044)

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
 JACKSON of Fort Kent
 HUTTON of Bowdoinham
 TUTTLE of Sanford
 CLARK of Millinocket
 DUPREY of Hampden

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

HALL of Holden
 CRESSEY of Cornish
 HAMPER of Oxford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280).**

READ.

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

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

ENACTORS

Acts

An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws Concerning Personal Contact Information
 (H.P. 342) (L.D. 467)

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.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 3, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-532)** - Minority (4) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Conform the Maine Tax Code with the Federal Health Savings Accounts Laws"

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

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

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

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

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

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

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

ROLL CALL NO. 254

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Berube, Bierman, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brautigam, Brown R, Browne W, Cain, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Duchesne, Duplessie, Duprey, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lewin, Lindell, Makas, Marean, Marley, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moulton, Muse, Nass, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Vaughan, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Bryant, Canavan, Craven, Eder, Gerzofsky, Grose, Hutton, Smith W, Twomey, Walcott.

ABSENT - Beaudette, Bliss, Brannigan, Bryant-Deschenes, Burns, Driscoll, Dudley, Dugay, Dunn, Greeley, Hotham, Lerman, Lundeen, Marraché, Moody, Moore G, Norton, Ott, Rosen.

Yes, 122; No, 10; Absent, 19; Excused, 0.

122 having voted in the affirmative and 10 voted in the negative, with 19 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-532)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, June 7, 2005.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-618) - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve Maine's Sex Offender Notification Laws"

(H.P. 292) (L.D. 390)

TABLED - June 2, 2005 (Till Later Today) by Representative **BLANCHETTE** of Bangor.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just needed to clarify to all the members of this body why I would make a motion to indefinitely postpone a Unanimous Report out of Criminal Justice and Public Safety. It is not out of any disregard for the committee member's work or anything, but we were able to wrap into LD 1433, which has already been passed to be engrossed by this body, everything that was in LD 390. So, in order to prevent the duplication of laws on the books it was just easier to indefinitely postpone this one. I have talked to the sponsor of the bill and he was agreeable to this and that is my brief explanation. Thank you Mr. Speaker.

On motion of Representative **BLANCHETTE** of Bangor, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

An Act To Exempt Unemployment Benefits from State Income Tax

(H.P. 255) (L.D. 332)
(C. "A" H-404)

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

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

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

ROLL CALL NO. 255

YEA - Adams, Ash, Blanchard, Blanchette, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carr, Clark, Collins, Craven, Cressey, Cummings, Davis G, Duplessie, Eberle, Eder, Emery, Faircloth, Farrington, Fisher, Fletcher, Gerzofsky, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Joy, Koffman, Lansley, Lerman, Lindell, Makas, Marley, Mazurek, McFadden, McKenney, McLeod, Miller, O'Brien, Paradis, Patrick, Percy, Pineau, Pingree, Piotti, Rines, Sampson, Thomas, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Babbidge, Barstow, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Cebra, Churchill, Clough, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis K, Duchesne, Edgecomb, Finch, Fischer, Fitts, Flood, Glynn, Goldman, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Kaelin, Lewin, Marean, McCormick, McKane, Merrill, Millett, Mills, Moulton, Muse, Nass, Nutting, Pelletier-Simpson, Perry, Pilon, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thompson, Woodbury.

ABSENT - Beaudette, Bliss, Brannigan, Bryant-Deschenes, Driscoll, Dudley, Dugay, Dunn, Duprey, Greeley, Hotham, Lundeen, Marraché, Moody, Moore G, Norton, Ott, Rosen.

Yes, 65; No, 68; Absent, 18; Excused, 0.

65 having voted in the affirmative and 68 voted in the negative, with 18 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the senate.

An Act To Clarify and Harmonize State Policy on Groundwater Management

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

TABLED - June 3, 2005 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative CUMMINGS of Portland, the Bill was placed on the Special Study Table pursuant to Joint Rule 353 pending **PASSAGE TO BE ENACTED.**

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-634)** on Bill "An Act To Encourage the Preservation of Affordable Housing"

(H.P. 808) (L.D. 1165)

Signed:

Senators:

PERRY of Penobscot

COURTNEY of York

Representatives:

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

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

Signed:

Senator:

STRIMLING of Cumberland

Representative:

WOODBURY of Yarmouth

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-634)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** later in today's session.

ENACTORS

Emergency Measure

An Act To Make Changes to the Pine Tree Development Zones

(S.P. 147) (L.D. 449)
(C. "A" S-297)

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. 119 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Reestablish the Health Care System and Health Security Board

(H.P. 35) (L.D. 32)
(C. "A" H-513)

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

Representative LINDELL of Frankfort **REQUESTED** a roll call on **FINAL PASSAGE.**

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

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

Representative LINDELL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. What we have before us is a Resolve to do nothing but reconvene an obsolete board to spend \$5,000 that sits an account and does nothing. This is the height of government foolishness Mr. Speaker and I submit that outside observers might feel tempted to ridicule this great and distinguished body if we continue to pass this Resolve. I urge a no vote Mr. Speaker.

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

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have great respect for my colleague, but I totally disagree. Talk to your constituents;

listen to them about how they don't have health care and how they can't afford to go to the doctors.

Earlier on we passed a bill for those who have money to put into a savings account for their healthcare. The people I represent don't have money in a savings account for healthcare or for anything because they are too busy paying all their bills. This is very important. It is to finish the work that was started. It is not tax payer money and I want to reiterate that. I believe that this is important work and out of respect for another Representative and for two bodies that thought it was very important work. Please follow my light on this. It is very important that everyone of us should have health care thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **MCKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with the Representative from Biddeford and that is exactly what my constituents want too. A vast number of them want cheaper health insurance. They aren't asking for the single Payeur program, they want to be able to buy health insurance. That is what they are telling me.

This program was to study single Payeur. It was done and it came out with conclusions, the study was finished and there happened to be a small amount compared to what it cost to do that study. It was a very small amount left over, \$5,400. There is no need to spend it just because it is there. It is the principle of the thing. We don't need to spend it just because it is there. We should give it back to the people who donated it in the first place. Thank you Mr. Speaker.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is to allow the completion of work that has been funded by private donors that are really committed to seeing the results of this work. These donors have made this donation because they wanted this work to be done. What this bill is asking is only that the Health Security Board finish the work that it was assigned to do. Answering the questions that were at the end of the initial report that they made and bring them back here to the committee. These people who have donated have a commitment to seeing the results of this work and I ask that you vote in favor and for final passage of this bill.

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

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

The SPEAKER: The Representative may pose his question.

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Could anyone in this body tell me how many years that this commission has been meeting and what positive results have been obtained as a result of those years?

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In the last legislative session we passed a bill for single Payeur healthcare, from Representative Volenick and from that bill came a study and then private donations so it has been about three years that were given to these people and what the study has shown is that we could do single Payeur and it has shown how we could do it. They have also discovered that the money we are paying in

advertising and the money that we are paying for people that aren't covered is already being passed on to us in our healthcare costs. They have come up with some very good work and I would dare say that for those of you who don't think single Payeur is the way to go and you don't believe that everyone has a right to healthcare than you haven't had a husband that has died of colon cancer and you haven't seen or incurred the costs to go get treatment. I beg you. This is good work and at the end of the day a little knowledge won't hurt. At the end of the day a little knowledge won't hurt. If you don't agree with it is it because you are afraid of what the results will show? Please follow my light.

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

Representative **VAUGHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Another bit of the answer to that question is the positive result that we got was that it was going to cost \$6.8 billion to implement single Payeur healthcare. As many do believe that healthcare is a right I am not quite sure who is supposed to be paying for that right. It seems, right now, that it is the State of Maine that is projected to owe the hospitals \$350 million shortly. So, it appears that the right will not be paid for by the State of Maine. I believe that the board has finished it's work and that the answer has been given clearly. I believe that it is time to adjourn and as stated by the members of the board they are finished and they want to stand ready to implement the plan even though no one has a plan to pay for it. I urge you to not support this measure. Thank you.

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I knew there was a reason that I wore red today. I would gladly share that report with my colleague on the other side of the aisle. It actually proved that there could be a cost savings. We are already paying too much money and it shows how we could save a cost savings. We are paying for that now. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **BISHOP**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Let me read from the preamble here what it defines an emergency as. "Whereas in the judgment of the Legislature these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and welfare, now therefore..." Mr. Speaker, I propose a question to the House asking what the emergency is in funding \$5,000 to a study commission? Thank you Mr. Speaker.

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The emergency is thousands and thousands of people who don't have healthcare. Thank you.

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary a total was taken.

ROLL CALL NO. 256

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

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

ABSENT - Beaudette, Bliss, Bryant-Deschenes, Driscoll, Hotham, Hutton, Lundeen, Moody, Moore G, Norton, Ott, Rosen.
Yes, 71; No, 68; Absent, 12; Excused, 0.

71 having voted in the affirmative and 68 voted in the negative, with 12 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Mandate

An Act To Establish Harbor Master Standards and Training Requirements

(S.P. 584) (L.D. 1603)
(S. "A" S-234 to C. "A" S-207)

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

Representative PERCY of Phippsburg **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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

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

Representative **PERCY:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am happily surprised to have this bill come back to us from the other body and under the hammer.

I would like to give you a brief history about harbormasters. The Harbor Masters Association has been before the Marine Resources Committee with a request to establish standards in training requirements. There was overwhelming support from various harbormasters. Even the Maine Aquaculture Association came in asking that there be more consistency and training because there are considerable interactions with harbormasters up and down the coast.

For those who do not know, harbormasters are often the first responders to an emergency on the waterfront and often the Coast Guard is right behind them. Harbormasters need to know different things. They need to know Maine boat laws, they need to know mooring regulations, administration of harbor resources

and they need to know about homeland security. The harbormasters need to know which Coast Guard department to call for help when they have search and rescue problems, need aid in navigation or have unsafe boats. Harbormasters need to know who to call for solid waste disposal and for reporting requirements for federal law.

This is a very important request that has come to us from the Harbor Masters Association. We are talking about back up for homeland security when we have cuts in the Department of Marine Resource's Marine Patrol, when we have cuts in the federal government and when we are not getting the money that we need for homeland security.

With homeland security being foremost on our minds I think that this bill offers further reassurance that there will be consistency in the response to any kind of emergency that is on our waterfront and I would ask for your support for this emergency mandate. Thank you very much.

The **SPEAKER:** The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **MCKANE:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If it were a perfect world all harbormaster would have all of these qualifications. The problem is that in little towns like South Bristol we have three harbormasters and they are not lining up for the job. Thank you Mr. Speaker.

The **SPEAKER:** The Chair recognizes the Representative from Belfast, Representative Ash.

Representative **ASH:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to give you a little background on this particular issue and I am speaking from the perspective of a person that comes from a small community in which we had a part time harbormaster. He was a local fisherman who filled the job in and took care of moorings.

Well, I see this as more of an economic development bill than a harbor master bill because back when I was on the city council in Belfast the fishermen really didn't want to be involved with this any more and we had to hire a part time harbor master, a young lady. When she came to work there were about seven moorings in Belfast. She worked a year or so part time and training became available at Castine's Maritime school that was \$50. We sent her and that was one of the best moves that we ever made in that community because now there are over 300 moorings in our town and if it weren't for Kathy being able to answer the questions and handle the people with the training that she had it would have never happened. What that meant was that the empty storefronts up town got busy shops and we have people from sailing clubs from New York and Rhode Island that come up every year and make arrangements to stay there for a weekend at a time. It has really been a boon to our community. I know that it has a mandate on it and that is a problem for a lot of people, but I have got to tell you that it would be the best \$50 you would ever spend. I really feel that we should vote yes on this. Thank you.

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

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 necessary a total was taken.

ROLL CALL NO. 257

YEA - Adams, Ash, Babbidge, Barstow, Blanchard, Blanchette, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Cressey, Crosby, Cummings, Davis G, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow,

Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, Miller, Mills, Muse, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

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

ABSENT - Beaudette, Bliss, Bryant-Deschenes, Driscoll, Hotham, Lundeen, Moody, Moore G, Norton, Ott, Pingree, Rosen.

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

70 having voted in the affirmative and 69 voted in the negative, with 12 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate

Acts

An Act To Recruit and Retain College Graduates through Loan Repayment

(H.P. 302) (L.D. 399)
(C. "A" H-553)

An Act To Provide Tax Benefits for Sale of Leased Land Used as a Primary Residence

(S.P. 237) (L.D. 700)
(C. "A" S-267)

An Act Concerning the Taxation of Property Owned by Certain Veterans' Organizations

(S.P. 258) (L.D. 791)
(C. "A" S-299)

An Act To Create the Maine Asthma and Lung Disease Research Fund

(S.P. 312) (L.D. 904)
(C. "A" S-294)

An Act To Amend the Maine Life and Health Insurance Guaranty Association Act

(H.P. 652) (L.D. 933)
(C. "A" H-621)

An Act To Amend Certain Fish and Wildlife Laws

(S.P. 344) (L.D. 1004)
(C. "A" S-317)

An Act To Improve the Guardian ad Litem System

(S.P. 380) (L.D. 1063)
(C. "A" S-298)

An Act Regarding Access to Prescription Drugs and Reimportation

(S.P. 406) (L.D. 1178)
(C. "A" S-293)

An Act To Amend the Medical Liability Laws Concerning Communications of Sympathy or Benevolence

(S.P. 476) (L.D. 1378)
(C. "A" S-323)

An Act To Establish Permanent Subsidized Guardianship

(S.P. 481) (L.D. 1382)
(C. "A" S-305)

An Act To Amend the Statutes Relating to Juveniles

(S.P. 520) (L.D. 1504)
(C. "A" S-289)

An Act To Increase Access to Justice in Maine's Court System

(H.P. 1065) (L.D. 1518)
(C. "A" H-620)

An Act To Provide Relief to Retailers Who Have Been Issued Bad Checks

(H.P. 1083) (L.D. 1542)
(C. "A" H-612)

An Act To Encourage the Use of Solar Energy

(H.P. 1122) (L.D. 1586)
(C. "A" H-615)

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

(H.P. 1124) (L.D. 1588)
(C. "A" H-564)

An Act To Improve Child Support Services

(H.P. 1125) (L.D. 1589)
(C. "A" H-613)

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

(S.P. 595) (L.D. 1613)
(C. "A" S-285)

An Act To Create a Small Brewer Distiller License

(S.P. 607) (L.D. 1641)
(C. "A" S-277)

An Act To Replace the Interagency Task Force on Homelessness and Housing Opportunities with the Statewide Homeless Council

(S.P. 624) (L.D. 1678)
(C. "A" S-320)

An Act Regarding Energy Codes

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

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, Regarding Uninsured Motorist Coverage in Automobile Insurance Policies

(H.P. 98) (L.D. 122)
(C. "A" H-512)

Resolve, To Develop a Comprehensive Plan for Service Reforms and System Improvements Regarding Children's Services Provided by the Department of Health and Human Services

(H.P. 614) (L.D. 863)
(C. "A" H-610)

Resolve, Directing the Department of Corrections To Establish a Pilot Project at the Department's Juvenile Correctional Facilities

(S.P. 474) (L.D. 1376)
(C. "A" S-288)

Resolve, Directing the Department of Professional and Financial Regulation and the Maine Community College System To Develop a Proposal To Certify Home Repair Tradespersons To Perform Limited Plumbing and Electrical Work

(H.P. 987) (L.D. 1423)

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 Promote the Commonsense Consumption of Food
(S.P. 200) (L.D. 645)
(C. "A" S-324)

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

On motion of Representative PELLETIER-SIMPSON of Auburn, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 258

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

NAY - Babbidge, Mazurek, Smith W, Twomey.

ABSENT - Beaudette, Berube, Bliss, Bryant-Deschenes, Driscoll, Hotham, Lundeen, Moody, Moore G, Ott, Rosen.

Yes, 136; No, 4; Absent, 11; Excused, 0.

136 having voted in the affirmative and 4 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Include Regional Transportation Systems under the Maine Tort Claims Act

(H.P. 629) (L.D. 910)

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

On motion of Representative PELLETIER-SIMPSON of Auburn, was **SET ASIDE**.

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

An Act To Amend the Child and Family Services and Protection Act

(H.P. 918) (L.D. 1320)

(C. "A" H-611)

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

On motion of Representative PELLETIER-SIMPSON of Auburn, was **SET ASIDE**.

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

ENACTORS

Emergency Measure

An Act To Prohibit the Disposal of Dangerous and Unsafe Material in Solid Waste Facilities

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

(C. "A" H-551)

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

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

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

The same Representative **PRESENTED** House Amendment "**A**" (**H-622**) which was **READ** by the Clerk.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill changes the penalty that was contained in the original bill, taking it out of the Class E crime category an making it a civil violation for which a fine of no more than \$500 may be assessed. The reason for that is the easier burden of proof on a civil violation and less honerus penalties and less burden to the court system. I think it fits the bill in terms of the nature of the offense defined in this LD. Thank you.

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This was a bill that came to our committee and I was the only one that voted Ought to Pass as Amended and my amendment didn't put a penalty because I still believe that if you are a small shop and you have a little propane tank or you are having a cookout and you have got a little tank and you don't know and you put it out in the garbage and don't know that it is going to an incinerator or landfill and ends up in my incinerator and blows up and someone gets hurt you have got to prove that you didn't willingly do this to hurt anyone. The onus is on you and I think that it is wrong to criminalize people without giving them an outlet and my amendment was to simply educate people on places where they can dispose of these tanks.

This is fireworks. These people are your little memère and pepère who just don't realize that this little tank that they are throwing away can end up harming someone in an incinerator, so this is better because it is reduced to \$500, but I still think that we shouldn't have penalized it at all. I think it is a bad idea. Thank you.

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

Representative **HUTTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to stand up in support of this amendment. When we first looked at this realizing that it was a Class E crime it made me panic a little bit because I think that you could actually not know how to get rid of something of this magnitude if it was in your possession. I did however go over to our local department store to see what sort of notification was on these tanks and I will tell you that there were massive amounts of information that say not to dispose of this in a certain way. Don't incinerate it. Don't leave it near flammable stuff. It was covered with what you shouldn't do with it. The one

thing that wasn't covered was how to dispose of it. There was no mention of how to dispose of it. So, making it a Class E crime seemed a little bit drastic and this is a civil violation where you could actually get a \$0 fine and not more than \$500. I am hoping that we at least go with this and make it a little less honerus. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative COLLINS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. With all of the tons of rubbish that goes into one of these facilities and a tank is found or one sets off an explosion how would you determine the ownership of such a tank? Even if the tank was found intact how would you identify for the court system somebody that put that tank in the rubbish illegally? How would you determine the ownership? Thank you.

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

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is my bill and regarding the question we understand that it is very difficult and will always be very difficult in some cases to establish the origin of a propane tank and the problem with the debate is that many people are thinking that this is about an incinerator in Biddeford and while there certainly is an incinerator in Biddeford, this bill is also about a lot more than that. This is about that truck that drives in your neighborhood and that drives in front of your house tomorrow and picks up the trash because if a person puts a dangerous item in the back of that truck and pushes the button on the hydraulic compactor that is where an explosion could happen and that is where the driver or the operator of that truck is subject to great personal risk because there is nothing illegal in Maine law against putting a dangerous item in the trash.

What this bill is doing is that it is saying that that type of behavior is wrong. It is saying that if you do it intentionally, not only intentionally putting it in the trash, but potentially disguising it so that the worker loading that truck in front of your driveway can't tell it is in there, because you took extra efforts to hide it from him, is a problem. Now that it is going to be a civil penalty it is a very modest reaction, which I think is reasonable and I hope that you will support it. Thank you.

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

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. That was a very good question that Representative Collins asked. There are 280,000 tons coming from out of state. There are no trash police at the incinerator. Two hundred and eighty thousand tons, how do we prove who did it? We are criminalizing Maine people, Maine small businesses, people who paint for a living and small garages. That is what we are doing.

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

Representative DAIGLE: Mr. Speaker, point of order.

The SPEAKER: The Representative may proceed.

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Representative from Biddeford, Representative Twomey consistently refers to here amendment and her amendment is not

on the floor right now. It is the bill and the amendment from the Representative from Farmington.

On **POINT OF ORDER**, Representative DAIGLE of Arundel asked the Chair if the remarks of Representative TWOMEY of Biddeford were germane to the pending question.

The SPEAKER: As a point of instruction the amendment before us is House Amendment "A" (H-622) so the bill and House Amendment "A" are germane to our debate. The Representative may proceed.

The Chair reminded Representative TWOMEY of Biddeford to stay as close as possible to the pending question.

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am sorry, Representative Daigle is correct, but it is still a bad bill and we have a place to dispose of these tanks. We simply need to get the list out and educate people where they can bring these tanks of all sizes, from businesses and everyone. You are not going to get 280,000 tons of waste that are coming into that incinerator from out of state.

This is really a Casella bill. They sold us this technology. They have a huge magnet that can catch all this stuff and in testimony in our committee they said that they caught 600 tanks. It is their technology. They sold it to us and now we are going to go after the poor Maine guy who doesn't have a clue where his trash is going and he is going to have to get a lawyer and he is going to have to court and they are going to find his name in the garbage they go through and you are going to have to defend yourself by saying you didn't know. It is not the way to go. This is a good amendment and mine was better. Thanks.

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

Representative TARDY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. To respond to the question from the good Representative from Wells, in order for a civil violation to be adjudicated and for a fine to be imposed there would be a requirement that the DA prove by a preponderance of the evidence the elements of that civil violation. We are not taking away any due process rights and Mr. Speaker, I agree with this amendment. A Class E misdemeanor gives the court the authority to not only fine, but to also imprison. I think this amendment is an appropriate modification and I urge this body to support it. Mr. Speaker I really do look forward to having the roll call open.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-622)**.

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 Adoption of House Amendment "A" (H-622). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 259

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Berube, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Cebra, Churchill, Clark, Clough, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curtis, Daigle, Davis G, Davis K, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Edgcomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Flood, Gerzofsky, Glynn, Goldman, Greeley, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moulton, Muse,

Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Bierman, Carr, Collins, Curley, Eder, Fletcher, Grose.

ABSENT - Beaudette, Bryant-Deschenes, Driscoll, Hotham, Lundeen, Moody, Moore G, Ott, Rosen.

Yes, 135; No, 7; Absent, 9; Excused, 0.

135 having voted in the affirmative and 7 voted in the negative, with 9 being absent, and accordingly **House Amendment "A" (H-622) was ADOPTED.**

Representative RINES of Wiscasset **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-551) and House Amendment "A" (H-622).**

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

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

ROLL CALL NO. 260

YEA - Annis, Babbidge, Barstow, Berube, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Cain, Campbell, Canavan, Cebra, Craven, Cressey, Crosby, Crosthwaite, Cummings, Daigle, Davis G, Davis K, Duchesne, Dunn, Duplessie, Duprey, Eberle, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Glynn, Goldman, Greeley, Hall, Hamper, Hanley B, Harlow, Jacobsen, Jodrey, Joy, Kaelin, Koffman, Lerman, Lewin, Lindell, Marley, Marraché, Mazurek, McFadden, McKenney, Miller, Millett, Mills, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pineau, Pingree, Piotti, Richardson D, Richardson E, Robinson, Saviello, Schatz, Seavey, Shields, Smith N, Smith W, Stedman, Tardy, Thompson, Trahan, Tuttle, Vaughan, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Ash, Austin, Bierman, Brown R, Burns, Carr, Churchill, Clark, Clough, Collins, Curley, Curtis, Dugay, Eder, Edgecomb, Fletcher, Flood, Gerzofsky, Grose, Hanley S, Hogan, Hutton, Jackson, Jennings, Makas, Marean, McCormick, McKane, McLeod, Merrill, Pilon, Pinkham, Plummer, Rector, Richardson M, Richardson W, Rines, Sampson, Sherman, Sykes, Thomas, Twomey, Valentino, Walcott.

ABSENT - Beaudette, Bryant-Deschenes, Driscoll, Dudley, Hotham, Lansley, Lundeen, Moody, Moore G, Ott, Rosen.

Yes, 95; No, 45; Absent, 11; Excused, 0.

95 having voted in the affirmative and 45 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-551) and House Amendment "A" (H-622) in NON-CONCURRENCE and sent for concurrence. ORDERED SENT FORTHWITH.**

Acts

An Act To Require Coordination of Early Childhood Programs for Children 4 Years of Age in Maine

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

(C. "A" H-507)

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.

An Act To Amend the Laws Governing the Powers and Duties of the Washington County Development Authority

(S.P. 466) (L.D. 1339)

(C. "A" S-296)

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

On motion of Representative SMITH of Monmouth, was **SET ASIDE.**

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

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

The same Representative **PRESENTED House Amendment "A" (H-623) which was READ** by the Clerk.

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

Representative **SMITH:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. For those of you who have lost this amendment in the seas of white paper across your desk I would let you – and especially the schoolteachers – know that this is a grammatical correction so that our subject and verb are in agreement. Thank you.

Subsequently, House Amendment "A" (H-623) was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-296) and House Amendment "A" (H-623) in NON-CONCURRENCE and sent for concurrence.**

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

An Act To Clarify That Certain Maine Landowner Liability Protection Laws Apply to Certain Railroad Properties, Railroad Rights-of-way and Utility Corridors

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

(C. "A" S-314)

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

On motion of Representative PELLETIER-SIMPSON of Auburn, was **SET ASIDE.**

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-314) was ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-633) to Committee Amendment "A" (S-314) which was READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Auburn, Representative Pelletier-Simpson.

Representative **PELLETIER-SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is just a small change. This changes the language from "the public has a right of access", to which it does not have a right of access, but "public access is permitted".

Subsequently, House Amendment "A" (H-633) to Committee Amendment "A" (S-314) was **ADOPTED**.

Committee Amendment "A" (S-314) as Amended by House Amendment "A" (H-633) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-314) as Amended by House Amendment "A" (H-633) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

CONSENT CALENDAR

First Day

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

(S.P. 490) (L.D. 1401) Bill "An Act To Further Coordinate the Laws Regarding Certificate of Need, the State Health Plan and the Capital Investment Fund" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-333)**

(S.P. 493) (L.D. 1404) Bill "An Act To Increase the Quality of Care and Reduce Administrative Burdens in the Pharmacy Prior Approval Process" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-332)**

(S.P. 583) (L.D. 1602) Bill "An Act Regarding Voter Registration Cards" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-331)**

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

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

ENACTORS

Emergency Measure

An Act Pertaining to Disclosure of Prescription Drug Prices
(S.P. 536) (L.D. 1541)
(C. "A" S-292)

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

On motion of Representative **PINGREE** of North Haven, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-292)** was **ADOPTED**.

The same Representative **PRESENTED** House Amendment **"A" (H-639) to Committee Amendment "A" (S-292)** which was **READ** by the Clerk.

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to briefly explain that this bill makes some very slight alterations in a bill that was passed last session and actually extends the date to when this program will begin and also reduces some of the information that has to be presented to DHHS because they have other ways of getting this information. So, it reduces administrative burdens. The amendment only repeals inadvertent language that was put into this bill and that was not meant to be there so I ask for your support. Thank you Mr. Speaker.

Subsequently, House Amendment "A" (H-639) to Committee Amendment "A" (S-292) was **ADOPTED**.

Committee Amendment "A" (S-292) as Amended by House Amendment "A" (H-639) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-292) as Amended by House Amendment "A" (H-639) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Acts

An Act To Amend the Real Estate Brokerage Laws
(H.P. 1072) (L.D. 1525)
(C. "A" H-583)

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

On motion of Representative **SMITH** of Monmouth, was **SET ASIDE**.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-583)** was **ADOPTED**.

The same Representative **PRESENTED** House Amendment **"A" (H-638) to Committee Amendment "A" (H-583)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-583) as Amended by House Amendment "A" (H-638) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-583) as Amended by House Amendment "A" (H-638) thereto in NON-CONCURRENCE** and sent for concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, June 3, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-595)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (H-596)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Crimes against People Who Are Homeless" (EMERGENCY)

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

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

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-595)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, June 7, 2005.

ENACTORS

Emergency Measure

Resolve, To Establish a Study Commission To Study Alternative Voting Procedures, the Citizen Initiative Process and Minor Party Ballot Access

(S.P. 590) (L.D. 1608)

(C. "A" S-316)

On motion of Representative DUPLESSIE of Westbrook, the Resolve was placed on the Special Study Table pursuant to Joint Rule 353 pending **FINAL PASSAGE**.

Emergency Measure

Resolve, To Establish the Task Force To Study Maine's Homeland Security Needs

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

(C. "A" S-290)

On motion of Representative DUPLESSIE of Westbrook, the Resolve was placed on the Special Study Table pursuant to Joint Rule 353 pending **FINAL PASSAGE**.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, June 3, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-114)** - Minority (4) **Ought Not to Pass** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure Sufficient Staffing To Properly Enforce the Laws and Rules of the Manufactured Housing Board"

(S.P. 87) (L.D. 267)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-114)**.

TABLED - June 2, 2005 (Till Later Today) by Representative SMITH of Monmouth.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

Representative CROSBY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Normally I don't vote for a bill that would put more restrictions on businesses, but in this case the businesses have come to our committee and asked us to help them police the industry so that this growing industry will have a great record as it continues to grow here in Maine.

The Manufactured Housing Board is the licensing and enforcing branch of the Department of Professional Financial Licensing, which regulates manufactured housing a term, which in this context describes both modular and HUD homes. The number of staff at the Maine Manufactured Housing Board has remained the same for ten years, during that time the modular homes set in Maine has gone from 250 to about 1,600 in 2005. In terms of market share the modular industry has gone from about 7% to 27% growth and modulars are the fastest growing segment of the residential market today.

There are four staff members of the Manufactured Housing Board. A gentleman by the name of Mr. Neff inspects manufactured housing communities across the state. There are 560 parks in Maine with a total population of 19,567 mobile homes so Mr. Neff visits 130 parks each year and looks at just under 5,000 mobile homes. A gentleman by the name of Mr. Oueillette handles modular and HUD home complaints throughout the state and Mr. LeClair, the Director, in addition to assisting with the complaint process and inspections, conducts the other business of the board and is responsible for training for new licenses, attendance at all subcommittee meetings and attends all Maine Manufactured Housing Board meetings and organizes and presents findings at judiciary hearings and attends all of the associations meetings. This is a monumental effort for this small staff and they are maxed out.

Consider that you have one and a half inspectors dealing with enforcement of the Manufactured Housing Board on 1,600 homes that are scattered across the state. On the other hand, in this state we have 300 local enforcement personnel that are dealing with 3,000 stick built homes. That is a ratio of 1:30 to 1:1,000 for the Manufactured Housing Board. The last point that I would like to make is that a gentleman who I represent in Topsham that is a member of the board, Rich Cromwell from Modular Advantage, has built 400 of these modular homes and not one has been inspected. He asked me to support this and that is why I am on the Majority of this report and I ask you to follow my light. Thank you Mr. Speaker.

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

Representative SMITH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am opposed to the pending motion. This bill adds one Manufactured Housing Board position at a cost of \$44,000 for fiscal year '05 to '06 and 58,000 for fiscal year '06 to '07 and beyond. This bill was opposed by the Department of Professional and Financial Regulation, which oversees the board. I will read a few excerpts from their testimony. "Our assessment is that the workload of the board's staff has remained relatively stable over the past five years and that the current staffing level is sufficient to serve the board and protect the public. Modular home sales are on an upswing, but this has occurred as they take market share from HUD home sales, resulting in only a modest expansion of total market sales.

Manufactured housing builders must be licensed unlike conventional stick built building contractors and to obtain a license must prove that they have the knowledge and skills necessary to build to federal and state standards. Once they have demonstrated that ability they are free to build. State and

federal regulators then only inspect housing in response to complaints.

In reviewing the complaint data we see that the number of complaints fluctuates from year to year within a fairly narrow gauge. What we do not see is a dramatic increase in the recent years that would suggest a need for additional staff. In fact, in the last two years the number of complaints has decreased as the board has taken disciplinary action against problem dealers and installers and has instituted a program of courtesy inspections that has helped resolve complaints earlier in the process and thereby saving time and staff resources. In conclusion, I believe that the current four person staff for the Manufactured Housing Board is sufficient to perform the boards duties and to perform them well."

That is the end of the testimony from the department and I would close by saying that although this position would be paid for out of other special revenue and not the general fund this is not the time to be adding unnecessary head count to state government. I ask you to vote against the pending motion and when the vote is taken I request a roll call.

Representative SMITH of Monmouth **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 Raymond, Representative Robinson.

Representative **ROBINSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you to ask you to support the pending motion. The manufactured housing industry is one of the true success stories in our state. They have showed continued growth over the last decade and they came before our committee and asked for additional personnel to help them oversee their business.

As one of the true success stories in the Oxford Hills and, knowing the importance of this business to our state, we have an obligation to look to this business and support their perspectives and not the perspective of the bureaucrats. I tend to shy on the side of no additional personnel as well, to reiterate what Representative Crosby was speaking on, but we have here a case where this is one of the fastest growing segments of the housing industry. It is the fastest growing. The Board has almost \$800,000 in their fund. They have sufficient funds to pay for this position. When you look at the number of code enforcement officers throughout the state and in each town, the code enforcement officers go to the houses as they are being built and they check up on these houses. In the manufactured housing business the houses come, are set on the foundation and may never be seen as they are being built.

What we have here is a consumer protection issue that the Manufactured Housing Board would like to continue to protect against. In closing, I ask you in a rare case where a business comes before us and asks us for additional personnel and additional oversight, to shy on the side of business. I ask you to respect the Majority bipartisan committee report and support this motion. Thank you.

Representative **BEAUDETTE** of Biddeford **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the reading of the committee report indicates I was on the Majority Report. However, after further thinking about the ramifications of adding

another staff person and also some other issues that I will mention briefly I have decided to vote against the Majority Report and Support the Minority Report.

As the good Representative from Topsham said earlier I am very leary when it comes to adding additional restrictions on business. By the same token I am also sympathetic to requests for assistance from businesses. However, in this case it seems to be more a situation of manufactured housing manufacturers being concerned about installers and asking the state to be a referee of sorts.

All manufactured housing, before it goes out the door is fully inspected, so what the manufactured housing folks are looking for is the state to provide another inspector to check the homes on the site. Given the financial environment that we currently exist in now, I don't think that it is wise for us to provide that referee roll or to add an additional head count. 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 would like to speak in support of the acceptance of the Majority Ought to Pass Report and concur with the comments relative to the growth in this industry that have been offered up by the good Representative from Topsham, Representative Crosby wherein he indicated that over a ten year period there has been an increase of more than 500% in the volume of manufactured and modular housing in Maine to the point that it now represents more than a quarter of the new construction that is actually occurring in the State of Maine.

In that same time period the number of people – I think that there were five total that are all paid for by revenue from the industry – has actually resulted in only one and one half positions involved in the inspection. That number has not increased in 10 years. Now, with new and pending HUD rules the one and one half positions will be asked to do about 18% – 20 % of the inspections of HUD built homes. In addition, I think that the industry is saying to itself, as the Representative from Raymond has said, that this is important to the State of Maine. It is extremely important to the Oxford Hills region. We have five manufacturers in the region and they employ over 1,000 people. Their quality and credibility is on the line. They want to extend these inspections, not only to the manufacturing level and ensuring that the product that goes out the door is well constructed and prepared for the over the road transport, but they are also interested in making sure that the set up occurs in a manner in which the home is safe, secure and ready for the home owner to buy with a full warranty.

This is an opportunity for an industry to police itself with its own resources, enhance its credibility, give consumer protection and enhance the quality of housing in Maine. I urge your support of this recommendation.

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

ROLL CALL NO. 261

YEA - Annis, Austin, Beaudette, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Dugay, Dunn, Duprey, Edgecomb, Emery, Fischer, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lerman, Lewin, Lindell, Marean, Marraché, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moody, Moulton, Muse, Nass, Nutting, Paradis, Pilon,

Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan, Woodbury.

NAY - Adams, Ash, Babbidge, Barstow, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Duchesne, Dudley, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Goldman, Grose, Hogan, Hutton, Jennings, Koffman, Makas, Marley, Mazurek, Miller, Mills, Norton, O'Brien, Patrick, Pelletier-Simpson, Percy, Perry, Pineau, Pingree, Piotti, Sampson, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

ABSENT - Bryant-Deschenes, Driscoll, Harlow, Hotham, Jackson, Lundeen, Moore G, Ott, Sherman.

Yes, 84; No, 58; Absent, 9; Excused, 0.

84 having voted in the affirmative and 58 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-114)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, June 7, 2005.

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

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

In reference to the action of the House on June 1, 2005 whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

- Representative JACKSON of Fort Kent
- Representative PIOTTI of Unity
- Representative CARR of Lincoln

The **SPEAKER:** The Chair recognizes the Representative from Kittery, Representative Wheeler who wishes to address the House on the record.

Representative **WHEELER:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If I were here on Friday morning, June 3rd I would have voted yea on the motion to insist on LD 626. On the motion to recede and concur I would have voted nay. On LD 1625 I would have voted yea. On LD 564 I would have voted yea. On LD 1450 I would have voted yea. Thank you Mr. Speaker.

The House recessed until 3:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

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

Bill "An Act To Encourage the Preservation of Affordable Housing"

(H.P. 808) (L.D. 1165)
(C. "A" H-634)

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

**CONSENT CALENDAR
First Day**

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

(S.P. 575) (L.D. 1601) Bill "An Act To Prevent the Manufacturing of Methamphetamine in Maine" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-334)**

(H.P. 425) (L.D. 592) Bill "An Act To Allow Case Management Officers To Conduct Hearings in Divorce Court" Committee on **JUDICIARY** reporting **Ought to Pass**

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** 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 Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers (EMERGENCY)

(S.P. 246) (L.D. 748)
(C. "A" S-68)

FINALLY PASSED in the House on April 14, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-68) AS AMENDED BY SENATE AMENDMENT "A" (S-311)** thereto in **NON-CONCURRENCE.**

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

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

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-280)** - Minority (4) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act To Care for Families"

(S.P. 280) (L.D. 1044)

Which was **TABLED** by Representative SMITH of Van Buren pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report.**

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

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

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

ROLL CALL NO. 262

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

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

ABSENT - Barstow, Berube, Bishop, Blanchard, Bryant-Deschenes, Crosthwaite, Driscoll, Harlow, Lundeen, Marraché, Mazurek, Moore G, Ott, Richardson E, Trahan.

Yes, 76; No, 60; Absent, 15; Excused, 0.

76 having voted in the affirmative and 60 voted in the negative, with 15 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-280)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, June 7, 2005.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 3, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-376) - Minority (5) Ought Not to Pass - Committee on LABOR on Bill "An Act To Require Employers and Employees To Provide a 2-Week Notice before Terminating Employment"

(H.P. 929) (L.D. 1346)

TABLED - May 17, 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.

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 is my bill and I urge you to support it. It is something that I thought was necessary. It had a public hearing. It is a divided report. The Democrats on the committee voted to take it out and it is not for any other business. The whole bill was gutted. It was just to single in on the partisan legislative aides and to protect them and to give them a two weeks notice if they were going to be replaced. Now, I know in the real world that this happens all of

the time and I wanted to remind you that we have just cause in the State of Maine so that if there is anything that they do wrong or steal there is a perfect reason to let them go and this does not effect them. This was targeted at a legislative aide that had been here for a long time and that we all supported and loved and thought was very good and she came in on Friday morning and was asked to give some kind of example of her work and that afternoon was told that it wasn't what they were looking for and could she please clean off her desk. When that came back to me, because she was my legislative aide for a short time, I was concerned and asked what had happened and the more I looked into it the more I realized that this bill was necessary. I truly believe that when she got in her jeep that afternoon and went home crying, without any notice or any warning – she is a single woman and has been through a lot with her grandchildren and had to have a liver transplant – she was mistreated. She was an excellent person with our constituents and she had great personality and I am not looking for pay and I know that when we have new people on board they bring in their own people and I understand that. This is not to point fingers at that, it is to say that as Democrats we are supposed to care about people's rights. We ask corporations all the time to be good and have good working processes and I felt that we weren't setting our own example. I believe that this woman could have used a two weeks notice. It was two weeks before Christmas. There is no time that is good to lose your job, but it was two weeks before Christmas. She never got to participate at the Christmas parties that they had organized and she had to bring her Christmas presents back to the stores because she did not know what her future was going to be.

This is all I am asking for on both sides of the aisle. This is only targeted at legislative aides and it is only saying, out of respect for someone that has been here and has worked for us and done a good job get a heads up. This isn't a bill for one case. This has happened three times and all I am asking for is for simple decency and a two weeks notice. If we are not in the Majority next time it will give the legislative aides that we do have a heads up. It helps both sides of the aisle. I know that there is going to be a motion made to send this to Rules and this makes me angry. I wasn't at caucus, I had to go to a committee meeting, but I believe that this bill had a public hearing and a divided report and should have an up and down vote. Because someone wants this bill to go away and because someone wants to shove it under the rug you shouldn't send it to the Rules Committee. This is not how we should play the game. I have been here for seven years and this should have an up and down vote. I am not going away and I am sorry if this bill has inconvenienced anyone, but I want people to remember that when they tell somebody to clean their desk and leave, there are ramifications for that. She did not deserve it. Thank you.

Representative **TARDY** of Newport moved that the Bill and all accompanying papers be **COMMITTED** to the Joint Select Committee on **JOINT RULES**.

Representative **TWOMEY** of Biddeford **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Joint Select Committee on **JOINT RULES**.

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 Biddeford, Representative Twomey.

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I ask you not to send this to Rules Committee. I ask you out of the bottom of my heart and if you don't agree with me and you think that my standing up for someone who got mistreated is wrong, then vote it up or

down. Do not send this to the Rules Committee because if it is sent to the committee then I will need a two-thirds majority vote in order for this bill to pass. That is not democratic and it is because someone doesn't like it, just like the other bill that was sent from State and Local. If you don't like the results we can recommit it to another committee. I am asking you for procedure here. I am asking you because this bill went to committee, it had a public hearing and it has a divided report. Don't send it to the Rules Committee where I then have to jump through another hoop because I need a two-thirds majority vote. That is wrong and no one should have that kind of power. I don't like those kinds of politics so I ask for a roll call vote. Do not commit this to the Rules Committee.

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

Representative GERZOFSKY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not only am I the Chair of Rules Committee, but I also have some time in this building. Unlike my good friend from Biddeford, Representative Twomey I have served as a partisan staffer here in the building. I know this bill well. I also know that the natural home for this bill is the Rules Committee because we are changing the rules that govern the House and the Senate in its daily business.

When you are hired here on partisan staff it is not like being hired here as a regular staffer. Partisan staffs serve at the pleasure of somebody. That is how you are brought in here. That is how you are hired and that is how you conduct yourself. So, this bill truly belongs in Rules because it is the rules of the House and Senate with regard to how we rule ourselves and how we are going to hire people and how we are going to dismiss people.

I have listened to the good Representative from Biddeford and I have heard her passionate plea to keep this in the House, but it truly belongs in rules and I would appreciate it if you send it to my committee where it will get a fair hearing, it will be brought back here to the body to be taken care of and we are not going to hide anything under the rug. As I said earlier, I was a partisan staffer myself so I do understand the issues and as a staffer I would much rather prefer to have it sent to Rules. Thank you very much Ladies and Gentlemen.

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. If this bill deserved to go to Rules then it should have gone to Rules when it was referred. This bill has been on this calendar for two to three weeks, if not more. I have heard back and forth in caucus how people wished this bill would just go away. Let's call it what it is and I am sorry Representative, I don't dismiss that you treat it well, that is not the issue. The issue is that I now have to jump through another hoop because it now has to have two-thirds vote and that is the issue. The issue is that it had a public hearing; it had people come and testify, I went through those hoops. The committee Democrats took it out of committee and we have a divided report. We should vote up or down on that and not have leadership in the back room making deals with the other side as well saying that this bill has got to go away. Let's send it to Rules. Now I have to deal with a two-thirds vote. That is not fair.

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

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

The SPEAKER: The Representative may pose his question.

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. My question is that

since the bill proposes to make a statutory change and, remembering back to the days of our good former Clerk, Joe Mayo, and learning as a freshman that a statute does not bond the Legislature, I am wondering that if we were to pass the bill as drafted, if it would be binding on the legislature?

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

A roll call has been ordered. The pending question before the House is to Commit the bill and all accompanying papers to the Joint Select Committee on Joint rules. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 263

YEA - Adams, Annis, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Canavan, Cebra, Churchill, Clark, Clough, Craven, Crosby, Cummings, Curley, Curtis, Daigle, Davis K, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Gerzofsky, Glynn, Goldman, Greeley, Hall, Hamper, Hanley B, Hanley S, Hutton, Jacobsen, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Marley, Marraché, McCormick, McKane, McLeod, Miller, Millett, Mills, Moody, Moulton, Nutting, O'Brien, Ott, Patrick, Pelletier-Simpson, Percy, Pineau, Pingree, Pinkham, Piotti, Richardson D, Richardson W, Rines, Robinson, Rosen, Seavey, Shields, Smith N, Stedman, Tardy, Thomas, Trahan, Vaughan, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Ash, Austin, Campbell, Carr, Collins, Cressey, Davis G, Eder, Emery, Fletcher, Flood, Grose, Hogan, Jackson, Jennings, Jodrey, Joy, Makas, Marean, McFadden, McKenney, Merrill, Muse, Nass, Norton, Paradis, Perry, Pilon, Plummer, Rector, Richardson M, Sampson, Saviello, Schatz, Sherman, Smith W, Sykes, Thompson, Tuttle, Twomey, Valentino, Walcott.

ABSENT - Berube, Blanchard, Bryant-Deschenes, Crosthwaite, Driscoll, Harlow, Hotham, Lundeen, Mazurek, Moore G, Richardson E.

Yes, 98; No, 42; Absent, 11; Excused, 0.

98 having voted in the affirmative and 42 voted in the negative, with 11 being absent, and accordingly the Bill and accompanying papers were **COMMITTED** to the Joint Select Committee on **JOINT RULES** and sent for concurrence.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 3, 2005, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-555) - Minority (5) Ought Not to Pass - Committee on LABOR on Bill "An Act To Eliminate the Offset for Social Security and Certain Other Pensions for Unemployment Benefits"

(H.P. 365) (L.D. 490)

TABLED - June 1, 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 HALL of Holden **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 PRO TEM**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This happens to be my bill, but I am starting to call it the Chicken Little bill. You know that Chicken Little said the sky is falling.

This bill takes care of the seniors. We are the oldest state in the nation now. We have the most seniors per capita than any other state. If a senior goes to work full time and gets laid off with his coworkers who are much younger he is only allowed to collect half of what the younger people are.

A lot of us complain about people living off welfare and things like that. These are senior citizens who went out and worked all of their lives and raised families. Some of them that I have talked to are working in the supermarket bagging groceries. When I asked one why he said that his wife wound up with Alzheimer's and that he had to put her in a nursing home. She is now passed away and he has to work full time to support himself. I don't think it is a Chicken Little bill and that the state or unemployment fund is going to go broke.

If you hired a senior citizen and he is willing to work full time for you then why shouldn't he be treated the same as anybody else. He paid into the Social Security system and the people that he worked for paid into that Social Security system. I paid into it and I watched the Social Security tax go up every couple of years and never complained about it, but it seems like now it is bothering everybody.

I have a roll call vote here from 1999 from the Press Herald where this body turned around and voted to tax Social Security. It doesn't take a rocket scientist to do something stupid like that so I am asking you all now that I can at least get a roll call and that the other body has the courage, which they did not have the last time when they indefinitely postponed it. So, let's stand up for what we think is right and vote an up and down vote, here and in the see it and let the chips fall where they may. Thank you very much.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill recognizes the contributions being made by our elderly population and many on Social Security and many that are still working. They work because they have to. What this bill addresses is the fact that under our present law if they are laid off half of their Social Security benefits are offset against their unemployment draw and this isn't fair because unemployment taxes are assessed in their earnings the same as they are on anybody else.

What we are asking you to do for the State of Maine is not different than what has been done across the country. There are 28 states that have eliminated the pension or Social Security deduction. This is something that is not going to be depleting our fund to any great extent. The testimony given before the labor committee by Laura Boyett, the Director of the Bureau of Unemployment Compensation said that there could be an increase in the unemployment tax rate under low employment conditions in 2008 or 2010 if we are at high levels of employment

and they have estimated that the only effect that it would have would be in 2010.

I ask you to recognize that employment of our elderly is furnishing taxes to the system and it is only fair that they have a chance to draw out. Other states allow this and we should do that here in Maine. We have an aging worker population. More and more of our elderly are going to need this kind of protection and I ask you to vote green on this.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The sky is not falling as others have said or will say. At any rate I will not bore you with reading the blue sheet that has been passed out and take the time as the On and On and On Society takes to go on and on and on. Read this. Get the facts. If 28 states have this let's not be the 29th to raise taxes. That means that 22 have not and we are part of that 22. I ask you to oppose this. Thank you.

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

Representative **HALL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in opposition to the pending motion. The important thing to look at here is that this only costs \$4 million to \$5 million a year. I really don't understand it. In my business when something costs \$4 million to \$5 million I can't convince somebody that it doesn't cost anything.

You are standing up here and listening to people that say it doesn't add any cost, that LD 309 doesn't add any cost, but the real important thing to look at is that we just had a \$14 million increase this past year to unemployment taxes. They are telling you 2008 to 2011. If you remember you got similar numbers when we were talking about LD 309, which already passed.

When you combine the two of these this means another \$14 million or more increase as early as 2006 to 2007. So, please don't be fooled with the notion that it doesn't cost anything. It costs \$4 million this coming year and \$5.3 million the year after that. Because of the way that the unemployment fund works it is such a huge amount of money that \$4 million and \$5 million doesn't trigger an increase in taxes for two years doesn't mean that it doesn't cost us any money. This Legislature has, time and time again said, "Oh, it doesn't cost anything until 2008. Boom baby! Let's pass it." It is time to draw the line and say that we cannot continue to raise taxes, raise taxes, and raise taxes.

We have no idea what the ultimate impact of the base closings is going to be on the unemployment fund. I know that there is the argument that those are all federal government jobs and military jobs that will be lost and they don't affect the unemployment fund. While that is true what about the little mom-and-pop stores that are going to close down because there are no longer 5,000 employees coming there to buy lunch? Those people are going to be laid off and they are going to be collecting unemployment. These 5,000 jobs that may be lost will have a huge trickle down effect into other businesses in the area. Our unemployment fund may not have the sky falling, but it is getting an awful lot lower and you guys are going to be ducking if we go ahead and pass this bill so I urge you to please follow my light and defeat he pending motion.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess some of us don't know how to add. If you hire an old guy or a young guy you have got to pay the federal government Social Security tax,

you have got to pay Medicare and you have got to pay the state workers comp and unemployment whether you are 23 or 73.

They talk about how much it is going to cost. They have to pay into it anyway. So where is their math when you lay the old guy off that it is going to cost them. It just doesn't fit with me.

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

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To my good friend from Newfield, Representative Campbell, it is not the adding it is the subtracting that is the problem here I think. Thank you.

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

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't want to belabor this issue too much. It is too bad that seniors today have to work. When the Social Security system was originally designed it was supposed to supplement pension income. It was not supposed to be the sole source of pension income, so I think that we have put ourselves in that position over the years where people do have to work and we are sympathetic to that. But, when a younger worker is collecting unemployment benefits and if that worker makes money during that week, that paycheck is offset up to 100%, whereas a senior's income is only offset up to 50%. There is some inequity in the system. It is fair, but seniors actually have a 50% advantage over the younger workers.

We could argue all day that seniors have it rough and I agree, but we should start talking about things we could do as far as taxes or healthcare or prescription drugs for them and making it easier for them to live instead of trying to increase an unemployment benefit in a system that is fair. If we bankrupt the unemployment system, which we won't because we will keep going after employers for it, employers will have to pass this on somehow and they will pass it onto the consumer or onto their employees. When we pass this, part time people are just going to stop hiring part time employees. Now they may stop hiring seniors because the seniors will be a harder hit to the unemployment system and they will hit their experience rating harder and I hope that that would not happen, but unintended consequences always happen around here and that may be an unintended consequence. Thank you Mr. Speaker.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is no denying that this will cost the unemployment trust fund some money. But, what we are talking about is just plain fairness and inequity. Our senior citizen's employment results in unemployment taxes being paid into the system, however they are not getting the benefit of it. Right now we are financing the unemployment for the over drawers of the system, such as construction workers, loggers and the seasonal types of employment. We are financing those benefits off of the backs of our relatives. That, in my mind, is not fair, not right and not good policy. I don't want to see the kind of thing happen where we rely on putting the burden on the backs of our elderly when it should be spread on other sources. That is the reason why I urge you to vote green on this and pass this bill.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My good friend, Representative Kaelin said that it was about subtracting. Well you have to add before you subtract. They pay the full amount in, but they only take half of it out. When I look at the check that I get here it doesn't amount to much, but it is something. I notice that they still take Social Security and Medicare from me even though I am on them so, what is the big deal if you are working full time and you are in your sixties or seventies? I know I wouldn't want to have to go out and work 40 to 48 hours a week to survive at my age and I will be 72 this Friday. Happy birthday. If you are in your later years and you have to go out and work full time I am awfully sure that it is not just to keep busy.

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to add a little bit to what the Representative from Hampden, Representative Duprey said about seniors having the advantage of only having 50% deducted. I know that in my line of work even if you are on unemployment then you receive money that week. If it was from work done previously in the year, unemployment doesn't count that against you if it is something that was done a couple weeks, a month, a year in the past. That is not counted and doesn't hurt your unemployment so I think that the fact that we passed a law here in Maine that said we were going to deduct it by 50% was just that. I don't think that the argument that we were going to take 50% out even though these senior citizens that paid into Social Security from years before is a very argument. I think we just took 50%. There is no good reason for it other than that we wanted to put that against their earnings, so I would ask you to support the Majority Ought to Pass. Let's give Representative Campbell an early birthday present.

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

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A little history lesson. In the 119th Legislature under the leadership of Russ Treadwell, a Republican, business was taxed so that the unemployment fund could be solvent. It was in bad shape so business was taxed in the 119th and 120th Legislatures. The unemployment fund was solvent. However, no sooner was the ink dry on the paper then other needs were found for this. Part time unemployment comes out of that unemployment fund, but I remind you that nobody else pays into this but business. If we have family leave it will come out of that and it isn't a bottomless pit. Eventually it will be empty and I will remind everybody that if the Portsmouth Shipyard closes we are going to need this for the people who, through no fault of their own are loosing their jobs. I would urge you to vote against this. Thank you.

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

Representative **O'BRIEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want you to look at the words of this bill, especially the words "certain other pensions". People who are getting pensions under Social Security or other pensions are not the young ones, they are the ones who find the pension and Social Security money is insufficient for what they need so they go out and go to work. When they get laid off there is a special shell game played on them. They do not get all of the unemployment that they are entitled to. They get a percentage. It is as though someone was told, "Alright, you are going to go to work now and make eight dollars an hour." Then, when you are unemployed it is like you were only making four dollars an hour. It is a shell game.

If you are working it is because you need to. Remember there is a pension here, but the pension that the individual has is not sufficient for what they need. Now I agree that there are food stamps and there are other things that they may be able to go and apply for, but remember that these are the people that are receiving pensions so that they are not 25 years old. They have a lot of pride because they have worked and it is the reason they are getting the pension. Then they are still working and they are still working, but one day they are unemployed and they go for the benefit and they are not going to receive all the money that they are entitled to. It is not fair. It is not right and as the Representative from Newfield says, take a look at what the bill is for. Today what is the bill for, not what might be happening in '06 or '07 or '08. Whether or not those bases close is a separate thing. We are dealing with today. Let's not keep this negative game going. Thank you.

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

Representative HALL: Mr. Speaker, Men and Women of the House. The system is fair. The rules say that if you have income derived from your work and that you have earned through your work then your unemployment benefit will be offset. If I have a job and I am making \$500 a week and I loose my job and I go out and all I can find is a part time job making \$100 a week and I am supposed to get \$200 of unemployment guess what, they only give me \$100 because they offset my benefit by what I earn. If I have earned money my entire life then I have earned that Social Security benefit, or 50% of it. Which is why we offset 50% of that amount against his fairly entitled unemployment benefit. The rules treat him exactly the same that they treat me. The only difference is that if he were receiving \$200 in Social Security benefits he would only loose \$100 of his benefits whereas if I went out and worked and earned \$200 I would loose my entire benefit. The system is fair the way that it is. All that we are trying to do here is to carve out a little niche. Everybody that goes on unemployment has a severe cut in pay. If I am making \$500 a week my unemployment benefit is \$200. If someone is receiving \$500 a week in social Security benefits and they get unemployed they are still getting \$500. They were making \$500 at their job and \$500 from Social Security so they go from \$1,000 a week to \$600 a week which is a lot better than going from \$500 week to \$200 week, so please don't listen to this argument that this is somehow completely unfair to seniors. Seniors are treated better than anybody else under this system. They only receive a 50% offset for the income that they have everybody else receives 100% offset. I don't see how anybody can look at a senior citizen and say, "Boy it is unfair to offset 50% of their income when we offset 100% of everybody else's income. That seems completely unfair to me. Please follow my light and vote red.

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative PARADIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a very brief question. Why do we not object to double dipping for big business yet we would deny little people the chance to earn a little more money to make ends meet? What is wrong with this scenario? Thank you.

The SPEAKER PRO TEM: The Representative from Frenchville, Representative Paradis has posed a question through the Chair to anyone who may care to respond. The

Chair recognizes the Representative from Calais, Representative Perry.

recognizes the Representative from Calais, Representative Perry.

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have a question. If a senior citizen was receiving unemployment and then went to work for a smaller amount then they were working for before then they would loose those unemployment benefits would they not? It goes the same way with anyone who is working. What we are asking is that women, who will be affected more because more women take time out of work and spend less time working full time, therefore the availability of their benefits become less and if they are by themselves – statistics show that women still live longer than men – the issue of being able to make ends meet is real. I ask that you look at this fairly, that you get unemployment compensation for the employment that you have been working and if you do go back to work that you loose that unemployment. It does not have to include your Social Security check. Thank you.

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

Representative BLANCHETTE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think we debated a bill similar to this a couple of years ago and the circumstances haven't changed that much from what is happening today as compared to what happened two or three years ago.

In my life outside of the Legislature I have worked for Hannaford Brothers for twenty-five and a half years and I work at the courtesy desk and I cash people's checks. To set the record straight with the good Representative from Holden, Representative Hall, Social Security checks are paid on a monthly basis and not on a weekly basis and I don't know too many people outside of wealthy millionaires that would get \$500 a week, much less \$500 a month. Five hundred and thirty six dollars is basic for Social Security payments for people that earned their 40 quarters back anywhere from the '50s through the '80s because of the prevailing minimum wage at that time.

I had a lady come up to my counter who is a regular customer and who is a nice lady and, as the good Representative Campbell says he will be 72 on Friday, well this lady hit 72 two years ago and she was cashing a check from the Bangor Daily News and I was talking to her and I said, "How long have you worked at the News?" and she said, "Not that long." And I said, "Well, what do you do?" and she backed off and she looked at me and she said, "I deliver your morning newspaper." She was 72 at the time. I want to challenge anybody in this chamber, when we get out of session to come back into Hannaford's with me and stand at the register for four, six or eight hours, at my age, which is 62 and bag somebody's groceries all day and tell me your back isn't breaking when you get out. I'll tell you Ladies and Gentlemen that it will be. To penalize people that are working for this very money that is going to go over to the drug store and buy the pills that keep them or their spouse alive is unheard of.

I have not seen, nor have I heard of any CEOs in this state or in this country denying or turning back their million dollar bonuses for the year because business was bad. God pity big business, if it can't laugh all the way to the bank. I am going to ask you to follow my light on this one and do something for the people that

sent you down here. Give them a chance to live and die and work with some dignity without being taken to the cleaners by big government as they have done for years. Thank you Mr. Speaker.

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

ROLL CALL NO. 264

YEA - Adams, Ash, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Carr, Clark, Collins, Craven, Crosby, Cummings, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fisher, Flood, Gerzofsky, Goldman, Greeley, Grose, Hanley S, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Babbidge, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Cebra, Churchill, Clough, Cressey, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fischer, Fitts, Fletcher, Glynn, Hall, Hamper, Hanley B, Joy, Kaelin, Lansley, Lewin, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan, Woodbury.

ABSENT - Blanchard, Bryant-Deschenes, Crosthwaite, Driscoll, Harlow, Lindell, Lundeen, Moore G, Richardson E.

Yes, 77; No, 65; Absent, 9; Excused, 0.

77 having voted in the affirmative and 65 voted in the negative, with 9 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-555)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, June 7, 2005.

Bill "An Act Establishing Minimum Energy Efficiency Standards for Certain Products Sold or Installed in the State"

(H.P. 999) (L.D. 1435)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-307) AS AMENDED BY HOUSE AMENDMENT "A" (H-370)** thereto on May 31, 2005.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-310) in NON-CONCURRENCE**.

TABLED - June 2, 2005 (Till Later Today) by Representative BLISS of South Portland.

PENDING - Motion of same Representative to **RECEDE** and **CONCUR**.

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

Representative FLETCHER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to make you aware of what is actually included in the amended version as it comes from the other body. The rebate program, which is a good idea is there. Unfortunately, it ends on June 30, 2008. This will be anywhere from six months to eighteen months after the law goes into effect for the appliance standards. What we have is a little window of opportunity to actually devise some positive incentives but then when the \$500,000 is gone or by

June 30, 2008, the magic date, the rebates go away so the low income and the mom-and-pops store is now at risk again and will have to pay for the added cost.

The other thing that I want to bring to your attention is the fact that the PUC will still be the appliance police. They will have the power to go in and check inventories and if they find one of the banned products is in place then they will call the Attorney General who starts the illegal action. I do not believe that we want the PUC to be the appliance police.

The third point is that the amended bill from the other body does not address the issue of the need for regional compliance of at least three other states and New England and this is very important and this is what the PUC felt was one of the critical factors. We need critical mass for New England so, as the PUC put it, Maine will not be going alone and Maine consumers will not be put at risk. With these three things for clarification I would ask you to defeat the recede and concur motion and I would ask for a roll call when the vote is taken. Thank you very much.

Representative FLETCHER of Winslow **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.

On motion of Representative TWOMEY of Biddeford, the House voted to **RECEDE**.

The same Representative **PRESENTED** House Amendment **"D" (H-549)** to **Committee Amendment "A" (H-307)**, which was **READ** by the Clerk.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. We have been debating this bill now for over two weeks and most of you know the arguments and I want to remind you of the facts and I also have new information for you. First, I want to remind you that the choice that you have is very clear. My amendment creates an incentive program so that the small businesses that buy efficient refrigeration units, ice makers and other necessary equipment will be given a rebate when they buy the equipment that meets the energy standards. There are no mandates. My amendment caps the rebate program at \$500,000 a year.

I want to remind you that just yesterday we overwhelmingly passed a bill to give rebates to families that buy solar panels for their home. We agreed to set aside \$500,000 a year for the rebates so, just the other day we were willing to give rebates so that families can buy \$30,000 solar panels so it seems to me that we should be just as excited about providing rebates to our local restaurants, our fish co-ops and our small motels so that they can buy energy efficient equipment.

I want to remind you that we all pay money into the PUCs efficiency fund, over 15 million a year and the paper companies and big industry have been getting rebates from that fund for years and had no mandates. Last year the rebate program saved Maine 17 million kilowatt-hours of electricity without one mandate. So, incentives work. To me the bottom line is that if we can give rebates to people to buy solar panels and we can give rebates to big industry then we can give rebates to small businesses too.

Now I want to give you some new information. I know that a lot of you are getting phone calls to support the bill and the mandate amendment. I want to share with you that I printed from the website of the Maine environmental group that is organizing these calls to you. This group has issued an action alert to its members asking them to call legislators. The problem is that the action alert has some serious misinformation. I want you to know

this because I know that you are concerned about getting so many calls and emails. First, the alert says that the bill protects Maine business because there is a New England trigger in the bill to make sure that Maine stays economically competitive and doesn't go it alone. I can tell you that this is absolutely not true. In fact, the people that want mandates refuse to include a New England trigger. They don't care if Maine businesses are competitive or not, they just want the mandates. So, people calling you are misinformed. The action alert also gives people no information about my amendment and the incentive program that we want to create. Instead, it says that we are trying to defeat the old bill so that we can help national manufacturers. You know that that is not true. I have never supported the agenda of national manufacturers and have voted against their interests on every environmental issue that has come before us. I am not trying to defeat the bill. Instead, I am offering a way to make the bill a benefit rather than harm so, that the people calling you do not have the fact; they have a lot of misinformation.

The alert also tells people that the premium equipment that the mandates would require costs only a few dollars more. The action alert says that commercial refrigerators that meet the mandate cost only \$66 more. That is absolutely not true. They cost thousands of dollars more. We are not talking about you and I buying a Kenmore at Sears. We are talking about the huge refrigeration units that fish markets and little grocery stores use. Sixty-six dollars more is ridiculous and not true. So, people calling you to oppose my amendment are misinformed and not getting the facts and I find that very upsetting that people are calling you based on misinformation.

I know like me you are getting a lot of pressure to vote against the incentive program. These past two weeks I have been lied to, I have been called names in emails and my best friend at home was called by my opponents to lobby me. That was unbelievable to me, but I am holding steady because I believe that I have a better approach. I believe that the mandates in the bill and Senate amendment will hurt Maine people that are struggling everyday to keep their small businesses from going under. Rather than listen to people that are very misinformed I hope that you will vote with me based on the facts. The facts are that there is no New England protective trigger in the mandate bill or in the Senate mandate amendment. The facts are that the premium equipment costs a lot more and many, many small businesses cannot afford that upfront cost, especially in these difficult economic times. The facts are that we are not trying to kill the bill, but trying to make it a benefit by offering incentives. The facts are that incentives have worked in Maine for big business and can work for small business. The facts are that we have money available in the PUC fund to offer the rebates and the facts are that my amendment is the only one that helps both the environment and the people of Maine. I ask you to vote for my amendment. Thank you Mr. Speaker.

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Prior to April of 2001 I have never been in the back of an ambulance. It is an interesting place. There is a lot of technology and there is a lot of medical equipment and in my case there was a big burley EMT. There are radios, there are lights and it was sort of fascinating, but one couldn't help but wonder how many had died right where I happened to be sitting with my two-year old son on my lap.

My son was the victim of an asthma attack and I had taken him to his pediatrician and after some time the pediatrician's office was unable to get it under control so she summoned an EMT to take us the twelve miles down to Maine Med.

Maine has one of the highest asthma rates in the nation. Over 100,000 people in Maine have asthma and over 870 people in a typical year are sent to the emergency room with respiratory problems related to breathing polluted air. Research links air pollution to increased hospital admissions in Maine and elsewhere.

I submit that we would be willing to pay some money to address a problem like this. I submit that we might be able to get something through, but imagine if we instead had a solution that would actually put money in your pockets and that would actually put millions of dollars into pockets of your constituents. Men are from heaven, wine is from water, a miracle of biblical proportions, saving money and ensuring cleaner air, stabilizing our energy market, reducing demands on our energy infrastructure, that is what this amendment will actually prohibit in as much as it prohibits the PUC from establishing energy efficiency standards for listed appliances. It would prohibit a policy that the committee determined to be a very effective approach for addressing the problem of air emissions from power plants – I would note that my family lives within eyesight of the Wyman Station power plant – and would also prohibit the establishment of standards for products that have been carefully selected by the commission and reviewed by the committee.

The unamended bill would have been a step toward cleaner air and lower utility bills at a time when we don't need to be reminded of the rising cost of utility bills and would be phased in over time so that there would be no issue of unusable inventory in our retail establishments. Another amendment has removed many of the objectionable products.

I realize that many people have ideological positions that make it difficult for them to accept a government mandate on what products can be bought and sold even on "energy hogs" that offer no particular advantage over other products in the same category. I respect that ideology. I think that the government should rarely interfere in the free market, but I would mention that product efficiency standards such as these were first signed into law by that socialist icon and radical environmentalist Ronald Reagan in 1987 at the federal level. But, I submit that this is one of those rare occasions when the benefits are so much greater than the costs. That it is worth your consideration. If you adhere to an ideology that cannot accept any government role I just ask for this, in that corner of your mind where that ideology resides make a little space for the real and necessary costs that that ideology brings and in this case it is financial costs that the community has heard amounts to millions of dollars stretching forward for years, but also the human cost from missing a good chance to make the air just a little bit cleaner. Thank you Mr. Speaker.

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

Representative **BLISS**: Mr. Speaker, Men and Women of the House. I also would like to remind you of a few things. Several weeks ago, it seems like several months ago, when we first started talking about this bill a variety of colored papers crossed your desks. Not counting the now infamous pink one. One of them was testimony in favor of the original bill by the Republican owner of a commercial laundry. Another one was by the Republican owner of an inn in Freeport. Another one was by a Republican owner of a construction company. There was also one with a copy of an editorial in favor of this bill from the Lewiston Sun Journal and another one was a copy of an editorial in favor of this bill from the Bangor Daily News and another was a copy of an editorial in favor of this bill from the Portland Press Herald. There were however, some difficulties with the original bill and we spent a lot of time, some would say too much time,

talking about it and meeting with stakeholders on all sides of the issue. What we wound up with was an amendment that crossed your desks here as House Amendment "E", but that eventually became the amendment attached in the Senate and now exists. It removes a lot of appliances from this bill. It installs a rebate program and it changes a lot of things to make this bill more acceptable to all of those people who said that they have concerns. We think that it is a good bill the way that it exists.

I want to remind you that we also heard from the Director of the Efficiency Maine Program at the PUC, Dennis Bergeron who says that these kinds of amendments that make the rebate programs go on forever are worse than no bill at all. What we have here in front of us is one of those unusual animals of a bill that is pro business, pro consumer, and pro environment. It will help everyone in Maine save real dollars. It will reduce energy costs for everyone who moves in the direction of these appliances and it will reduce pollution across the state. I urge you to defeat the amendment and go on to pass the bill. Thank you.

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

Representative EBERLE: Mr. Speaker, Ladies and Gentlemen of the House. I would also like to concur with the Representative that have spoken in favor of defeating the amendment that is currently on the floor in support of the bill that came back to us from the Senate and I would like to address a couple of issues that have not been addressed yet. It turns out that the enforcement that we keep hearing about is not going to happen. In the more than a dozen years that the standards have been in place in California there has only been one enforcement action. It is not the intention to go out and look for these things. That is a worry that is unfounded. You have heard the support from the small businesses because they realize how important this will be as an investment for them. It is broad and widespread. The fact of the New England trigger states and the fact that there are six states in the northeast and four other states with bills pending will provide that critical consumer mass that is the concern with trying to get the New England states in there. For those reasons and for the reason that the Senate, as it looked at this and stripped off the original amendment and put on the amendment that is currently attached to it at this point and then voted 25 to 10 and, in the words of the lead co-sponsor the Senator from Cumberland, Senator Turner who describes it as just good policy, I would urge you to defeat the amendment that is currently on the floor and support the original bill. Thank you.

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

Representative FLETCHER: Mr. Speaker, Ladies and Gentlemen of the House. I think we have all spent a lot of time talking about appliance bills and we have sure learned a lot. I just want to share with you what I have learned during this process.

Everybody wants to save energy and we are doing it today with the Efficiency Maine program. It is working, it is proven to work and you and I pay \$17 million a year into the Efficiency Maine program with two primary goals. The overall objective is to save energy, reduce pollution and be more cost effective, that is a worthwhile goal. The way the Efficiency Maine program achieves that goal is by educating and providing positive incentives for people to make the right choices. That program works. It should work for \$17 million a year of rate payer money. I certainly hope that we are getting a good return on what we are asking people to pay in.

This amendment is totally consistent with that philosophy. This says that the first thing that we need to do is educate people

on the value of the more efficient products. They are already out in the marketplace as we know and they are already being purchased, but we have to reach a greater penetration into the marketplace so that people know that these products are there. The primary hurdle is that after education these products tend to be more expensive. If you have 41 million a year in salary you are probably not going to worry about it. The people that have the biggest struggle are the low income and mom-and-pop stores who just do not have the resources to make that investment. They are going from week to week. So that \$10 or that \$20 or that \$30 is a significant amount and that is why Efficiency Maine's rebate incentive programs help people through that hurdle.

There is a proven model that says how you get to more efficient products. You educate, you move the barriers through positive incentives, create a marketplace and the marketplace responds by having more of those products available and having them more cost effectively. Once you have regional acceptance of those products the marketplace takes care of itself and then, as a final step, if you want to put it into law you then change the efficiency standard. That works as proven. We do not need to reinvent the wheel. The rebate program works.

One final thought. I kept asking the appliance mandate folks why it is so important at this time in Maine. What makes this so critical? As you know there has been a lot of time and energy spent on this bill. The answer I got was that we need to set an example and we need to have a symbol. Ladies and Gentlemen we do not need to use the people of Maine as a symbolic gesture to promote a national agenda. We are already the highest taxed state in the nation. Our per capita income is the lowest in New England and I contend that it is not responsive to place another burden on the people of Maine because we want a symbol to carry to other states. We have got a program that is working let's use it. We do not need to put in statute common sense purchasing decisions. Let us educate and provide positive incentives and we can transform the market, save energy and reduce pollution. We do not need to make it law and make it illegal to be using a product that everybody else in 40 plus states can already use. I have more respect than that for the consumers of the State of Maine. I think that they will make the right decision if given the opportunity. Let us do that. I would ask you to approve the proposed amendment because it moves us in the right direction. Thank you very much.

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

Representative DUCHESNE: Mr. Speaker, Men and Women of the House. My career was in radio if you haven't figured that out yet. Here was our business model. Our business model was to jamb as much electricity into a tower as possible so that my jokes could be heard 100 miles away. I know what a big electric bill looks like and so do many businessmen and women in this House, especially small business people.

Energy costs are one of the biggest factors that is impeding development in this state. If you made a top ten list I will bet that it is in the top five no matter which side of the aisle that you are on. I give the lobbyists a lot of credit on this one. A bunch of us have been convinced that the issue is about consumer choice, voluntary participation. They succeeded in taking our eye completely off the ball on this one. It should be a debate about electricity costs. This should be about supply and demand and what happens to price when you raise supply or lower demand. The price goes down or at least stabilizes in a regulated industry.

Maine has a long history of bad decision-making when it comes to energy policy in this state. During the energy crisis of the seventies we built all kinds of biomass plants, just before the

price of oil went down. We built a peat plant in Deblois that operated for ten minutes. We built natural gas generators just before the price went up. We deregulated just before Enron went out of business. Everything that we have ever done to address the price of electricity from the supply side has just led to higher stranded costs and the legacy of high costs.

Unless we can find a way to repeal the law of supply and demand we have a perfect opportunity here to address this from the demand side. For perhaps the first time the technology is there to allow us to do this. What happens to price when you reduce demand? You get control of that price. Perhaps you lower it and this is good for business, large and small in this state.

New England has some of the highest electricity rates in America. Without efficiency standards demand is going to grow by 900 megawatts in New England requiring the capacity of another Maine Yankee and the cost of building it. Here we have a choice to control a business costs by eliminating wasteful inefficiency and we are not going to do it? We are actually making things worse for our businesses. We use more natural gas than petroleum to make electricity here, while in the Midwest they use cheaper coal. We are using fossil fuels that are going up in price and they are not. The gap is going to increase. We are setting ourselves up for more failure. Our costs are increasing and theirs aren't. The competitive gap is growing.

At the current rate of demand growth, New England is going to need another 900 megawatts of power; another Maine Yankee. That is huge. Or, we can pass these standards. We cannot pass this amendment and we can past mandatory standards against all of us. It saves Mainers \$12 million to \$14 million a year and it postpones the investment of increased generation capacity that we won't have to pay for. It is hard enough having our businesses compete with regions that are supported by Hoover Dam, Grand Cooley Dam, and the Tennessee Valley Authority. We don't need to be competing against our own refrigerators. Please vote this down.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I agree with the last speaker. That is not the issue. We do need to save energy, but it is the way we are going about it. There is no guarantee how much we are going to save mandating it and we don't even know how good the equipment is. My problem is that we need to start right here. The other day was beautiful out. There was nice breeze and I wanted to open up the window. All the windows have been locked and they said that you couldn't open the windows now because we have got the air on. That's not efficient. If it is cool outside then we should get the air through the windows.

We don't practice what we preach here and that is the problem. How many lights stay on in this building? I am going to loose 6,000 jobs at the Portsmouth Naval Yard and I represent the lobster pounds and small motels and small Laundromats and I have been hearing on this side of the aisle that we have got to start doing something for small business. Well, this is how we do it. We give them an incentive. Remember when we said that there wasn't any money to give to them and that they had changed their mind now? There is money and the way to do it is to hold it up there and let's try it on a voluntary basis. This is going to be checked every year. If it doesn't work and if the small businesses aren't taking advantage of it then you can come back and you can make it mandatory, but starting off by cramming it down their throats and saying you have got to do this. You have got to change your equipment and you have got to do that is wrong. After two years the money is gone and then they have to

pay for it. I think that there is something wrong with that. I care about the environment and I care about your son's asthma, but we need to do other things. We need to look at emissions from stacks all over this state. That is where we change how we are affected by asthma in this state and cause less pollution. This is a way to save energy, but not at the cost of shoving it down their throats. Make it voluntary. See how many people take advantage of that incentive and then reassess it and if it is not working, we can make it mandatory, but to shove it down their throats I just can't agree with. Thank you.

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

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

The SPEAKER PRO TEM: The Representative may pose her question.

Representative AUSTIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is a company in our state where the elite meet and the misers mingle. I believe you are all familiar with Marden's and its eleven branch stores from Sanford to Presque Isle. Marden's, which is the third in the country in size for surplus and salvage work, has been present at some of the worst acts of mother nature in terms of flood, hurricanes, and, unfortunately, even human disaster, at the bombing of the towers after 9/11.

When President Han Marden flies to a site and works on a bid on salvaged goods he doesn't necessarily have an item-by-item list with all of the product names. When the bid is awarded truck after truck comes home to Maine loaded with merchandise to be stored at the distribution centers. If the inappropriate appliances – now I remind you this is first time sales – aren't caught there at the distribution center then they could wind up out on the floor and on the shelves for sale. If enforcement or any sort of regulatory form of oversight stops by then Marden's will be in noncompliance and will face a fine, but the next big question is what to do. They are sitting there with merchandise that they will not be able to sell in our state. This is quite a complication for businesses of this type. If this amendment were to pass with the rebates would this help to answer their dilemma? I would really appreciate an answer on this. Perhaps Marden's is not the only company that would be affected by this situation. I know we have Reny's and we have Bob's Discount. It would be helpful to have an answer. Thank you.

The SPEAKER PRO TEM: The Representative from Gray, Representative Austin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Richardson.

Representative RICHARDSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We do get ourselves wound up in trying to make a case for our point. Does anybody seriously believe that forcing this mandate on the businesses of the State of Maine is going to do anymore in the way of saving energy than creating incentives for this same policy?

The good Representative from Biddeford made the best argument that you have heard today. You don't force something like this on people. You lead them. If you start demanding all of these things you are going to create more costs for an already burdened business climate in the State of Maine. It just bothers me that we start creating situations where we make great claims about the savings that we are going to have and about the clean air that we are going to have and about all of these great benefits that we are going to have and nobody ever quantifies anything. You couldn't prove one argument with dollars and cents or parts per million. None of this is ever proved. We go out and we make

great arguments and we get emotional and get this thing tied to all of the things that might happen, but nobody can tell you what will actually happen. Once again, I say that nobody is asking to not have the bill. They are asking that you do it on a basis that people will accept.

People are not stupid. If there is a chance to save money they will save it on their own. If you force it on them they will resist you. I think that you should follow the light of the good Representative from Biddeford.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. No, Maine people are not stupid. Maine people are some of the smartest in the world and Maine people have an opportunity before them with this bill if we can pass any form of energy savings on to not only help their business, but to help the rotten reputation that Maine has as one of the highest costing states for utility consumption. It is time that we moved on. When this bill came out of the utilities commission it was one of the best bills that I have seen come before this legislature or any of the other legislatures that I have served in. It is time and we have tried.

I need to ask if there are any volunteers in this body that want to put a new energy plant in the middle of their town because, ladies and gentlemen, we are running out of capacity within this state to produce enough electricity to feed the things that we need at a reasonable cost. The oil refineries are facing the same problems across the United States. The Saudis can pump more oil than we can refine and process and what are we doing? We are paying \$2.15 a gallon at the pump. Ladies and Gentlemen it is time that we told the people of the State of Maine and big business that we will profit from this more so than residential homeowners because in the likely fashion of every good bill that comes before us, we water it down to try and accommodate and appease everybody in the house instead of taking care of what the people sent us here to do. That was to offer them good solid honest energy reduction, which will put more money in the small businessman's pocket. Think about that when you cast your vote.

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. There seems to be a very different critical exception within this legislation. There seem to be exclusions for those who manufacture products in the state that don't meet these requirements. It appears that they can be sold outside of the state, but not inside the state? That is question number one. What is the justification for that? Question number two is if it is possible with this legislation that we could be banning products made by people in this country that have been made legally? Might we be banning them from being sold in the state? If states all around the nation are doing that aren't we creating a real problem of selling our own good here in our country?

The SPEAKER PRO TEM: 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 Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Three and a half

decades ago I worked for the Department of Agriculture. It was one of the more interesting jobs that I have had actually. This was during the months of January, February, March and April I believe. The Coast Guard used to take me out to the Casco Bay Islands every morning from the South Portland Coast Guard base and my job was to deal with the islands, but what I want to share with you is that at 8 o'clock in the morning when I looked back at the City of Portland there was a cloud of pollution over the city and I was amazed at that because this was my state, it was Maine. That cloud over Portland is no longer there and the reason is because of the catalytic converter and auto emissions standards, which were mandated. What I am asking you to do is to consider the following. The state has an interest in protecting our environment, conserving energy and, in the process, helping the consumers of Maine. Is it in the people's interest to conserve energy and to lower combustion of the fossil fuels that are necessary to generate electricity?

The PUC had these comments. They said that these products are readily available. Consumers like them. Rebates in the Efficiency Maine program are no longer the best route. It is time to make these available products the norm. Who pays? The very people who benefit? The cost effective test is valid here. Why do it? Because it is good for them and it is good for the environment.

Passing the amendment that is before us would not give us an opportunity to deal with an amendment that pairs down the original list and offers a rebate program to the same small businessmen that I am concerned about. Though my environmentalist friends are saddened by the Senate amendment I think that it actually strengthens the bill and makes it more palatable for the business community and for consumers. And, as I said earlier, it is good for the environment.

A quote from the Maine Public Utilities Commission, "We consider the establishment of codes and standards to be an effective way of improving the overall efficiency in appropriately targeted markets. When the product becomes pervasive in the market it becomes feasible to implement standards. The standard removes the now inefficient products from the market without imposing undue inconvenience for consumers." Is the investment worth the return? The cost effective pay back is anywhere from six to thirty-six months. What is the environmental impact? There are multiple advantages, less electricity use means less combustion of fuel, which means higher air quality.

Yes, I think the state does have an interest in protecting our environment, conserving energy and, in the process, helping the consumers of our state. I urge you to defeat this amendment and Recede and Concur with the Senate. Thank you.

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

Representative **RICHARDSON**: Mr. Speaker, Ladies and Gentlemen of the House. I have just one bit of information for you. The State of Maine produces approximately twice as much energy as it uses.

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

Representative **MOODY**: Mr. Speaker, Men and Women of the House. I don't have a career in broadcasting and I don't have a degree from Glib University, I am just a little old boy that has had about 100 years experience in small business in Maine and I am standing in support of this amendment because I like the idea of it being voluntary. I have a lot of faith in the decisions that are made by struggling small business people here in the state. Let me first say that I have great respect for the sponsor of this bill and for the good Representative from South Portland who

advocates for this bill. They both know that. I would like nothing that I say here today to reflect on their integrity or their commitment to the State of Maine. I believe in that and I am glad that there are a lot of people in this body who have made it an objective to save our planet because it is going to make it a lot easier for us who are north of the cultural divide that I call the Androscoggin river that are working hard to save a job or two.

I rise today because I can't let the good Representative from Biddeford, Representative Twomey stand alone in her defense of small business. Never is she so eloquent as when she advocates for small business and I thank her for that. The good Representative from South Portland, Representative Bliss tells us that this is not an anti-small business bill because small business, in its long range planning, has an eye toward savings and energy. The question then has to be asked that if small businesses are that good at long range planning then why are their owners not capable of making these energy saving decisions without our help. The fact is that small business in Maine is doing a lot less planning and a lot more flying by the seat of their pants, laboring under the crushing burden of hundreds of good intentions, such as those envisioned in this bill. In short, our house is burning down and we are fighting over who is going to mow the lawn.

Looking over the list of those eighteen appliances, two of which are being removed by both of these amendments, one can't help but notice that residential consumer products have been more or less removed from the list and rightly so. I suspect that this bill would never have seen the light of day had such appliances as washing machines and dryers been included. This bill is directed at small businesses that are smart enough to write long range plans, but who need our help in selecting their equipment and that is because, men and women of this house, small business has no advocacy, either here or out there.

A slick young fellow that looked like he wasn't far out of Boston accosted me in the hall last week and told me that he was disappointed in my performance and I told him that that makes two of us. I serve here in this august body much the same as others do who stand over their areas of passion and interest. I have friends here who would never vote against labor and I respect and honor that. I have friends here who would never vote against big business and I respect and honor that as well. Others would never vote against the environment and that is honorable, but a little over a year ago I moved to this side of the aisle because I too have a single-minded passion. Put simply I will not vote against small business. I am so committed to that purpose that I would gladly move my desk to the men's room in order to preserve my integrity.

I received a number of endorsements in the last election, some of which I don't even know to this day who they are or who they represent, but the endorsement that meant the most to me came from the 7,000 member Maine Chapter of the National Federation of Independent Businesses. I was one of six members of the entire 121st Legislature who received a 100% voting record toward small business. Please note Ladies and Gentlemen of the House that this bill is opposed by the National Federation of Independent Businesses as well as the convenience store owners of Maine and please note that every advocate for this bill comes from Southern Maine where the times are good and the living is perhaps not easy, but certainly easier. Mr. Speaker, we all have some proud moments and some not so proud moments here in this house. My proud moments have come from the times when I stood on principle and my caucus stood behind me, but my not so proud moments have come from the times when I stood with my caucus and every fiber of my being told me that it was hurting the State of Maine and those

moments have happened for me on both sides of the aisle, but for the rest of my term I do not intend to allow that to happen again. You can accuse me of going back to the dark side that is fine. But, I will not vote anti-small business. You can move my desk to the men's room if you wish, but I will not vote against small business. I repeat I will not vote against small business and that Mr. Speaker is my final answer.

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. Is there anybody in this body that hasn't made up their mind on this bill? I suggest that we vote.

The SPEAKER PRO TEM: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative FLETCHER: Mr. Speaker, Men and Women of the House. Just briefly Ladies and Gentlemen, I would just like to clarify one point. The idea of cleaning the environment through reducing energy is right, but that only works if you are reducing fossil fuel in coal generation aspects. There is nothing in this bill, either the rebates program or the mandate program that says that you are going to clean the environment automatically. If we continue the trend in this state of doing away with renewable energy, such as dams, we will not achieve a cleaner environment. Don't be confused by the fact that this reduces electricity consumption. By the way, the PUC calculation says that this will reduce electricity consumption by .3% of the total electricity consumed in the State of Maine. It is significant, but it is .3% it is not going to make a difference between building a plant in Maine and not. We have energy production in this state and this will not make the difference in Maine. Thank you very much Ladies and Gentlemen.

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

Representative BISHOP: Mr. Speaker, Ladies and Gentlemen of the House. Since I am the one at home who separates the paper from the trash, the cans from the garbage and the compost from the rest of the waste I had a hard time making up my mind about this conservation bill and this amendment. Like most decisions the choices are not between right and wrong, but rather between what may be right and what is probably wrong.

After much thought and anguish I remembered what drew me to purchase my first \$15 energy saving light bulb. Now \$15 might buy 30 or 40 of the standard incandescent lights and to put out that kind of money for one single bulb seemed like madness to me. But, a few years ago, CMP offered these \$15 bulbs for \$3. I bought five of them for my kitchen and today, maybe 7 years later they are still going strong and saving me money every single year. Without the incentive, even though I practice conservation, I might never have tried these light bulbs. I might never have spent the money to find out how good they actually were. But, what if these expensive energy saving bulbs were mandated and cheap bulbs outlawed? What if instead of making the big bucks that I make here, I worked for minimum wage and I had to choose between \$15 light bulbs and food or medicine? Simply, I would be eating in the dark. If we take away the cheaper light bulbs and cheaper appliances and if we take away the incentives that lead people to take a chance on more initially expensive, but in the long run, cheaper products and if we limit the choices of

our small businesses we may be courting disaster. Do we need to drive more businesses from our state? Must we impose by force what we can encourage by incentives? Mandates of all kinds are hurtful to someone. Why does the Constitution require a two-thirds vote of the Legislature to pass a mandate? Incentives have worked. They have worked in the past and will, if we let them, work again in the future. I support incentives. I intensely dislike mandates and I support the valiant efforts of the Representative from Biddeford. Thank you Mr. Speaker.

The same Representative REQUESTED a roll call on the motion to **ADOPT House Amendment "D" (H-549) to Committee Amendment "A" (H-307)**.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "D" (H-549) to Committee Amendment "A" (H-555). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 265

YEA - Annis, Ash, Austin, Beaudette, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lewin, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moody, Moulton, Muse, Nass, Nutting, Ott, Paradis, Pilon, Pinkham, Plummer, Richardson D, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Smith W, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Twomey.

NAY - Adams, Babbidge, Barstow, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Craven, Cummings, Curley, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Gerzofsky, Goldman, Harlow, Hutton, Koffman, Lerman, Makas, Marley, Merrill, Miller, Mills, Norton, O'Brien, Patrick, Pelletier-Simpson, Percy, Perry, Pineau, Pingree, Piotti, Rines, Schatz, Thompson, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury.

ABSENT - Blanchard, Bryant-Deschenes, Crosthwaite, Driscoll, Dugay, Lindell, Lundeen, Moore G, Rector, Richardson E, Sampson, Smith N, Mr. Speaker.

Yes, 88; No, 50; Absent, 13; Excused, 0.

88 having voted in the affirmative and 50 voted in the negative, with 13 being absent, and accordingly **House Amendment "D" (H-549) to Committee Amendment "A" (H-307) was ADOPTED**.

On motion of Representative TWOMEY of Biddeford **House Amendment "A" (H-370) to Committee Amendment "A" (H-307) was INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-307) as Amended by House Amendment "D" (H-549) thereto was ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-307) as Amended by House Amendment "D" (H-549) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-73)** - Committee on **INSURANCE AND**

FINANCIAL SERVICES on Bill "An Act To Reduce the Minimum Participation Requirements of Insurance Carriers"

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

- In Senate, 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)**.

TABLED - June 3, 2005 (Till Later Today) by Representative PERRY of Calais.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

On motion of Representative PERRY of Calais, the Majority **Ought Not to Pass** Report was **ACCEPTED**.

On further motion of the same Representative, the House **RECONSIDER** its action whereby the Majority **Ought Not to Pass** Report was **ACCEPTED**.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and ask that we move on to the Ought to Pass as Amended Report and follow the good actions of the other body in this area.

This bill is a small business bill that was brought to the Insurance and Financial Services Committee. Right now there is a prohibition against small businesses, and small businesses being defined as those that employ under 10, that unless they hit a threshold of people that accept having insurance in their company they have to deny everyone coverage. Right now current law is that 75% of the people that have health insurance at their company have to participate in order for you to offer the product. So if you only have six out of a group of ten that would like to participate your company cannot offer health insurance. Their carrier can tell them no and deny that.

This is a small business bill. It is meant to lower that threshold a little bit, down to 70% and I hope that you defeat this motion and agree with the other body that it is a good idea and that we support small business. We need to offer health insurance to as many businesses and as many people that work for businesses as possible and support healthcare coverage. Thank you. Mr. Speaker when the vote is taken I request the yeas and nays.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion of Representative PERRY of Calais to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House. This bill would allow for, if passed, the ability upon renewal for a business that has ten or fewer eligible employees to have 70% participation as compared to 75%. It sounds like a great idea and, as a matter of fact, I am on the Minority Report. However, I have changed my mind on this and part of the reason is because of small business. This only allows a change in one person and it only allows it in two group sizes, an employer with fewer than ten employees and an employer with seven employees. That is just two group sizes. What this does do though is that it changes the underwriting, it changes the possibility of adverse selection and it creates the possibility of adding to the cost of premium in the small group market.

One of the reasons that Dirigo aimed its insurance product at the small group and individual market is because it is struggling. The cost is getting higher and my concern is that the unintended consequence of this great idea is that we may actually be increasing the cost of the product to the very people that we are

trying to help and I ask that you stay with the Majority Ought Not to Pass Report.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. In response to our good Committee Chair who stated that she thought she was wrong I think is now mistaken. I think that she was correct before. The reason why is that we are talking about small business and small businesses ability to offer health insurance to the people that work in their company. What we have is a situation where, if you are a business of ten or smaller and if you don't meet a certain threshold of participating members than you can offer health insurance to all of your folks. If you don't meet a certain level of participation, 75% then you can't offer anybody health insurance, they go without health coverage. What this is meant to do is lower that threshold so that more companies that are 10 and under can offer health insurance to their employees. The decision to offer health insurance if you don't meet that 75% threshold is not the business owners or employers decision it is the insurance carry. It's your Anthems. It's your AETNAs. Those are the people that tell you no. You can't have health insurance for the people that work for your company. If our goal is to insure Mainers our goal should be one of access and it should be one of providing the most opportunities we can for our workers to be able to have health insurance. Please defeat this measure and agree with the other body and let's offer more folks health insurance by lowering the threshold to 70%.

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

ROLL CALL NO. 266

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

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

ABSENT - Blanchard, Brown R, Bryant-Deschenes, Crosthwaite, Driscoll, Koffman, Lindell, Lundeen, Merrill, Moore G, Richardson E, Richardson M, Sampson, Thomas, Mr. Speaker.

Yes, 72; No, 64; Absent, 15; Excused, 0.

72 having voted in the affirmative and 64 voted in the negative, with 15 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED in NON CONCURRENCE and sent for concurrence.

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

On motion of Representative GOLDMAN of Cape Elizabeth, the House adjourned at 5:40 p.m., until 9:00 a.m., Tuesday, June 7, 2005.