

MAINE STATE LEGISLATURE

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST SPECIAL SESSION
36th Legislative Day
Wednesday, June 15, 2005

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

Prayer by Honorable Herbert E. Clark, Millinocket.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

ORDERS

On motion of Representative CANAVAN of Waterville, the following Joint Resolution: (H.P. 1198) (Cosponsored by Senator MITCHELL of Kennebec and Representatives: ADAMS of Portland, BRANNIGAN of Portland, LERMAN of Augusta, SMITH of Monmouth, Senators: BRENNAN of Cumberland, President EDMONDS of Cumberland, MAYO of Sagadahoc, NUTTING of Androscoggin)

JOINT RESOLUTION HONORING THE CLOSING OF THE AUGUSTA MENTAL HEALTH INSTITUTE AFTER 164 YEARS AND HONORING THOSE WHO DIED WHILE IN CUSTODY

WHEREAS, the Augusta Mental Health Institute, known as AMHI, began operation in 1840 and closed permanently in 2004, and during that 164-year period approximately 11,500 people died while in the custody of the hospital; and

WHEREAS, many of the 11,500 were buried in unmarked graves in times when burial records and death records were not kept at facilities such as AMHI, and their grave sites are unknown, since a cemetery has never been identified on the sprawling campus along the Kennebec River; and

WHEREAS, the Cemetery Project of Amistad conducted 4 years of research to find the burial sites and after failing to find them undertook painstaking research of hospital records to develop a list of all the people who died; and

WHEREAS, the Cemetery Project of Amistad is holding a formal memorial for the patients who died at the hospital; and

WHEREAS, the statewide Quality Improvement Council, in conjunction with the Cemetery Project of Amistad, is sponsoring a symbolic formal closing of the Augusta Mental Health Institute on June 16, 2005 with a variety of speakers and presentations; and

WHEREAS, beginning at 8:00 a.m., the names of the 11,500 who died at the hospital will be read aloud one by one in a ceremony designed to honor the dead and bring dignity to these forgotten ones from an era when many people spent years and even decades in institutions; and

WHEREAS, the solemn occasion of the reading of the names honors these dead and gives respect to their lives by creating a record to remember, and the formal closing of the hospital in the afternoon of June 16th will serve to remind us of people who should never have been forgotten; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to express appreciation to all those involved in the research and reading of the names of the 11,500 people who died while at the Augusta Mental Health Institute; and be it further

RESOLVED: That we take a moment to pause and reflect upon and to honor the memory of the people who died while in the care of the Augusta Mental Health Institute, and that we reaffirm the dignity of all people; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the

Quality Improvement Council and to the Cemetery Project of Amistad.

READ.

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

Representative CANAVAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Tomorrow, as we struggle with last minute issues in this body, across the river a momentous and poignant event will take place. In a formal ceremony on the lawn in front of the stone building on the grounds of the Augusta Mental Health Institute the old AMHI will be formally closed and as part of the ceremony the names of each of the 11,500 people who died there, largely unnoticed, will be read.

The closing of AMHI signals the end of an era which began 165 years ago when relatively little was known about the causes or treatment of mental illnesses and so, throughout the years, it wasn't unusual for the hospital to have as many as 200 patients in its care at one time. In fact, many patients lived out their lives and died there. Some are buried in an unmarked paupers grave in a cemetery, the whereabouts of which no one really knows. Were it not for the reading of their names tomorrow the desperation of their lives would be lost to posterity. The organizers of the ceremony deserve much credit. It was the culmination of much hard work and research on the part of many dedicated people, many of them consumers involved in the cemetery project of Armistead and one of our own colleagues, the good Representative from Portland, Representative Brannigan was instrumental in helping to move the project forward.

A state mental health official was quoted in a news story about the event saying this, "We needed to be respectful of everyone who died and a way of making amends is creating a record." Men and Women of the House, unless you are heartless the poignancy here is inescapable. But, unless you are witless neither can you miss the irony. For while the state works to make amends to those who died unnoticed, it continues to ignore the plight of those still alive and inflicted by this dreaded illness.

AMHI closes its doors, but the new institutions are jails and prisons and homeless shelters and, for some, the streets. Visit your nearest homeless shelter, which I have done, and you will see them, someone's son or daughter wide eyed and unkempt and half oblivious to their surroundings. An elderly man, hands trembling like the wings of a wounded bird. In 2004, 57% of the residents of the shelter in my hometown were mentally ill. That is up from 40% in 2001. They go there because they have no housing. Visit your local jail and talk with the officials there and they will tell you that 20% of the inmates there are mentally ill and I tell you this today, not in support of any specific legislation, but because I believe that the very best way to make amends to those unfortunates who died over in that place across the river is to remember their living and breathing brothers and sisters – our brothers and sisters – who continue to lack adequate care and housing. I speak in support of a population we can no longer ignore and I speak, lest it happen, that in another time and in another place another generation will hold a ceremony to make amends for the forgotten of our day. We see ourselves as an advanced and humane society. So, in closing I ask that you think on the words of Hubert Humphrey who said, "The moral test of government is how that government treats those who are in the dawn of life, the children, those who are in the twilight of life, the elderly and those who in the shadows of life, the sick, the needy and the handicapped." Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

At this point, the Members of the House stood and joined in a moment of silence in honor those who died while in custody at Augusta Mental Health Institute.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 41)

ORDERED, that Representative Randy E. Hotham of Dixfield be excused Monday, June 13th for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Maine Public Broadcasting Network, with offices in Bangor, Lewiston and Portland, on being named radio Station of the Year for the second consecutive year by the Maine Associated Press Broadcasters. This recognition is determined by an independent panel of journalists from outside the state and it exemplifies the commitment and dedication of the network to provide a unique and valued public service to the citizens of Maine. We extend our congratulations to all members of MPBN radio who have helped achieve this honor;

(HLS 1218)

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 PERRY of Penobscot, Representative NORTON of Bangor, Representative BLANCHETTE of Bangor, Representative FAIRCLOTH of Bangor, Representative DUNN of Bangor, Senator STRIMLING of Cumberland, Senator BRENNAN of Cumberland, Representative BRAUTIGAM of Falmouth, Representative MARLEY of Portland, Representative CUMMINGS of Portland, Representative EDER of Portland, Representative ADAMS of Portland, Representative HARLOW of Portland, Representative BRANNIGAN of Portland.

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 am truly proud today to be able to offer this sentiment honoring the seven radio stations of the Maine Public Broadcasting Network on the occasion of their being named radio station of the year for the second consecutive year by the Maine Associated Press. This is only one of many awards and honors given to them this year. Among them they received nine other awards from the associated press for their news coverage and another award for radio news coverage from the Maine Association of Broadcasters. They also received an honor from the Maine State Principals' Association for their coverage of high school basketball. We congratulate Maine PBN on these many awards and we gratefully acknowledge their contribution for the past forty years with quality programming to connect the people of Maine with one another, their state, their country and their world. Thank you very much Maine PBN from all of us. Thank you.

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

Recognizing:

Harold and Galen L. Larrabee, of Knox, recipients of the first annual Commissioner's Distinguished Service Award presented by the Maine Department of Agriculture, Food and Rural Resources. The award recognizes those who have volunteered their time and talents for the promotion of agriculture in Maine. Harold and Galen manage Aghaloma Farms, a 3rd-generation family farm with 400 milk cows and 700 head of cattle. Members of Agri-Mark Dairy Co-op, they have received quality awards for years, their most recent being 2003 Top Quality Milk Producer from Oakhurst Dairy. We recognize and applaud their leadership in the agricultural industry;

(HLS 1229)

Presented by Representative PIOTTI of Unity.

Cosponsored by Senator WESTON of Waldo.

On **OBJECTION** of Representative PIOTTI of Unity, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a crazy time of year and we are all very busy and we are a little bit stressed and we are trying to finish up a lot of loose ends. What better time is there than now to take a diversion with a sentiment to remind us of the world beyond these walls and the reason why we exist as a body to serve? I rise today to honor Harold and Galen Larrabee of Knox, two farmers who are this years recipients of the Commissioner's Distinguished Service Award. I won't list the long set of accomplishments that these men have achieved, but I will summarize it this way. There are about 10,000 farmers in the State of Maine and there have only been five or six who have received this award. I think that that says it all.

Galen Larrabee is around these halls often. He has been an active lobbyist with the Maine Dairy Industry Association and his brother Harold is the quieter one. I talk to Galen all of the time and I don't speak with Harold that much, but I remember a conversation that I had with him about two years ago in the middle of the dairy crisis. Looking around at his farm – at this time of course his farm and the others in Maine was losing money every day because of the federal price of milk which was well below the cost of production – he said to me, "John, there is no way I am going to let this farm go to house lots." This is a man and these are brothers. This is a family who is committed to serving their industry, to serving their community and to serving the State of Maine.

I grew up with fishermen and not with farmers, but the two groups have a lot in common. They are independent minded, they really understand what it means to be stewards of the land or of the resource and they are people who are great problem solvers and can meet any challenge and overcome it. Galen and Harold are two such men and they are accomplished standouts amongst their peers. But, on a day like today I think that it is appropriate to remember and honor not just them, but also all of the farmers, fishermen, factory workers and the people who are the backbone of Maine. The people make it an honor to serve in this body. Thank you.

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

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. While Harold and Galen are not members of my constituency I have really come to care tremendously for them and their families and the hard work that they do as a member of the Waldo County delegation. My favorite events are the Farm Bureau meetings that are held a couple of times a year and these gentlemen have done a tremendous service to the farming community in Waldo County and I just wanted to take a moment to congratulate them today. Thank you Mr. Speaker.

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. Galen Larrabee is one of my heroes because he has worked so hard, along with the different fishermen and farmers, to help educate everyone about the crisis that that they are facing today with the loss of their land and the lack of support. So, Galen I thank you so much and I am so pleased that you got to come in here and be honored this way.

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to say a little bit about Galen. Galen and I went to high school together and I worked on the farm for a little bit when I was going to college. It is a great family and an honor to be able to speak for them.

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

Recognizing:

Pastor Steven Loan, of Winter Harbor, who is leaving after 12 years as pastor at the Gouldsboro and Prospect Harbor United Methodist Churches. His vigorous and encompassing ministry has extended beyond the comfortable confines of the church walls to all in need. We acknowledge his dedicated service to the community and State and we join his parishioners in wishing him well in his future endeavors;

(HLS 1239)

Presented by Representative **BIERMAN** of Sorrento.

Cosponsored by Senator **DAMON** of Hancock.

On **OBJECTION** of Representative **BIERMAN** of Sorrento, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

In Memory of:

Richard E. "Dick" Doyle, lifelong resident of Portland, and notable sportswriter for the Portland newspapers. Mr. Doyle graduated from Bowdoin College in 1940 and went to work for Guy Gannett Publishing Company. He served in the United States Army during World War II in the European Theater of Operations. He returned from the war to the newspaper, where he worked for 44 years before retiring. He was very active in the community and served on the first Parish Council of St. Patrick's Church. He will be greatly missed by his loving family, his readers and his friends;

(HLS 1241)

Presented by Representative **DAVIS** of Falmouth.

Cosponsored by Representative **HARLOW** of Portland, Representative **BRAUTIGAM** of Falmouth, Representative **MARLEY** of Portland, Representative **CUMMINGS** of Portland, Representative **BRANNIGAN** of Portland, Representative **EDER** of Portland, Representative **ADAMS** of Portland, Representative **DUDLEY** of Portland, Senator **STRIMLING** of Cumberland, Senator **BRENNAN** of Cumberland.

On **OBJECTION** of Representative **DAVIS** of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Dick Doyle was a sportswriter for the Portland Press Herald beginning in 1940 and interrupted by military service in Europe. He wrote for 44 years. He was more than a sports writer. I attended Deering High School for four years and each day we would run up to the library and find out who was mentioned in the paper. He covered basketball, baseball and football and there will probably never be a sports writer like this again because in those days they allowed sports writers to get to know the kids that they were writing about. He always wanted to have a lot of names in the paper. He would even attend the practices of the five schools – South Portland, Deering, Cheverus, Westbrook and Portland. If somebody did well in practice he would have it in the paper. He was a member of the group that picked the all-state teams and was very instrumental in getting a lot of people scholarships to college and to prep school, including myself. Without his help and his writings and recommendations, I doubt I would have gotten into prep school and then college. He will be greatly missed and so will his institutional memory and his memory of all the games that were played in those three sports through the ages. He was a walking history book and he also had something more. In his sports writing he had mentioned Tennyson, Longfellow and mythological characters and you could become educated by reading the sports page. Thank you very much.

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

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My father worked in the basement of the Press Herald building in Portland at the end of WWII and for the next 32 years as a photo engraver and during his time at the Press Herald he admired friends in the sports department there. Vern Putney is one, but one that he mentioned often was Dick Doyle. Dick Doyle and his wife lived on Massachusetts Avenue in South Portland when it was just down the street from me during the years that I grew up there and I just wanted to share in his memory and it my pleasure to speak in his honor.

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

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

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

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment Recognizing Androscoggin County Head Start and Child Care on the occasion of its 40th anniversary.

(HLS 1194)

TABLED - June 13, 2005 (Till Later Today) by Representative MAKAS of Lewiston.

PENDING - **PASSAGE**.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

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

Expression of Legislative Sentiment Recognizing Betty Robinson, of Auburn

(HLS 1205)

TABLED - June 14, 2005 (Till Later Today) by Representative MAKAS of Lewiston.

PENDING - **PASSAGE**.

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. Although Betty can't be here today I do want to take this opportunity to publicly acknowledge and congratulate her on being honored by the Maine Campus Compact as the recipient of the Donald Harwidge Faculty Award for Service Learning Excellence. Betty has been teaching at Lewiston-Auburn College for the University of Southern Maine since 1988. She also served there as the Dean for seven years from 1996 to 2003. In my estimation she is responsible in large part for making Lewiston-Auburn College what it is today, the fastest growing institution of higher education in our state. This award clearly shows others what we already know at Lewiston-Auburn College, that Dr. Robinson has made, and continues to make a very large difference in the lives of students of all ages. Thank you.

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

Bill "An Act To Amend the Laws Governing the Enactment Procedures for Ordinances"

(S.P. 507) (L.D. 1481)

(C. "A" S-242)

- In Senate, Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

TABLED - June 14, 2005 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - **ACCEPTANCE OF THE REPORT OF THE COMMITTEE ON BILLS IN THE SECOND READING**.

On motion of Representative BARSTOW of Gorham, the Bill and all accompanying papers were **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 72) (L.D. 219) Bill "An Act To Improve the Child Welfare Ombudsman Function" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-371)**

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.

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

ENACTORS

Emergency Measure

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 1145) (L.D. 1622)

(C. "A" H-692)

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

On motion of Representative PELLETIER-SIMPSON of Auburn, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Acts

An Act To Limit the Liability of Ambulance Services in Maine

(H.P. 287) (L.D. 385)

(H. "A" H-693)

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

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

(C. "A" H-691)

An Act Regarding Distribution of Information from the Central Voter Registration System

(S.P. 446) (L.D. 1266)

(H. "A" H-677 and S. "B" S-352 to C. "A" S-340)

An Act To Ensure Continuity of Care Related to Implementation of the Federal Medicare Drug Benefit

(H.P. 924) (L.D. 1325)

(C. "A" H-686)

An Act To Amend the Maine Wind Energy Act

(S.P. 477) (L.D. 1379)

(S. "A" S-365)

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 Care for Families

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

(S. "A" S-335 and S. "C" S-347 to C. "A" S-280)

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

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

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

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. 319

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

NAY - Babbidge, Berube, Bishop, Brown R, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Crosthwaite, Curtis, Davis G, Edgecomb, Emery, Fitts, Fletcher, Greeley, Hall, Hamper, Hanley B, Hotham, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Moore G, Muse, Nass, Nutting, Ott, Pinkham, Rector, Richardson W, Robinson, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Vaughan.

ABSENT - Blanchette, Jackson, Joy, Plummer, Richardson M.

Yes, 97; No, 49; Absent, 5; Excused, 0.

97 having voted in the affirmative and 49 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Modify Savings Offset Payments and To Clarify Certain Other Provisions of the Dirigo Health Act

(S.P. 555) (L.D. 1577)
(H. "B" H-687 to C. "A" S-359)

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

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

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

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 Dover-Foxcroft, Representative Annis.

Representative **ANNIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Initially I voted for this program. Now I have some serious concerns. I have received many calls from various businesses and they also have concerns about the tax on paid claims. This is going to cost one business \$30,000 and Mayo Regional Hospital contacted me and said that it is going to cost the hospital \$70,000. There was no raise a couple of years ago because there was no money for a raise and yet these employees at the hospital hung in there. Right now the hospital is owed \$5.3 million in back MaineCare. More than likely they will pass this tax onto the employees in their co-pay, although nobody has committed to that yet. Once again

the taxpayer picks up another tax increase. Please follow my light and vote against this. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **LINDELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My question is, given that we are about to enact a 4% tax on all paid claims, on all health insurance policies, both self-insured and ordinary health insurance policies, what would the fiscal impact on the State of Maine be of a 4% tax on all paid claims on the state employee's health insurance and retirees health insurance as well as the teacher's retiree's health insurance?

The SPEAKER: The Representative from Frankfort, Representative Lindell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I must confess that this is a subject that never came before the Appropriations Committee to my knowledge and I am curious as to whether other members are equally in the dark? I have never been warned or alerted to the possibility that we may actually incur additional costs in the State Employee Health Program if the savings offset payment is to be applied during the upcoming biennium against claims that are paid on behalf of state employees. It worries me that the question is coming up in this forum and hasn't yet been discussed because we will be, in the next day or so, working off of a budget that is tenuously balanced and which includes no set aside to my knowledge to cover any costs of such an assessment. I hope that other members of the committee may have better knowledge and better news than I am able to share with you tonight.

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. 320

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

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

ABSENT - Blanchette, Dugay, Jackson, Joy, Plummer, Richardson M, Twomey.

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

73 having voted in the affirmative and 71 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County
(H.P. 1197) (L.D. 1690)

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

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

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

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. 321

YEA - Annis, Ash, Austin, Barstow, Berube, Bierman, Blanchard, Bowles, Brannigan, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Craven, Crosby, Cummings, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hotham, Hutton, Jennings, Jodrey, Kaelin, Lerman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McLeod, Merrill, Miller, Millett, Moody, Moore G, Muse, Nass, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Perry, Pineau, Pingree, Pinkham, Piotti, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Sherman, Smith N, Smith W, Sykes, Tardy, Thompson, Tuttle, Vaughan, Watson, Webster.

NAY - Adams, Babbidge, Beaudette, Bishop, Bliss, Bowen, Brautigam, Bryant-Deschenes, Cebra, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Dudley, Finch, Glynn, Goldman, Hamper, Hogan, Jacobsen, Koffman, Lansley, Lewin, McKane, McKenney, Mills, Moulton, Norton, Ott, Percy, Pilon, Rector, Richardson D, Richardson E, Seavey, Shields, Stedman, Thomas, Trahan, Twomey, Valentino, Walcott, Wheeler, Woodbury.

ABSENT - Blanchette, Jackson, Joy, Plummer, Richardson M, Mr. Speaker.

Yes, 97; No, 48; Absent, 6; Excused, 0.

97 having voted in the affirmative and 48 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, Regarding Legislative Review of Chapter 101: Establishment of the Capital Investment Fund, a Major Substantive Rule of the Governor's Office of Health Policy and Finance

(H.P. 36) (L.D. 33)

(C. "A" H-636; H. "A" H-685)

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

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

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 322

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, 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, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Rector, Richardson D, Richardson E, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Blanchette, Dugay, Jackson, Joy, Plummer, Richardson M.

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

75 having voted in the affirmative and 70 voted in the negative, with 6 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting Ought to Pass pursuant to Joint Order 2005, H.P. 1194 on Bill "An Act To Eliminate Pension Cost Reduction Bonding and Provide Replacement Budgeting Measures"

(H.P. 1199) (L.D. 1691)

Signed:

Senators:

ROTUNDO of Androscoggin

MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland
DUDLEY of Portland
CRAVEN of Lewiston
FISCHER of Presque Isle
LERMAN of Augusta
MILLS of Farmington

Minority Report of the same Committee reporting **Ought Not to Pass pursuant to Joint Order 2005, H.P. 1194** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

MILLETT of Waterford
NUTTING of Oakland
BOWEN of Rockport
CURLEY of Scarborough

READ.

On motion of Representative DUDLEY of Portland, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, June 16, 2005.

CONSENT CALENDAR

First Day

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

(S.P. 632) (L.D. 1687) Bill "An Act To Develop a New Judicial Facility in Bangor" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** 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** in concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Require Proof of Equipment Ownership for Employers Using Foreign Laborers"

(H.P. 525) (L.D. 730)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372)** in the House on May 20, 2005.

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

The House voted to **ADHERE**.

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

On motion of Representative CANAVAN of Waterville, the House adjourned at 6:20 p.m., until 2:00 p.m., Thursday, June 16, 2005 in honor and lasting tribute to those who died while in custody at the Augusta Mental Health Institute.