

MAINE STATE LEGISLATURE

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State of Maine

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST SPECIAL SESSION
38th Legislative Day
Friday, June 17, 2005

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

Prayer by Honorable Sean Faircloth, Bangor.
National Anthem by Honorable Emily Ann Cain, Orono.
Pledge of Allegiance.
Reading of the Journal of yesterday.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 42)

ORDERED, that Representative Anne C. Perry of Calais be excused Monday, June 13th for personal reasons.
READ and PASSED.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-367)** on Bill "An Act To Improve the Delivery of Maine's Mental Health Services"
(S.P. 57) (L.D. 151)

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representatives:

PINGREE of North Haven
GROSE of Woolwich
MILLER of Somerville
BURNS of Berwick
SHIELDS of Auburn
CAMPBELL of Newfield
LEWIN of Eliot
GLYNN of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-368)** on same Bill.

Signed:

Representatives:

WALCOTT of Lewiston
WEBSTER of Freeport

Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "B" (S-368)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367) AS AMENDED BY SENATE AMENDMENT "B" (S-373)** thereto.

READ.

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

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

BILLS IN THE SECOND READING
House

Bill "An Act To Transfer Funds to the Maine Milk Pool from the General Fund To Fund Dairy Stabilization Programs"
(H.P. 1200) (L.D. 1692)

Reported by the Committee on **Bills in the Second Reading**, read the second time, 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.**

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

UNFINISHED BUSINESS

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

Joint Resolution Recognizing The Locked Out Workers At DHL Of Brewer
(S.P. 638)

- In Senate, **READ** and **ADOPTED.**

TABLED - June 16, 2005 (Till Later Today) by Representative BOWLES of Sanford.

PENDING - ADOPTION. (Roll Call Requested)

Representative BOWLES of Sanford moved that the Joint Resolution be **REFERRED** to the Committee on **LABOR.**

Representative TUTTLE of Sanford **REQUESTED** a roll call on the motion to **REFER** the Joint Resolution to the Committee on **LABOR.**

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

The **SPEAKER:** A roll call has been ordered. The pending question before the House is To Refer the Joint Resolution to the Committee on Labor. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 324

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

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

ABSENT - Crosby, Curley, Greeley, Hotham, Norton, Woodbury.

Yes, 69; No, 76; Absent, 6; Excused, 0.

69 having voted in the affirmative and 76 voted in the negative, with 6 being absent, and accordingly the motion to REFER the Joint Resolution to the Committee on LABOR FAILED.

Representative DUPREY of Hampden WITHDREW his REQUEST for a roll call.

Subsequently, the Joint Order was ADOPTED in concurrence.

ORDERS

On motion of Representative DUPLESSIE of Westbrook, the following Joint Order: (H.P. 1201)

ORDERED, the Senate concurring, that notwithstanding passage of Joint Order 2005, H.P. 385, in the House on February 1, 2005 and in the Senate on February 3, 2005, the Joint Standing Committee on State and Local Government is not authorized to study the movement of the Legislature to a largely paperless system; and be it further

ORDERED, that notwithstanding passage of Joint Order 2005, H.P. 494, in the House on February 10, 2005 and in the Senate on February 15, 2005, the Joint Standing Committee on State and Local Government is not authorized to study issues related to the State Archives.

READ and PASSED.

Sent for concurrence.

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

On motion of Representative CUMMINGS of Portland, the following item was REMOVED from the Special Study Table:

Resolve, To Create the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978 (EMERGENCY)

(S.P. 139) (L.D. 415)

(C. "A" S-138)

Which was TABLED on May 17, 2005 by Representative CUMMINGS of Portland pending FINAL PASSAGE pursuant to Joint Rule 353.

On motion of Representative DUPLESSIE of Westbrook, the rules were SUSPENDED for the purpose of RECONSIDERATION.

On further motion of the same Representative, the House RECONSIDERED its action whereby the Resolve was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-138).

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-138) was ADOPTED.

The same Representative PRESENTED House Amendment "A" (H-710) to Committee Amendment "A" (S-138) which was READ by the Clerk and ADOPTED.

Committee Amendment "A" (S-138) as Amended by House Amendment "A" (H-710) thereto was ADOPTED.

The Resolve was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-138) as

Amended by House Amendment "A" (H-710) thereto in NON-CONCURRENCE and sent for concurrence. ORDERED SENT FORTHWITH.

On motion of Representative CUMMINGS of Portland, the following item was REMOVED from the Special Study Table:

Resolve, To Establish a Commission To Evaluate Criteria for Siting Agency Liquor Stores (EMERGENCY)

(S.P. 574) (L.D. 1600)

(C. "A" S-206)

Which was TABLED on May 24, 2005 by Representative CUMMINGS of Portland pending FINAL PASSAGE pursuant to Joint Rule 353.

On further motion of the same Representative, the Resolve and all accompanying papers were INDEFINITELY POSTPONED in NON-CONCURRENCE and sent for concurrence.

On motion of Representative CUMMINGS of Portland, the following item was REMOVED from the Special Study Table:

Resolve, To Establish the Committee To Study the Establishment of a Memorial for Emergency Medical Services Personnel and To Set Aside Space for That Memorial

(S.P. 516) (L.D. 1498)

(C. "A" S-222)

Which was TABLED on May 25, 2005 by Representative CUMMINGS of Portland pending FINAL PASSAGE pursuant to Joint Rule 353.

On motion of Representative DUPLESSIE of Westbrook, the rules were SUSPENDED for the purpose of RECONSIDERATION.

On further motion of the same Representative, the House RECONSIDERED its action whereby the Resolve was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-222).

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-222) was ADOPTED.

The same Representative PRESENTED House Amendment "A" (H-709) to Committee Amendment "A" (S-222) which was READ by the Clerk and ADOPTED.

Committee Amendment "A" (S-222) as Amended by House Amendment "A" (H-709) thereto was ADOPTED.

The Resolve was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-222) as Amended by House Amendment "A" (H-709) thereto in NON-CONCURRENCE and sent for concurrence. ORDERED SENT FORTHWITH.

On motion of Representative CUMMINGS of Portland, the following item was REMOVED from the Special Study Table:

An Act To Clarify and Harmonize State Policy on Groundwater Management

(H.P. 1158) (L.D. 1643)

(C. "A" H-547)

Which was TABLED on June 6, 2005 by Representative CUMMINGS of Portland pending PASSAGE TO BE ENACTED pursuant to Joint Rule 353.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-547).

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-547) was **ADOPTED**.

The same Representative **PRESENTED** House Amendment "A" (H-711) to Committee Amendment "A" (H-547) which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-547) as Amended by House Amendment "A" (H-711) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-547) as Amended by House Amendment "A" (H-711) thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

On motion of Representative CUMMINGS of Portland, the following item was **REMOVED** from the Special Study Table:

Resolve, Establishing the Commission To Study Retirement Eligibility and Benefits for Corrections Officers, Certain Other Law Enforcement Officers and Mental Health Workers (EMERGENCY)

(S.P. 246) (L.D. 748)
(S. "A" S-311 to C. "A" S-68)

Which was **TABLED** on June 8, 2005 by Representative CUMMINGS of Portland pending **FINAL PASSAGE** pursuant to Joint Rule 353.

On further motion of the same Representative, the Resolve and all accompanying papers were **COMMITTED** to the Committee on **LABOR** in **NON-CONCURRENCE** and sent for concurrence.

On motion of Representative CUMMINGS of Portland, the following item was **REMOVED** from the Special Study Table:

Resolve, To Establish the Task Force To Study and Design a Child Protection Mediation System (EMERGENCY)

(S.P. 384) (L.D. 1067)
(C. "A" S-337)

Which was **TABLED** on June 9, 2005 by Representative CUMMINGS of Portland pending **FINAL PASSAGE** pursuant to Joint Rule 353.

On further motion of the same Representative, the Resolve and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

On motion of Representative DUPLESSIE of Westbrook, the following item was **REMOVED** from the Special Study Table:

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

(S.P. 590) (L.D. 1608)
(C. "A" S-316)

Which was **TABLED** on June 6, 2005 by Representative DUPLESSIE of Westbrook pending **FINAL PASSAGE** pursuant to Joint Rule 353.

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 Resolve was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (S-316).

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-316) was **ADOPTED**.

The same Representative **PRESENTED** House Amendment "A" (H-712) to Committee Amendment "A" (S-316) which was **READ** by the Clerk.

Representative LINDELL of Frankfort **REQUESTED** a roll call on the motion to **ADOPT** House Amendment "A" (H-712) to Committee Amendment "A" (S-316).

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

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

Representative LINDELL: I am wondering, given that this is a study on ballot access that directly affects the formation and political activity of minor political parties, why is it that this amendment strikes the Green Party and other minor parties from taking part in this study.

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 Frankfort, Representative Lindell.

Representative LINDELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Given the silence on this it seems that maybe this is an attempt to take representation away from interested parties in this process. This bill is a deal that was hammered out between me, others and the Senate Chair of this committee and I am quite frankly, concerned that I see this amendment come before me and nobody has talked to me about this. I think that we should leave this Resolve as it is and allow some minor political parties to take part in these discussions. They obviously shouldn't have a decision making role but they need to have input and I would therefore ask that fellow members vote against this amendment.

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

Representative BOWLES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker I wish to attempt to address the questions posed by the good Representative from Frankfort and assure him that this is not an attempt to not answer the question. We were actually scurrying and trying to go back to the original LD to find out what the membership of the commission was.

I believe that the action taken by the Legislative Council the other night was an attempt to actually save this study. Since we did not have adequate dollars to fully fund all of the studies that were involved a number of the studies had to be paired down in their scope to reduce the cost. Rather than have this important study simply not be funded at all we chose to reduce the

membership, which allowed the study to go forward with less cost to the Legislature. I hope that that is a satisfactory explanation.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-712) to Committee Amendment "A" (S-316). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 325

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Churchill, Clark, Clough, Craven, Crosby, Cummings, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Gerzofsky, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKenney, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Nutting, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson W, Rines, Robinson, Sampson, Saviello, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Bishop, Bryant-Deschenes, Carr, Cebra, Collins, Cressey, Crosthwaite, Eder, Fletcher, Flood, Joy, Lansley, Lewin, Lindell, McKane, McLeod, Richardson M, Rosen, Schatz, Seavey, Thomas, Trahan, Vaughan.

ABSENT - Curley, Davis K, Greeley, Norton.

Yes, 124; No, 23; Absent, 4; Excused, 0.

124 having voted in the affirmative and 23 voted in the negative, with 4 being absent, and accordingly House Amendment "A" (H-712) to Committee Amendment "A" (S-316) was ADOPTED.

Committee Amendment "A" (S-316) as Amended by House Amendment "A" (H-712) thereto was ADOPTED.

The Resolve was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-316) as Amended by House Amendment "A" (H-712) thereto in NON-CONCURRENCE and sent for concurrence. ORDERED SENT FORTHWITH.

On motion of Representative DUPLESSIE of Westbrook, the following item was REMOVED from the Special Study Table:

Resolve, To Establish a Blue Ribbon Commission To Study Maine's Homeland Security Needs (EMERGENCY)
(S.P. 610) (L.D. 1645)
(C. "A" S-290)

Which was TABLED on June 6, 2005 by Representative DUPLESSIE of Westbrook pending FINAL PASSAGE pursuant to Joint Rule 353.

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 Resolve was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-290).

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-290) was ADOPTED.

The same Representative PRESENTED House Amendment "A" (H-714) to Committee Amendment "A" (S-290) which was READ by the Clerk and ADOPTED.

Committee Amendment "A" (S-290) as Amended by House Amendment "A" (H-714) thereto was ADOPTED.

The Resolve was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-290) as Amended by House Amendment "A" (H-714) thereto in NON-CONCURRENCE and sent for concurrence. ORDERED SENT FORTHWITH.

On motion of Representative DUPLESSIE of Westbrook, the following item was REMOVED from the Special Study Table:

An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws

(H.P. 226) (L.D. 301)
(C. "A" H-632)

Which was TABLED on June 9, 2005 by Representative DUPLESSIE of Westbrook pending PASSAGE TO BE ENACTED pursuant to Joint Rule 353.

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 as Amended by Committee Amendment "A" (H-632).

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-632) was ADOPTED.

On further motion of the same Representative, Committee Amendment "A" (H-632) was INDEFINITELY POSTPONED.

The same Representative, PRESENTED House Amendment "A" (H-713), which was READ by the Clerk and ADOPTED.

The Bill was PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-713) in NON-CONCURRENCE and sent for concurrence. ORDERED SENT FORTHWITH.

On motion of Representative DUPLESSIE of Westbrook, the following item was REMOVED from the Special Study Table:

Resolve, Regarding the Prevention of Suicide (EMERGENCY)
(S.P. 422) (L.D. 1208)
(C. "A" S-308)

Which was TABLED on June 8, 2005 by Representative DUPLESSIE of Westbrook pending FINAL PASSAGE pursuant to Joint Rule 353.

On further motion of the same Representative, the Resolve and all accompanying papers were INDEFINITELY POSTPONED in NON-CONCURRENCE and sent for concurrence.

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

The House recessed until 12:50 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:

SENATE PAPERS

Non-Concurrent Matter

Joint Order Reestablishing the Task Force To Study Equal Economic Opportunities for All Regions of the State

(H.P. 1114)

READ and PASSED in the House on April 14, 2005.

Came from the Senate READ and INDEFINITELY POSTPONED in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

Non-Concurrent Matter

Resolve, To Encourage Personal and Family Financial Management Education (EMERGENCY)

(H.P. 916) (L.D. 1318)

(C. "A" H-463)

FINALLY PASSED in the House on May 31, 2005.

Came from the Senate with the Resolve and accompanying papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

Non-Concurrent Matter

Resolve, To Review and Recodify Laws Pertaining to Violence in Our Schools

(H.P. 709) (L.D. 1024)

(C. "A" H-393)

FINALLY PASSED in the House on May 23, 2005.

Came from the Senate PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393) AS AMENDED BY SENATE AMENDMENT "A" (S-382) thereto in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

Non-Concurrent Matter

Resolve, To Establish the Study Commission Regarding Liveable Wages

(H.P. 854) (L.D. 1236)

(S. "A" S-213 to C. "A" H-232)

FINALLY PASSED in the House on May 25, 2005.

Came from the Senate PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232) AS AMENDED BY SENATE AMENDMENT "B" (S-384) thereto in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

Non-Concurrent Matter

Resolve, To Establish the Blue Ribbon Commission on the Future of MaineCare (EMERGENCY)

(H.P. 594) (L.D. 835)

(C. "A" H-523)

FINALLY PASSED in the House on June 2, 2005.

Came from the Senate PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-523) AS AMENDED BY SENATE AMENDMENT "A" (S-381) thereto in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

Non-Concurrent Matter

Resolve, To Reestablish the Health Care System and Health Security Board (EMERGENCY)

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

(C. "A" H-513)

FAILED of FINAL PASSAGE in the House on June 6, 2005.

Came from the Senate PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-513) AS AMENDED BY SENATE AMENDMENT "A" (S-380) thereto in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

Non-Concurrent Matter

An Act Regarding Access to Prescription Drugs and Reimportation

(S.P. 406) (L.D. 1178)

(C. "A" S-293)

PASSED TO BE ENACTED in the House on June 6, 2005.

Came from the Senate PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-293) AS AMENDED BY SENATE AMENDMENT "A" (S-383) thereto in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

Non-Concurrent Matter

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

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

(C. "A" H-570; S. "A" S-325)

FINALLY PASSED in the House on June 7, 2005.

Came from the Senate PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570) AS AMENDED BY SENATE AMENDMENT "A" (S-385) thereto AND SENATE AMENDMENT "A" (S-325) in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

Non-Concurrent Matter

An Act To Refine and Study Substance Abuse Testing Procedures and Treatment

(H.P. 944) (L.D. 1361)

(C. "A" H-428)

PASSED TO BE ENACTED in the House on May 25, 2005.

Came from the Senate PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428) AS AMENDED BY SENATE AMENDMENT "A" (S-386) thereto in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

Non-Concurrent Matter

An Act To Amend the Sex Offender Registration and Notification Act of 1999

(H.P. 997) (L.D. 1433)
(C. "A" H-607)

PASSED TO BE ENACTED in the House on June 7, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-607) AS AMENDED BY SENATE AMENDMENT "A" (S-387)** thereto in **NON-CONCURRENCE**.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-698) - Minority (6) Ought Not to Pass - Committee on TAXATION on Bill "An Act To Rebalance Maine's Tax Code"

(H.P. 1131) (L.D. 1595)

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

PENDING - Motion of Representative WOODBURY of Yarmouth to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report. (Roll Call Ordered)

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

Bill "An Act To Eliminate Pension Cost Reduction Bonding and Provide Replacement Budgeting Measures"

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

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

PENDING - PASSAGE TO BE ENGROSSED.

Representative THOMAS of Ripley **PRESENTED House Amendment "H" (H-715)**, which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "H" (H-715)**.

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

Representative BRANNIGAN of Portland moved that **House Amendment "H" (H-715)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "H" (H-715)**.

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 Ripley, Representative Thomas.

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment returns the ferry system to the general fund and frees up \$3 million a year for the highway fund so that they can spend it to improve our roads. Study after study tells us that Maine roads are getting worse and my constituents keep reminding me that

they want those roads improved. The fact is that if we keep using the highway fund to balance the general fund our roads are only going to get worse

I could stand up here all day and go on about the roads and bridges that need fixing and I am sure that you already know that and I am not going to waste your time. I do want to make sure that you know that construction prices are rising at more than double the rate of the consumer price index. That means that the longer we put off making the repairs our roads need the more it is going to cost us. If we don't fix them now then how are we ever going to find the money later? Not long ago we were spending 26% of all state revenue on roads. We are now down to less than 11%. That is not enough and the people I represent keep telling me that they can't afford to pay anymore in taxes. I would hope that we could make the roads of Maine a higher priority than they have been. Please vote for this amendment and let the people of Maine know that we all agree. Improving our roads is important. Mr. Speaker I ask for a roll call. Thank you.

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

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A disturbing trend has evolved since 1988. Since 1988, \$107.70 million has been transferred out of the Highway Fund and into the General Fund. Sixty five million of that has been in the last two and three-quarter years, during the current administration.

Article 9, Section 19 of the Maine Constitution, passed on October 27, 1944 protects these funds from being transferred into the General Fund and it goes on in our Constitution in Section 19 to state "that all revenues derived from fees, excise and license taxes relating to the registration, operation and use of vehicles on public highways and on fuels used for the propulsion of such vehicle shall be expended solely for the cost of administration, statutory refunds and adjustments, payments, debts and liabilities incurred in the construction and reconstruction of highways and bridges and it shall not be diverted for any purpose."

To figure out why the State Legislature tried to protect this money you have to go back to March the 25, 1943 when Senator Elliot said, in support of passage of Article 9, Section 19 that "In the last few Legislatures the big problem before the legislators was the raising of new money in order to take care of the social security, old age assistance, pauper accounts and so forth." He went on to say that, "In no case were these attempts successful, but may be successful in the future." You see our Senators and Representatives were wise enough to recognize the traditional clash between social programs and the critical needs of and investments in our infrastructure. They designed our Constitution to protect this money.

The disturbing trend has been escalated in the last three years. If we allow this transfer, this use of highway money, it will bring to a total \$72 million that has been taken from our highways and used for our social programs. That is not to say social programs aren't important, but what it has done is turn our Highway Fund into a subsidy for our social programs. It is time that we put an end to this process.

To give you an idea of what this kind of money would have done for each and every one of your communities I would like to give you an example. If the unconstitutional transfer had not occurred a road could have been completely rebuilt stretching from Rockland to Portland, Maine. A road could have been repaved from Kittery to Millinocket. But even more disturbing is this fact: 8,513 miles of road could have been maintained. This represents a road stretching from Maine to California two and a half times. Ladies and Gentlemen of the House. This has to stop and it has to stop now. If we do not make a statement here in

this Legislature that these illegal transfers are to end then it will escalate. What it will do is that it will gobble up the new revenues that we seem to be encouraging to be generated through the indexing that we passed a few years ago. That is the automatic increase in the tax on gasoline. Since '04 \$22 million dollars was raised. Twenty seven million dollars was raised in '05, yet not a dollar of this increase in revenue has gone into Maine roads, but has gone into social programs.

Ladies and Gentlemen of the House I put before you the statement that if we can't afford our social programs then it is time to stop stealing money from places that we shouldn't be. Today I ask you to support this amendment and let's make a strong message for the people of Maine that these important infrastructure investments must continue. Thank you.

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

Representative PARADIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too will support the defeat of Indefinite Postponement. I think that being on the Transportation Committee and by the Constitution and by statute that we have a duty to the people of Maine to apply, the funds that are needed for our roads and to delay that and to sink lower into the roads not being fixed is totally unacceptable to me. I would urge you on this motion to indefinitely postpone this and to vote red as I will. Thank you.

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

Representative MARLEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the Chair of the Transportation Committee I am pleased to see so many people that are trying to protect our infrastructure and I can't disagree with the Representatives who spoke previously around the needs of our roads and our bridges. They are very significant and I think that all of us know that, but there are several things that should be pointed out. First of all, many states actually do this – I kiddingly call myself a Bubba by marriage because my wife is from Texas – and in Texas the ferry system is actually part of the highway system, so it is not something that we have invented for budgeting gimmicks if you will. I would also like to note that in the Minority Report you had the same language as far as transferring the operational costs from the General Fund to the Highway Fund.

I would love to see us spend more money on our roads and bridges and I think that is a policy discussion to have, but I think that when you look at the needs of the islands you can see that we can build a bridge to many of these islands like the confederate bridge to PEI and then this would pass muster. Those people who are currently proposing this amendment would support that, but this ferry system is the most efficient bridge for those communities and it is a lifeline for them. If you talk to the islanders they truly need this for their access. It is a safe way to move goods and services and there is actually an Attorney General's opinion that talks about this and let me read it briefly to you. "I am writing in response to your inquiry as to whether funds from the General Highway Fund established by Article 9 Section 19 may be used to support a ferry and related facilities. For the reasons which it is in the opinion of this department that the funds may be used for the ferry service, whose principle purpose is the transportation of motor vehicles as part of the highway system in the state, but that the funds may not be used for the purpose of supporting passenger ferries which are not part of that system." I have to be honest. In my area in Portland the majority of ferries don't move vehicles so they wouldn't fall under this. They are looking at service that really does act as a bridge and that is how I believe that it falls under this constitutional amendment.

The other piece of this is to look at transportation system holistically. I think we need to start having that broader conversation. The Transportation Committee in the interim is going to begin that because, as the other side also said, the gas tax is not keeping up. Even if we put this \$3 million back in you are talking about what I believe is \$1.3 billion in needs that are out there that are going unmet for the transportation and infrastructure, so this is very insignificant rather than the large policy issue of how we can continue to fund our roads and bridges. I am going to support the Indefinite Postponement and I hope that others will support that. Thank you.

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

Representative TRAHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would also like to read from that same Attorney General's opinion and not just out of context. I want to tell you what it said before the previous statement. First, I must remind you that the only people who can define what is constitutional are the members of our Supreme Court. All we can get from the Attorney General is an opinion, but this is what the Attorney General's office said. "The question which you pose is whether a ferry may be considered a highway or a bridge within the meaning of this provision. This precise question has not been addressed by the Supreme Judicial Court or in any prior opinion of this office." Really, all that you have is an opinion of a previous Attorney General, but no decision and no case law to base this decision on. I think that this is a question for our courts and I think that a solemn occasion is appropriate.

I would like to talk a little bit about the State of New Hampshire. They had much the same debate that we are having today about the constitutionality of allowing highway funds to be used on their rail system. What happened was that the courts said that money couldn't even be used in the rail system in New Hampshire and I believe that we would get the same decision here. The reason is that it is public transportation and our Constitution doesn't allow it.

Just because there are few vehicles on a ferry going out to Vinalhaven doesn't mean that it meets our constitutional obligation. I think that this is a question that needs to be answered and I think that it needs to be answered soon so that the bleeding can stop. But, Ladies and Gentlemen of the House, I again revert to my previous point and that is that we should not be pitting social programs against our important infrastructure needs and investments and that is what has been going on over the last three years. We could make a very loud statement here today ladies and gentlemen that this must end.

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

Representative COLLINS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The ferry service has always been funded. It is funded out of the General Fund. If this amendment passes, the ferry service will not end and it will stay in place. Each one of us back home has a project that we have been after the Department of Transportation to complete or to start and I wouldn't want to be in your shoes back home and say that we had an extra \$6 million, but we moved it out of the Highway Fund to fund the ferry service.

These highway funds are generated through dedicated revenue and we all know that, the gas tax. I have been a member of the Transportation Committee for all of my four terms and we have always worked together to strive and to save money and to better our roads and to repair the roads, build new bridges, and repair bridges. This \$6 million was a surplus and we have worked diligently to try and come up with a surplus and now

where is the incentive? If that money is taken away from the Highway Fund then where is the incentive for this committee that has pulled shoulder to shoulder in a bipartisan effort to find ways to save money within our committee of jurisdiction? Where is the incentive to try and do that again if every time that we come up with extra monies or a surplus it is taken away from us to do something else within state government. Clearly, we have drawn a line in the sand here today and we have got to stop this raiding of the Highway Fund in any way shape or form. This has to be preserved to do what it is intended to do and that is to maintain our transportation infrastructure here in the great State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative BROWNE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't know if you have been reading the local newspapers lately, but a lot of the small towns are doing their annual town meeting and so forth and, invariably, in the KJ this morning there were three or four different communities that were over budgeted because of their roads and their roads are in very poor shape. We had a tough winter and we haven't been putting as much money aside as we perhaps should, but I believe that some of the money taken from the Highway Fund to finance this ferry service or to transfer the money to take care of the ferry service will have to be made up by some of our general obligation bonds if some of these road projects are going to be completed. If money is taken for the Highway Fund it is going to be at the expense of some of these other necessary bond proposals, such as Land for Maine's Future and some of the environmental issues and the municipal and water treatment facilities. I think that this is a very bad precedent in addition to what has been said about the transfer of these dedicated funds and I would urge you to defeat this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Curtis.

Representative CURTIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just to bring some closeness to where you live and the roads that you ride on to the reality of what \$3 million does picture in your mind that mile or mile and a half of road that goes by your house that you wonder why the state doesn't fix. The real dollars are that for every \$500,000 that is transferred out of the Highway Fund to somewhere else it means that one-mile of two-lane road does not get repaired. For \$3 million you are looking at six miles of road. Even though that is a small amount of money compared to \$130 million of repair remember that every mile of road gets repaired one mile at a time. I urge you to support this amendment and to return the money to the Highway Department where it is originally intended to go and to do what it is going to do. Thank you ladies and gentlemen.

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

Representative ASH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just for a little information, State Route 176 starts up in the Liberty area and comes down through Searsmont, into Lincolnville, across the traffic light and to the ferry terminal. Three miles across the bay it picks up the state route again. You call it what you want.

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

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Based on the documentation that I have from the committee both the majority and the minority supported making this shift.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan. 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 TRAHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to respond to that statement that this is in both reports. I would like to just clear it up for the member who brought it up the second time that we never got an opportunity to vote on the minority report because it was indefinitely postponed. You would have seen my light be red on the Minority Report because of this transfer. I am kind of sad that the Representative from Biddeford, Representative Twomey is not here because I would like to talk about what it is like to have principles and to stand up for what you believe in and that to imply otherwise is, I think, unfair to the members of this chamber, because we never took action on that other budget. I would just like to say that I would have stood on principle if I had gotten the opportunity and I think that there would have been other members of this chamber that would have done the same. Thank you.

The Chair reminded all members that it was inappropriate to question the credibility and motives of other members of the House.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "H" (H-715). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 326

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

ABSENT - Brown R, Curley, Greeley, Norton, Patrick.
Yes, 75; No, 71; Absent, 5; Excused, 0.

75 having voted in the affirmative and 71 voted in the negative, with 5 being absent, and accordingly House Amendment "H" (H-715) was INDEFINITELY POSTPONED.

Representative MCKENNEY of Cumberland PRESENTED House Amendment "D" (H-703), which was READ by the Clerk.

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

Representative MCKENNEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment is a type of sunset for the ferry service transfer. The members of the Transportation Committee, and I suspect many members of

this body can grudgingly accept the fact that the ferry service funding is going to be transferred to the Highway Fund. We don't like it, but we realize that these are extraordinary times and sometimes you need to do extraordinary things. This amendment would make the transfer happen only for the next biennium. For future biennium's it would put it back into the General Fund and we feel that this is only fair to do.

I would like to point out that the reason that the Highway Fund can even absorb this expense is because of the way that the Transportation Committee has managed that budget and, I would point out, and you may be tired of hearing it, but I think I am going to say it since I am here, our gas tax is on autopilot. It increases automatically every year. In about two weeks it is going to go up another 7/10 of a cent. This is the reason that we have a surplus and are able to pay this bill. That may not happen in future bienniums. This may be a potential structural gap for us. We are willing to accept it. We don't like it, but we want to limit its scope to this biennium and I hope that you agree with me. Thank you.

Representative BRANNIGAN of Portland moved that **House Amendment "D" (H-703)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-703)**.

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 Portland, Representative Brannigan.

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This transfer to the ferry service from the Highway Fund for the islands was not done in a frivolous manner. It was not done without a great deal of thought and discussion with the people in the Department of Transportation and the people on the Transportation Committee.

To just do it for a year is not in keeping with the decisions that were made around this transfer. The people on the Transportation Committee are very strong about having control of those issues that are their issues and part of this budget transfers part of General Fund oversight to the Highway Fund. This is a package that gives them the control and the oversight that they want and that we agree is good to have. So, they want, I believe, this to be permanent and not that we continue giving and taking. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-703). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 327

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Mazurek, Merrill, Miller, Mills, Moody, 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, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy,

Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Brown R, Canavan, Curley, Curtis, Greeley, Marraché, Norton.

Yes, 75; No, 69; Absent, 7; Excused, 0.

75 having voted in the affirmative and 69 voted in the negative, with 7 being absent, and accordingly **House Amendment "D" (H-703)** was **INDEFINITELY POSTPONED**.

Representative **BIERMAN** of Sorrento **PRESENTED House Amendment "G" (H-706)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Sorrento, Representative Bierman.

Representative **BIERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment merely restores the funding that was taken from the BETR program and that is accomplished by using \$7 million of the \$19 million that comes from the revenue sharing push. BETR's tenth birthday is this year. Currently there are 1,800 businesses taking part in BETR. There are 300 receiving \$10,000 or more and not all of these are what we would call big business.

The BETR program is one of the few programs that deals with businesses in this state that actually works. In my district there is a company that has been around for a long time, Stinson's Canning Company in Prospect Harbor and they recently invested \$12 million into their factory, updating equipment that has made them competitive in today's seafood market.

At an open house recently, actually earlier in the session, the president and CEO took me aside and the governor was there as were many other dignitaries and he informed me that had it not been for BETR they would have located somewhere else that was not in Maine. If we damage BETR by reducing its funding we are going back on our obligation and our promise to small and large businesses in this state, businesses that are reliant on BETR to reinvest and to keep their companies competitive in today's economy.

Mr. Speaker and Ladies and Gentlemen of the House I would just like to close by reading a few testimonials. On the DECD page it states the "Business Equipment Tax Reimbursement (BETR). One of Maine's most successful economic development programs is the Business Equipment Tax Reimbursement. Adopted in 1995 the BETR program encourages business to invest in Maine."

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

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

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

Representative **DUDLEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. There are a number of us in this section of the House who do not have a copy of House Amendment "G".

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

Representative **BIERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My Feng Shui is still in tact. As I was saying, Seligman Data Corporation stated in 2002 that they had announced they were moving from New York and relocating to South Portland and that they would be employing over 100 positions and they stated that their deciding factor was the fact that we had BETR. Another statement by the Executive Vice President from Maine & Company, a Mr. Wischerath, states that "Although there are a host of good ideas that should be entertained to improve Maine's business climate

the single largest one would be to stabilize the programs that we already have in statute, that being BETR." Mr. Speaker, Ladies and Gentlemen of the House, thank you for your time and your consideration.

Representative BRANNIGAN of Portland moved that House Amendment "G" (H-706) be INDEFINITELY POSTPONED.

Representative BIERMAN of Sorrento REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "G" (H-706).

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 Portland, Representative Brannigan.

Representative BRANNIGAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Sorry that the people didn't have this and that the gentleman had to be interrupted. When we began this exercise of cutting we made a decision that everyone, except for the General Purpose Aid and the Debt Service, would receive some cuts, some pain and some sharing of what we were up against and what we were doing. These items that the Representative from Sorrento, Representative Bierman would like to reverse would take us away from that resolution. We didn't want to cut municipalities and we didn't want to cut business, but let me tell you that the cuts to BETR were at one time 75% for two years, 80% or two years, 80% for one year and now only 90% for one year, one time that is just to fulfill the promise that everyone would share. So, I ask you to indefinitely postpone this amendment so that we can maintain this balance.

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

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this pending motion because the BETR program is a tool that we need to maintain in our toolbox. As some of the members are aware, prior to my service here in the legislature I served three terms locally on the South Portland City Council and during my tenure we got to deal with the proposals that dealt with National Semiconductor and Fairchild Semiconductor locally. I can tell you that during those discussions they were tenuous to say the least. We were in competition between international communities. We were competing with Scottsdale, Scotland. We were competing with Arlington, Texas and of course the plant in South Portland as to whether or not to locate all of those jobs in my community, which is one of the largest employment opportunities for high paid, wonderful jobs in the greater Portland area.

We were able to piece together both a tax increment finance plan, a local TIFF, as well as partnering with the BETR program to entice National Semiconductor and Fairchild to expand and to create jobs in South Portland. Without that I can tell you unequivocally that we would not have those jobs today and we would not have the expanded growth. In fact, there has been additional talk of future expansions that is going to be taking place in our district and in our area of the state and we should support the BETR program and we should support keeping this money there.

I know that the success story of South Portland with National Semiconductor and Fairchild isn't a unique one and that there are other success stories around the state, but if we close the door and the chapter to this, especially in light of the base closures that are eminent, we could be closing the door to a lot of employment opportunities. Please do not support this indefinite postponement measure and support restoring these funds.

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, Men and Women of the House. The question that I would ask is that it is my understanding that the Business Equipment Tax Reimbursement program in this budget is not counted as an expenditure and that it is instead a deduction from revenues and is considered a tax break and this is how the budget is purportedly only up 2.9% rather than the 7% that it would be up if it were indeed an expenditure. My question is, if this is really just a reduction in revenue isn't the reduction in the Business Equipment Tax Reimbursement Program really a tax increase?

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 Ripley, Representative Thomas.

Representative THOMAS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Business Equipment Tax Reimbursement is a promise that we make to businesses that are willing to make the investment to employ more people and if we renege on this promise then lots and lots of businesses are going to say that you can't trust the State of Maine and that they will tell you one thing and do something else. Why would we want to make the kind of investments that are necessary to employ people if we are only going to get taxed and taxed and taxed some more? Thank you.

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

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to speak briefly to the fact that I will be supporting the present motion to indefinitely postpone this for a rather unusual reason. I believe everything that has been said about the importance of the Business Equipment Tax Rebate Program and our commitments and so forth, but the reality is that the business community is, I feel, letting us down in that so few of them encourage their employees to serve in the Legislature and to come to Augusta and to participate in government and this is a natural consequence when they believe that they can work in isolation from the political world here at the state capitol. So what happens? Well people don't understand how business works and we cut your programs out and the ability to change that rests within the business community as soon as they want to wake up and become friendlier to employees who serve in the Legislature. They deserve to lose this payment. Thank you.

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

Representative CLARK: I am kind of glad that the good Representative made those kind of remarks and I think that he stole my cheat sheet when he made that statement. I totally agree with the statement that he made on employers, but I also see the good that BETR does for people and businesses in the State of Maine. I can tell you first hand that if it wasn't for BETR for the companies that I work for the doors might not be open today and I can't take the chance of having those doors close tomorrow. I will be voting for this amendment.

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

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As a result of the budgets that we pass we make promises to a lot of people and

not just to the business community. We make promises to our state employees, we make promises to people to people with disabilities or to the elderly who rely on the low cost of drugs for the elderly programs and we make promises to the community of folks that take care of the Fund for a Healthy Maine and the important services that are offered through the Fund for a Healthy Maine. We make promises to the Maine people about a safe correctional system, about an adequate judicial system and we make promises to farmers. We have made promises all over the place. The hard reality about this budget is that we have got to cut. We have got to balance and everybody needs to share in the pain. That is what this exercise is about. Nobody gets favored. That is why I will be supporting the motion to indefinitely postpone.

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

Representative CLOUGH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. During the past session in the Taxation Committee we had several bills that dealt with the changes to the Business Equipment Tax Rebate and we have heard testimony from dozens of companies who have participated, indicating to us that they would not have stayed in Maine or come to Maine had it not been for this program. I think that it is unwise to let ourselves believe that this program is not effective and that it doesn't deserve the funding that it gets. TamBrands is probably one of the fine examples of new jobs that have come to this state and they are a company that had an opportunity to locate somewhere else and this induced them to come here and they have grown and continue to grow since they have been here and I ask you to vote against the Indefinite Postponement and support this amendment.

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. Well, I wasn't going to speak on this, but my good friend from across the aisle mentioned that the BETR program would be safer if more companies allowed their employees to come here and I am testament to someone who is here from a large company, who had the BETR program eliminated under the Part I budget, which I voted for and that is why I am going to vote against this motion to indefinitely postpone because I would like to save some other businesses in Maine.

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

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

The SPEAKER: The Representative may pose his question.

Representative KOFFMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I should know this. I haven't done my homework adequately as a legislator, but to anyone that may be able to answer with a qualified answer could you let me know how the BETR program has grown in terms of its cost to state government and is it holding the same, is it growing and by what percent might it be growing as an expense? Thank you Mr. Speaker.

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

Representative BOWEN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In answer to the Representative's question I don't have the statistics in front of me, but the cost of BETR has climbed rapidly in the last few years and is beginning to flatten out at this point and the reason is because the way that the program is structured. As new properties come on line, that is new equipment that businesses

buy that creates jobs, those become sheltered under the program. How it works is that they stay in the program for ten years. With these first few years we have been banking away all of this business equipment that is producing jobs all over the state. In a couple more years properties that started on the list are going to start coming off. So, we have been ramping up the program and now it is going to level off because as new properties come on, older properties are going to come off of the other end. That is how the program works. When you see that high growth, that means that people are investing and putting money into the state and creating jobs. That is what this program is supposed to do. On Appropriations we on the Republican side looked at BETR and we thought that we shared the same idea that everyone needs to feel a little bit of the pinch. The fact is, businesses are the only way that we can get out of this mess. We are cutting our own throats by going after these businesses. I do not share the opinion that we just heard that they somehow deserve this cut.

The cost of doing business is climbing and climbing in this state. I had distributed a few minutes ago an orangish colored sheet that shows the cost of doing business in the State of Maine from the Maine Development Foundation. This is our own people showing that we set a goal back in 1998 to begin to lower our cost of doing business and it has climbed dramatically in the other direction and we are killing ourselves with what we are doing to businesses in this state and cannot keep it up if any of us want jobs for ourselves or our children down the road.

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

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. To answer the question of the Representative from Bar Harbor, I do have the data in front of me. Since the program's inception the BETR program has grown by 1,495%. That is a lot and maybe that number isn't entirely fair. The first year was less than \$5 million and in the coming biennium it will be a little more than \$70 million a year. I prefer to look at it since I have been here and it is still an unduly large number. Since I have been here, and my first term here was in 1999 until now it has grown by 515. It has grown by half and over the next biennium it is slated to grow a total of 65%. Over my experience in the Legislature it will have been 65% growth in the program. That is considerable growth.

To emphasize my point earlier about asking businesses to share in the cuts that we are asking everybody who received services from state government to make, this is a small cut. It is a 10% cut in one year. It sunsets. It is one year, a 10% cut and it is fair and it is balanced. They should pay a fair portion just as everybody else who depends on state government is paying their portion.

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

Representative LERMAN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just a couple of quick points. First of all, as far as the BETR program is concerned, one of the things that you need to realize is that we spend \$80 million a year on this program at this point and it generates somewhere around \$2,300 a year. It is not a very good investment. It really needs to be reexamined so just bear that in mind. There are certainly some types of development that benefit from this program and I would be a strong supporter of that, but we are spending a lot of money right now on a program that is not fine-tuned and there is really not a good return on investment to Maine taxpayers.

Second, this is a minor cut. As you have heard from other people we, on a bipartisan basis engaged in a very serious

examination of how we could make up \$250 million worth of cuts. We got to \$110 million to \$115 million a piece and we said that one of the ground rules was that it was going to be even and that every program would be on the table and that we would make the cuts across the board and we fulfilled that mission. We parted the waves at some point because we couldn't go any further on this side of the aisle, but in good faith we negotiated on some fundamental principles including the fact that everybody would be subject to the examination of where we could make some cuts.

I also just want to make sure that everybody else is aware that there are other implications from this particular amendment that go beyond the BETR program. There are changes in the funding of the Municipal Efficiency Fund and there are changes in the Revenue Sharing Fund and I think that what this really does, in essence, is that it undoes the Part III Budget, so I ask you to join me in voting to indefinitely postpone this amendment and just caution you that if for some reason our effort fails that this really does undo the Part III Budget. Thank you very much Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Dudley. 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 DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to make a correction to an error that I reported to the Representative from Bar Harbor. I said that it was 51% and 65%. I was mistaken the number is 202% from the time I arrived here to now and over the next biennium it will be a total of 183%.

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

Representative MCKENNEY: Mr. Speaker, point of order.

The SPEAKER: The Representative may proceed.

Representative MCKENNEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that the member should be addressing his remarks to the chair.

On POINT OF ORDER, Representative MCKENNEY of Cumberland asked the Chair if the remarks of Representative DUDLEY of Portland should be made through the Chair.

The SPEAKER: The Chair reminds the Representative that his remarks should be made through the Chair. The Representative may proceed.

The Chair reminded Representative DUDLEY of Portland to address his remarks through the Chair.

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Through the Chair to the Representative from Bar Harbor I will restate my point. I was mistaken when I said that it was only 50% growth. It is over 200% growth. It has grown much larger than what I said in my first statement, considerably larger and what we are asking for is a small portion of it as a sacrifice to join in the larger sacrifice that all are making.

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

Representative BOWLES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wish, very quickly, to remind all of us sitting here that when the Representative from Portland, Representative Dudley refers to "they", as though businesses were somehow detached from Maine citizens there is not a "they" it is a "we" and the good Representative from Millinocket knows very clearly that there is a "we" because when we do things that harm our business environment and cripple programs that aid businesses we are not hurting the business we are hurting the citizens of South Portland

who work at National Semiconductor and we are hurting the citizens of Millinocket and the citizens of Madison and Rumford and Jay and all the other communities around the state that benefit from this program, so please remember that it is not they, it is your neighbors and in some cases it is your seatmates.

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

Representative CLOUGH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to remind you that many companies have benefited in many municipalities throughout the state through investments of hundreds of millions of dollars through this program. We have benefited the municipality, the people who live there and the employees, but further than that the vendors and suppliers throughout the state that get the ancillary business from these larger businesses that benefited and if they were not here there would be many more businesses that were closed down than just that one business that may be benefiting from BETR so I would still appreciate your vote in opposition to the pending motion.

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

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

The SPEAKER: The Representative may pose his question.

Representative AUSTIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. At three o'clock this afternoon there is a ribbon cutting ceremony at First Park in Oakland/Waterville. If I recall from news coverage and from our very own legislative tour in February it was considered quite a coup to have T-mobile become an anchor at that park. I would like to pose a question to the representatives of this park and ask them if in the negotiations to bring T-mobile to this area if BETR was a factor in getting T-mobile to come to the State of Maine? Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "G" (H-706). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 328

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, 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, Woodbury, Mr. Speaker.

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

ABSENT - Brown R, Curley, Curtis, Greeley.

Yes, 74; No, 73; Absent, 4; Excused, 0.

74 having voted in the affirmative and 73 voted in the negative, with 4 being absent, and accordingly **House Amendment "G" (H-706) was INDEFINITELY POSTPONED.**

Representative **RECTOR** of Thomaston **PRESENTED House Amendment "B" (H-701)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a very simple amendment. It removes one small change that was added at the last minute for the Majority Budget. Part HHH designates \$210,000 annually for the fractionation center in the River Valley Technology Center with the money to come from the Maine Technology Institute Funds in the Department of Economic and Community Development. It is not a cut or an addition. It is merely a shuffle. Now this may seem like a modest sum in the context of our huge budget and it may seem like a fairly benign act, but it has enormous implications. Maine Technology Institute is one of the programs in which we can be most proud as legislators concerned about the economic development of our state. It has awarded funds that have increased jobs in Maine by the hundreds over the past few years. It has leveraged over \$26 in external financing for every dollar that we have invested. Seventy three percent of the recipients have fewer than 10 employees. These are our small businesses with great prospects for future success. Through MTI we provide the nudge and the nurturing support that makes the difference between success and failure for these micro businesses. MTI grants have helped Maine companies secure more than \$95 million in debt and equity. That is \$53 millions in equity and \$42 million in debt. We demonstrate our support and that provides the credibility and the assurance that others require because our granting system is rigorous, is complete and is recognized for its excellence. Award winners are located in all 16 counties and we have all shared in the benefits of this program and will continue to benefit in the future. While the largest number of awards were in Cumberland County, the largest number of awards per capita were in Lincoln and in Washington counties. State dollars have been carefully invested, leveraging huge private dollars and creating jobs and they have been doing it throughout the State of Maine.

Let me tell you a little bit about Riverview Technology Center and how many dollars that they have received over the past few years. In fiscal year '01 they received \$750,000 from DECD as an establishment grant. In fiscal year '02 they received \$50,000 from DECD through a management grant. In June of '02 they received a \$10,000 seed grant from MTI for building insulation materials. In November of '02 a \$10,000 seed grant for a forest biomass gasifier. In '03 they received \$500,000 targeted for the centers renovation. They received \$50,000 for management. In '03 they received a \$10,000 seed grant from MTI and on and on. Most recently they received \$98,000 in June of this year. Just this month they received a \$98,000 development award from MTI and \$84,000 from the Department of Energy Forest Bioproducts Matching Fund and a \$107,000 development award from MTI and \$106,000 from the Department of Energy Forest Biomass Matching Funds, which is a total of over \$2 million. These are merely a listing of grants granted to the very center who we are now carving out with special granting through the Legislature. I would suggest that the Riverview Technology Center has already been well recognized by both the competitive grant system and the non-competitive funding system through the State of Maine and they don't need our special intervention as provided in part HH of the budget.

The success of MTI comes from the independence of the award process. Through the new Office of Innovation, MTI

awards grants that have been carefully reviewed by a board of experts to assure that our dollars are as wisely spent as possible. In fact, on the BRED Committee, where I serve, we insist on a report on the success of leveraged dollars and jobs that are created every year. We should. It is our job to be effective stewards of taxpayer dollars. This amendment will remove a grant that is legislatively awarded by insisting that \$210,000 annually, \$420,000 in this budget, be taken from the MTI budget, a budget that has already suffered a significant share of cuts, as have all state programs. The fractionation program the Riverview Technology Center is welcome to apply for a competitive grant and they receive dollars based on its merits. It is not welcomed to have legislative intervention override our very own process and have the granting authority of the MTI board removed. Do we really think that we should be the judges of where the most effective technology grants would be provided? Do we really believe that we are best equipped to chart the innovation course for the State of Maine into the future? I would guess that many of you have never even heard of the most innovative businesses in your district until MTI identified them and made critical awards to assure their success.

If we fail to adopt this amendment we completely change the method of awarding funds from a competitive system to one where legislators bring their favorite projects forward regardless of their long term prospect of success and try to strong arm their colleagues into supporting it. This is wrong headed and will move us from a road to success onto a road of failure in our innovation initiatives. It politicizes a process whose very success depends on the lack of politics for that success. Please do not take this step backward. Please support this amendment and allow our most innovative businesses to grow, develop and make our economy a long-term success. Please maintain the integrity of the Maine Technology Institute. Thank you Mr. Speaker.

Representative **BRANNIGAN** of Portland moved that **House Amendment "B" (H-701) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-701).**

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 Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I share the frustration that has been described by the good Representative from Thomaston. However, I will be voting for this indefinite postponement. I am confident that we will find a way to restore funds to the Maine Technology Institute. It is as wonderful as he describes, but it can't happen as part of the bill that is before us. We need to respect the process of the Appropriations Committee. Thank you.

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

Representative **HOTHAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise on this occasion in support of the indefinite postponement of this amendment and I must tell you that I am very proud to hail from an area that has been at the leading edge of the development of fractionization, as an opportunity not only for the river valley, but also for all of those mill communities out there who have biomass left sitting in the woods and in their yards wondering what to do with it. This is an opportunity for more than just the river valley. The Technology Center and the effort put forth to develop a Fractionation Development Center at the River Valley Technology Center has literally led the way in this effort, but we are at a critical juncture.

Having enjoyed many competitive awards from MTI, I would interpret that to mean that this is a viable project, but the critical juncture is one of being able to maintain the people necessary and the administration necessary to promote the idea and shepherd that idea through the minds of people that have the investment dollars to bring to the State of Maine and that can help to bolster the forest products industry. I ask for your support in the Indefinite Postponement. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-701). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 329

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

NAY - Annis, Austin, Beaudette, Bierman, Bishop, Bowen, Bowles, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Hall, Jacobsen, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Merrill, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Thomas, Trahan, Vaughan.

ABSENT - Berube, Brown R, Browne W, Curley, Curtis, Fisher, Greeley.

Yes, 83; No, 61; Absent, 7; Excused, 0.

83 having voted in the affirmative and 61 voted in the negative, with 7 being absent, and accordingly **House Amendment "B" (H-701) was INDEFINITELY POSTPONED.**

Representative BISHOP of Boothbay **PRESENTED House Amendment "C" (H-702)**, which was **READ** by the Clerk.

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

Representative BISHOP: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment is to rectify what was, hopefully, an unintentional slap in the face. At the state level we tend to treat our sixteen county governments like small brothers. They are noisy but most times inoffensive and we are really not sure what to do with them. Now and then we throw a little bit of change at them and a word of praise. They know and we know that whatever we tell them is what we must do. The state always holds the best cards and most of the chips and this is especially true when it comes to the county jails, the same county jails that constitute the biggest part of each of their county budgets. If we have state prisoners waiting for trial, we house them in a county jail. If the state prisoners are serving less than 90 days, they serve their time in county jails. Instead of the state paying for guards, administration and additional prisons we merely amend our statutes and with the simple power of pen to paper we force our counties to take our prisoners, but that isn't even the best part. We also make them pay most of the bill.

How do we make them do it? We compensate them based

on an out of date, unfair formula that ends up transferring most of the burden of the cost of state prisoners to the county and hence to the county taxpayers. This is how we reward our little brothers, the counties for cleaning up the mess that we have created. But the beat goes on. Not only do we reward them with most of the bill for keeping the prisoners, but now we have also legislated a limit to their budgets. We have created caps for their expenses. So, even though the counties will never know in advance how many of our prisoners they will have to house and even though they have no way of knowing ahead of time what the medical expenses will be for those state prisoners and even though they have no way of estimating the totally unpredictable we are now, by law, forcing them to do exactly that and while doing it we are also telling them that they must stay within the limits we have established for them.

Now, with this budget we are adding to that burden additional fees. Simply, state government and you and I are not owing up to our responsibility. Instead we are pushing it off onto the counties, making them tow the line and now we are even assessing additional costs.

The amount of money that we are talking about in this amendment is not large by state standards, but the importance of this amendment is more significant if we look at its passage as a bit of needed aid for our counties rather than an additional burden. The amount of money that we are talking about is \$100,000. That is right, it is only \$100,000 and what it represents is a refund of the charges made to the counties for high-risk state prisoners being held by the county. To give this money back to the counties is like giving them a nod of thanks and a bit of a reward for the dirty job that our counties do for us and maybe, just maybe it might even be a little bit of help to keep them within their state established budget caps. One hundred thousand is not much to pay for the belated recognition and a bit of budget help that our sixteen little brothers have rightfully earned. Thank you Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-702)**.

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

Representative BRANNIGAN of Portland moved that **House Amendment "C" (H-702) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-702)**.

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 Farmington, Representative Mills.

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I share the previous speakers' concerns about the relationship between the county jails and the state prison system and it is my fervent hope that in the next few years, due to a commission that is to be done between the state and the counties and other officials that we will see a new partnership developing and stop quibbling about whose prisoner is who's. In this particular instance we are talking about a very small number of prisoners and not from one in particular county or from one particular jail or are of the state. There are a small number of prisoners who, while waiting for trial or sentencing, become too unruly to be held safely at the county level. There has been a law on the books for some time permitting the state correctional department to charge for boarding such prisoners once a judge orders a prisoner to be boarded at the state level for safe keeping rather than at the jail or county level. This is not a large number of people and it may

well not even happen that a \$100,000 will be passed on, but the state has been permitted to charge this amount all along and what they propose to charge is much less than what the jails charge each other when they board each others prisoners. It is my hope that you will vote with me in moving to indefinitely postpone this particular amendment.

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

Representative MOULTON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Like the Representative from Boothbay, Representative Bishop I also sit on State and Local Government. I guess that the easy thing to say Mr. Speaker is that what is good for the goose is good for the gander. If the state wants to charge the counties to board their prisoner then the state can pay its fair share. If the state is unwilling to do that, which it hasn't been for quite a number of years than we should vote against this motion to indefinitely postpone and vote in favor of Representative Bishop's motion. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite postponement of House Amendment "C" (H-702). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 330

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

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

ABSENT - Berube, Brown R, Curley, Curtis, Greeley, Kaelin, Lewin, Merrill, Saviello.

Yes, 73; No, 69; Absent, 9; Excused, 0.

73 having voted in the affirmative and 69 voted in the negative, with 9 being absent, and accordingly **House Amendment "C" (H-702) was INDEFINITELY POSTPONED.**

Representative BOWLES of Sanford **PRESENTED House Amendment "E" (H-704)**, which was **READ** by the Clerk.

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

Representative BOWLES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The amendment that I am presenting is identical in content to LD 1311, which was a bill sponsored by every member of legislative leadership. I was pleased to be a co-sponsor of the original legislation, which was designed to bring awareness and transparency to attempts by either political party to divert or

otherwise use for some other purpose funds that were specifically earmarked for the Fund for a Healthy Maine. The dollars invested in the Fund for A Healthy Maine, comes from the 1998 Tobacco Settlement Lawsuit, which has resulted in Maine receiving \$40 million to \$50 million a year since the awarding of that judgment. These dollars have been used for a variety of programs, which have addressed healthcare related issues particularly involving the prevention of chronic disease. Because these investments eventually result in substantial savings to Maine taxpayers and to state government and reduced MaineCare costs, we should be very hesitant to divert their use to other programs.

Let me state clearly that both parties have, unfortunately, been guilty of proposing use of these dollars for other purposes and we have, in fact, in the past, utilized proceeds from this fund in past budget cycles. I wish to emphasize that this amendment will not restrict our ability to use the funds differently if need be. After an affirmative vote we will retain the ability to divert resources elsewhere if we feel that it is in the best interest of Maine people to do so. This amendment simply causes us to recognize our actions and in so doing will hopefully give us pause to closely examine whether or not our decision is, indeed, a wise one. The Fund for a Healthy Maine is important for our future and I urge you to support this amendment and, Mr. Speaker, I will not be requesting a roll call in the hopes that this motion will be adopted unanimously. Thank you.

Representative BRANNIGAN of Portland moved that **House Amendment "E" (H-704) be INDEFINITELY POSTPONED.**

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

Representative BRANNIGAN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is correct that this is a mirror of a bill that is in the Appropriations Committee. It is a bill that we have decided to carry over to the second regular session. It is a bill that is not being hurried. If it were in need of being hurried like this amendment, given the sponsorship, we were just reminded that all leaders are the sponsors of the bill and if they had felt that we had to hurry than you can bet that it would be out here and be carried over. The reason that there is pause in discussing and dealing with this bill is that it requires that if certain things are being done with the Fund for a Healthy Maine in the budget then they must be plucked out, put in a separate bill and run out here for special consideration. Now that is good for those who would propose that the Fund for a Healthy Maine never stray from the purposes for which everyone wants it to perform. But, my belief at this point is that we will be discussing it next time and next time it will come out for a vote. My concern and the concern of others in my committee and the concern of some of the sponsors is that this is the beginning of something that I don't think we want happening, that special funds begin to be run out of the budget for special votes and I am sure I will probably lose all of the votes of the Transportation Committee, but am sure that they are next in line and that they will want their funds taken out of the budget and run in a special bill. Then IF & W will do the same. Yes Terry, I know you feel that way. Then there are a lot of special groups that have special funds. The funding of the budget will not prevail in the future if this begins. This will be taken care of. How would you like it if you had bills in your committee right now and someone tries to amend your bill to get around the work that you are doing. I hope that you will support the indefinite postponement and that we will discuss this issue next winter. Thank you Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-704).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-704). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 331

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

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

ABSENT - Brown R, Curley, Curtis, Greeley, Makas, Moore G, Pelletier-Simpson, Saviello, Walcott.

Yes, 71; No, 71; Absent, 9; Excused, 0.

71 having voted in the affirmative and 71 voted in the negative, with 9 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-704) FAILED.**

Representative DUPLESSIE of Westbrook **REQUESTED** a roll call on the motion to **ADOPT House Amendment "E" (H-704).**

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 Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Point of order.

The SPEAKER: The Representative may proceed.

Representative **TRAHAN**: Didn't we just have a roll call on adoption?

The SPEAKER: You had a roll call on Indefinite Postponement of the House Amendment. It now would be in a posture of adopting it and so we are now at Adoption and a roll call has been ordered.

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

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be opposing this motion because a number of these cuts pushes increased fees, approximately \$36 million, which represents about 30% of the so called reductions in overall state spending and they are going to be born by the municipalities and we are balancing this budget on the backs of the municipalities.

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

Representative **DUDLEY**: Mr. Speaker, Point of Order.

The SPEAKER: The Representative may proceed.

Representative **DUDLEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The Representative from South Portland appears not to be debating the motion at hand. He appears to be debating the bill and not the amendment.

On **POINT OF ORDER**, Representative **DUDLEY** of Portland asked the Chair if the remarks of Representative **GLYNN** of South Portland were germane to the pending question.

The Chair reminded Representative **GLYNN** of South Portland to stay as close as possible to the pending question

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wish to just remind you that this was an amendment that costs nothing and it really causes no hardship. It simply causes us to pause and reflect on what we are doing before we take funds from a highly successful program, which has benefited all of Maine's people and I know that this is a program that has had widespread support on both sides of the aisle and I hope that you will continue to support this program by adopting this amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "E" (H-704). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 332

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

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

ABSENT - Brown R, Curley, Curtis, Greeley, Moore G, Saviello.

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

70 having voted in the affirmative and 75 voted in the negative, with 6 being absent, and accordingly the motion to **ADOPT House Amendment "E" (H-704) FAILED.**

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

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My apologies for rising a little bit too fast on speaking to the full bill. I will be opposing the following motion because the majority or a good portion of these cuts pushes fees to \$36 million, which represents about 30% of the overall reductions in this amendment and they are going to be born by the municipalities which means higher property taxes in local districts. I want to go over very quickly

those items that directly affect municipal budgets, which will be negatively impacted and decreased if you vote for this. This amendment eliminates the local government efficiency fund for the next two years. The local government efficiency fund was created by the voters of this state in June of 2004 and would set aside \$4.8 million in revenue sharing funds over the biennium to fund a competitive grant program for municipalities. It reduces municipal revenue sharing in fiscal year 2007 by \$5 million and that is out of the fiscal year '07 revenue sharing distribution and that represents a 4% cut. It cuts \$6.3 million in tree growth and veterans exemption reimbursements under the so-called push in the budget. The state reimbursements to municipalities under these two exemptions will be delayed and instead of being provided in fiscal year '06 and '07 the payments are going to be made a month late, pushing them into the subsequent fiscal year. There is a \$460,000 reduction in the state park fees sharing program. Currently, the state share is 15% of state park revenues with municipalities that hold state parks. This proposal is going to cut that share down to 7%, quarter of a million dollar cut in state support to county jails, which we debated earlier in an amendment. Additional elements that are going to affect local property taxes is that the counties are to pay the state \$100,000 a year for certain prisoners. We have increases in education costs in this budget and it delays the phase in and increases towards 100% of special education funding. Under the terms of LD 1 the state would have phased in its assumption of 100% of the EPS of special education over a four-year period. This bill would freeze that phase in process in fiscal year '07 costing \$1.5 million to be borne by the municipal school districts and it cuts the state's school bus subsidies by \$3.2 million. It delays new school construction funding by \$5.1 million, the pull of \$5.9 million out of the school renovation fund and increases teacher and non-teacher certification fees by \$1 million a year statewide, which will be borne by the local school districts and is essentially another budget that the Legislature is considering passing based on balancing it on the backs of local tax payers. Please oppose that pending motion.

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

Representative TRAHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also rise in opposition to this budget, but before I speak of why I oppose it I would like to thank the people of Maine who circulated petitions across our state to force this Legislature to fix this borrowing package that we are fixing today. I think that if we had gone down that road it would have caused significant future damage to this state. To those folks around this state I thank them for having collected the signatures that have forced us to do this today. Although I don't agree with this fix I do think that it is a good day for Maine. I would like to tell you why I think that our job is undone here today. I don't think that we have done a good enough job looking for places in state government where we can find deficiencies and recognize waste.

I would just like to list a few things that we are going to be spending money on and that I think we could have reduced. Item number one: In state and out of state travel budget. We have a \$17.5 million travel budget and I think that we could have cut a little bit out of that. I think that we could have eliminated the three positions that are now down in the Senate and have been approved. That would have been a \$300,000 savings. I think that we could have looked at the bonuses that we are paying state workers. That totaled \$14 million. We could have at least reduced some of those bonuses and we could have done a freeze on unfilled positions that were two to five years old. You can see from the handout that I have given you that there are 385

positions that are unfilled that are two to five years old and I think that we could have either froze or eliminated some of those. We could have saved \$14.3 million. We could have frozen unfilled positions that were five years old or older. That is a \$4.4 million savings. There are 123 of those. There are 508 state positions that we could have looked at least briefly freezing for one year but we didn't. Ladies and Gentlemen there is much that we could have done to look at places where we could save in state government. I just spent about an hour sitting down and asking some questions of the fiscal office and came up with almost \$50 million that we could have looked at for a reduction, but I guess that we are not going to have that opportunity.

In the real world, in my logging business, when times get tight I look at reducing my overhead. I try to find ways to save money and one of the biggest ways that business does that is that they reduce their workforce. You have another handout that I have given you that shows the history of state worker positions in state government. Looking back to the year 2000 we have more positions in state government then we did in the year 2000. That is not a workforce deduction. That is a workforce increase and I don't think that the taxpayers of the State of Maine can take that. I don't think that our work is done. I can't support this budget and I wouldn't have supported the Minority Budget because I think that we could have done better. It is a shame that the people of the State of Maine are going to have to pay for that with a tax increase. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Six months ago I stood in this seat and said that we must honor the east and the west of our political spectrum and the north and south of our state while coming together in the center. Today, with this vote, we have that opportunity to turn our good words about eliminating the borrowing package into good deeds by voting to do it. This will be our opportunity, our only opportunity to do this. We have decided to do it very fairly, half through spending reductions and half through revenue increases. This is coming together in the center. Today, with this vote, we can change the paradigm from right versus left to right versus wrong. Our alternatives are the wrong direction for the state of Maine.

To close this budget without new revenue we would have had to eliminate access to health coverage for 40,000 Maine citizens under the Dirigo Health Program and under MaineCare. This would have increased the ranks of the uninsured in the State of Maine by one-third. Just imagine going to bed one night with health insurance and waking up the next morning without it. Forty thousand Mainers would have had that experience had we closed this budget without revenue increases. That would have been a \$300 million cost shift to Maine's healthcare providers and to our private insurance. Ladies and Gentlemen of the House that is wrong.

Today with this vote, we as a legislature can send a clear and unambiguous message to the citizens of this state. We do not support the government programs. We support the purpose and the people they serve. This Majority Report that we are being asked to vote on right now makes government more efficient and it also restructures and redesigns the way that we deliver services. So, Mr. Speaker and Men and Women of the House, let us now summon our greatest gifts of statesmanship, of cooperation and of compromise and not call forth our darkest demons of partisanship and of divisiveness. Let us vote for compromise; let us vote for a solution that finds the center – a solution that leads Maine in the right direction. Thank you Mr. Speaker.

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

Representative **SAMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you all know I had some quite colorful language about the revenue bonding and I just wanted to thank our leadership in Appropriations for coming together and reviewing this. It is easy for some of us who did not spend hours and hours in the Appropriations room trying to negotiate what we would cut to come to terms with this borrowing package and I want to personally thank your leadership for not putting a line in the sand and saying that we have already dealt with that, but to come back and really hear those of us who are not happy with the borrowing plan. I thank you and I am in full support of this. I know that the cuts were not easy and I believe that Maine will be better off going forward with this budget. Thank you sir.

Representative **JOY** of Crystal **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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 Sanford, Representative Bowles.

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is better. It is a step in the right direction. I commend the work of the Appropriations Committee. They didn't have an easy task before them. There was a problem. That problem was created a couple of months ago and it was not responsible to close the budget a couple months ago with a borrowing package. I think many people on both sides of the aisle recognize that and Maine people certainly recognize that and Maine people have let their feelings be known.

I was interested just a little while ago in a handout that appeared on our desks. It was distributed by the good Representative from Portland, Representative Dudley and it says, "Fiscal sanity can start with a cigarette tax hike." A couple of the excerpts from this really jumped out at me. It was talking about the Part I budget and it said, "have lead to some awful decisions in Augusta these past four months" and goes on to say that "the politics behind this are flim-flam" referring to the borrowing package and it further says, "it is bad policy and reflects poorly." I think that all of those things are true and that we recognize that those things were true and that is what has brought us to where we are today.

One of the things about where we are today that is important is that, I think, we are at a place where it points out the fundamental differences in philosophy between the political parties. We don't doubt for a second that all of you are here to do the right thing by Maine people. We are certainly here for that reason. We do have a different vision of what the right thing is. We do believe in a smaller government. Republicans do feel that the state government has grown too large and that our spending is somewhat out of control. We don't believe that government is the answer to all of our problems and we think that left to their devices, Maine people will solve many of their own problems.

We have a difference in philosophy about tax burden. We know that many people in this chamber believe that increasing taxes on Maine people is a good thing because it allows the state to collect money and then redistribute it in a way that the state feels is beneficial to those people. We would prefer on the other hand to let people keep their money and distribute it in a manner that they see fit. This budget relies heavily on increased taxes. Is that borrowing? Yea, it probably is, it probably is, but is it the right thing to do in a state that already has the highest tax burden in the nation? I think that we could have done something

different and I think that we could have done something better. We have \$126 million in cigarette taxes and some would justify that by saying cigarette smoking is not a good thing for people to be doing and I don't think that anybody would deny that. I am a former smoker. I am pleased to say that I quit smoking 37 years ago, two days after my son was born, because I didn't want him to grow up watching me smoke. I didn't want to take the chance of him becoming a smoker. Cigarette smoking is not good, but should it be the policy of the state to use the tax code to punish people for indulging in habits in which we, ourselves would not indulge or in some cases do indulge?

We had another distribution a few minutes ago from a columnist in Portland, Jim Brunelle and many of you are familiar with his writing. He said, "Maine's political leaders would have us believe that the cigarette tax was invented for the purpose of correcting society's bad habits. We know that that is not really true. The cigarette tax was invented as a means to raise revenue." He goes on to say, "The power of taxation really ought to be used primarily to raise revenue in support of important public programs and not to regulate the personal behavior of any particular class of people. "As an ordinary person however" he continues, "I am disturbed by the use of taxation powers to affect behavior among the poorer members of society. For the time being it is still possible for lawmakers to raise new revenues and to discourage smoking simultaneously, but it is not possible to do so fairly and honestly." The Majority Budget also contains a small tax; \$2 million on malt liquor and it contains a \$9 million on corporate income. What is perhaps more disturbing to many members of this chamber, witnessing the debate that we just had, is that it contains \$7 million in a roll back of the BETR Program, which has prove itself time and time again to have either created or at least saved jobs in nearly every town or community of any size in this state. We don't think that a \$16 million tax on businesses right now is the right approach. We just don't think that that is the right thing to be doing.

The cigarette tax is an easy target. There are surveys that show that there is a great deal of support for cigarette tax. When cigarette tax proceeds are used for smoking cessation programs, not when cigarette tax dollars are simply used in the general fund to put gas into state vehicles or to pay for state workers to go on seminars or whatever. There is a certain amount of hypocrisy I think in raising the tax on the pretext that we are accomplishing a social good. The fact of the matter is that we are raising revenue.

The Part I budget and its borrowing package were irresponsible. The part III budget and this tax package still doesn't address the real problem, it simply perpetuates a bloated and inefficient state government. Republicans can't support this Majority Budget, but we at least commend people for working on it and for improving the situation over the original budget, but we can't vote for it.

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

Representative **CUMMINGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be brief. The good Representative from Sanford was right on two counts and they are important counts. This is a step in the right direction and this budget strongly depicts the philosophical differences between the two parties. Our party does not believe that Mainers, by themselves and left to their own devices, can be as successful alone as they can be together and that is a fundamental belief. You and I know that there are people across this state that cannot control the cost of escalating healthcare premiums and they cannot control the economic conditions that are affecting them from all the way across the world and they cannot control the cost of prescription drugs and that is part of

our responsibility in being here to do. They cannot control the basic elements of their life to every single degree unless they unite and work together and ask of each other, those of us in this state, to support their ability to move ahead. This budget reflects the third straight decrease of our structural gap. Just two and a half years ago we had a \$1.3 billion gap, a year and a half ago we had a \$737 million gap and this structural gap, after the passage of this budget will now go to \$350 and that is certainly a step in the right direction. But, fundamentally, I think what the Appropriations Committee ended up dividing on in good terms this time is that philosophically the impact of up to 40,000 Mainers being left off the healthcare rolls, has a direct impact on our ability to function in this state whether we are a small business, a single mother or we are just somebody who needs basic medical care. That, ultimately, is a place that we proudly choose not to go.

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

Representative **BOWEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that we established yesterday that the 40,000 number is what some people are projecting that some programs in state government that have not achieved such numbers yet, will someday, we hope, if the stars align, be achieved. We do have a different approach on healthcare. We know that we can adopt regulatory changes like New Hampshire and like dozens of other states and lower healthcare costs for every single person in this state without a costly, wasteful, state program. So, there is a philosophical difference here, but the 40,000, I believe the Representative from Portland even admitted, was a bit inflated.

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

Representative **DUDLEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I remember making no such confession yesterday. In fact, I believe very strongly that the result of this budget protects 40,000 people from losing healthcare. The difference that I think the Representative is talking about is 8,000 people who are quite clearly going to be eligible under the parents' expansion, 8,000 people. The expansion began May 1 and there are almost 1,900 people already enrolled in a month and a half. I don't think that it is any stretch of the imagination to understand that by the end of the biennium we are going to hit that 10,000 mark. But, I will agree with him on this much. There are only 32,000 people who actually have healthcare now that would lose it under the Minority Plan. But, if you take into account those 8,000 people that are going to enroll the number is 40,000. Frankly, I don't think that it makes a big difference. Thirty-two thousand or forty thousand, I don't know anybody in this chamber who really wants to go home and say that they voted for a budget that cut 32,000 people off of their healthcare, healthcare that they are receiving today. That is not the way to the future for Maine. Thank you very much Mr. Speaker.

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

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think you actually have to have something before you can lose it. I have heard this statement, heard it on the radio and I heard it on the floor, about how we want to cut 40,000 people from healthcare. Well, if I understand the issue correctly and maybe somebody can stand and correct me if I am wrong, really all that we are trying to do is to freeze the expansions of our Medicaid system into the future. These people don't exist right now and they aren't on our system. There is an expansion that has been created by

this legislature but there aren't actual people on the system and I think it is responsible, given the numbers that the Representative who is the Majority Leader spoke about, that was our structural gap.

If we don't have money to pay our current bills should be expanding the fastest growing item of our budget, which is Medicaid? Should we be expanding our programs when we can't pay our current bills? Should we be cutting Medicaid reimbursements to those very weak and feeble that need our Medicaid system in order to pay for those expansions? Should we? Should we increase taxation on all of our Medicaid facilities and providers? Should we withhold payments to those providers so that we can pay for those expansions? What I think that we should do is that we should do the responsible thing and that is to pay for those people that are currently on the system and once we have met that responsibility then if we can expand it is appropriate, but our Medicaid system is a mess. It is a dizzying mess.

In the last three years we have had \$125 million in mismanaged Medicaid monies, money that fell into a DHHS black hole never to be seen again. We have had hospitals sue the State of Maine because we have defrauded them through their Medicaid provider payments. Our DHHS workers cooked our books to book the savings to expand Medicaid. That is what the court said, that is not what I said. Our Chief Executive settled with those hospitals for over \$100 million to be paid into the future. Guess what! We already owe for past provider payments, honest payments that we haven't made. That is not responsible. All that I take as a position on this issue is that we be honest, provide for those who truly need it, provide properly and then if we can move forward we will do that.

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

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope that we will do the responsible thing and vote for this budget. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Crosthwaite.

Representative **CROSTHWAITE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to LD 1691 today. From January 4th to today I have heard it said let's make history. It seems like we are more interested in this body in making history than we are in making sense. In response to one of the earlier debaters, voting for tax and spend policies doesn't take guts; neither do they look prettier because they are couched in nice neat clichés and sound bytes. Let's really do something historic. Everyone knows that we have tried hard to rewrite history for five months now so let's do something historic and let's stop run away spending and let's do something historic, let's trim bloated state government departments. Let's do something historic and let's slow the rate of government growth. Let's do something historic. Let's end the thirty-year slide into bankruptcy and be good managers of the public trust. Let's do something historic. Let's set the example for individuals and businesses and other government units to emulate. Let's do something historic. Let's take the burden off the backs of the consumers, the hospitals, the small businesses and most importantly, Mr. Speaker, off the backs of the only viable industry still surviving in this state. At the beginning of the '05 tourist season this is just plain deplorable.

I was just looking at the buff colored notice that came to our desk yesterday and was referenced by a member of this body and came from a member of the other body and of the party opposite and in it the author says that this is a typical sales receipt from a typical trip to Sam's Club. "I go every couple of

weeks and the items may change but it is always around \$100.00 per trip." So, I looked at the total and it was \$129.51. Ladies and Gentlemen of the House, \$129.51 is not around \$100.00. Here is the crux of the matter and this is the philosophical divide. When some people say \$100 they mean \$100. When others say \$100 they mean something far different, in this case 29.5% different. So, mark the date dear colleagues, of June 17, 2005. If you persist on this action to approve passage this will, in deed, be a red-letter day in the annals of Maine history, but not in the way that any of us will ever want to remember. To vote against such an effort will take genuine intestinal fortitude, steel like resolve and honest accounting of your principles. I urge the body to rise to the occasion and to do something historic today and to reject the message of LD 1691. Thank you Ladies and Gentlemen and thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Craven.

Representative **Craven**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As you all know our jobs as Representatives to the people of Maine first and foremost is to listen to those whom we represent and secondly, to respect their wishes. Yesterday I attended a breakfast sponsored by the Chamber of Commerce with over 600 people attending the event. Later in the morning I attended a business fair that, according to the organizers, was the largest business fair in the State of Maine. As a member of Appropriations I went to these events fully expecting to be beaten on for the actions that we took this past week in Appropriations, but I have to say that I was pleasantly surprised to hear the responses of the folks that I met with. In most part, feedback was pretty positive. Some were enthusiastic and others were cautiously supportive, but nobody I met expressed dissatisfaction with the Majority Report. It is my understanding that the business community offered their tax plan as their concession to this budget with the Executive Officer.

What I took from the event yesterday after talking with many people there was that those who were in attendance, on both sides of the aisle understood quite well the problems that we encountered while trying to craft a responsible budget. I got the same sense that folks at the event, like most people in Maine, want those who represent them in Augusta to act responsibly as well as compassionately in crafting public policy. They readily acknowledge that we who work with the state's finances are obligated to provide services and to support our most vulnerable populations. I believe that they also understand the extent to which we have worked away the needs of the business community against competing needs in putting together this budget. Finally, being true Mainers, some expressed distaste for borrowing and the fact that the budget eliminates the need to borrow was one reason among them. They generally expressed approval for the elimination of the borrowing. Again, our objective in crafting this budget was to maintain balance among competing needs to best of our ability and to adhere to our commitment to meet the needs of the poor, the elderly and the handicapped. I truly believe that we achieved those objectives and I would, therefore, ask for your support in this budget. It is this well-balanced bill or we go back to borrowing. Thank you Mr. Speaker.

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

ROLL CALL NO. 333

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Faircloth,

Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, 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, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Daigle, Davis G, Davis K, Duprey, Eder, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Merrill, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan.

ABSENT - Brown R, Curley, Curtis, McFadden, Moore G, Saviello.

Yes, 73; No, 72; Absent, 6; Excused, 0.

73 having voted in the affirmative and 72 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692) AS AMENDED BY HOUSE AMENDMENT "A" (H-699) thereto in the House on June 16, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692) AS AMENDED BY HOUSE AMENDMENT "A" (H-699) AND SENATE AMENDMENT "A" (S-378)** thereto in **NON-CONCURRENCE**.

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

ENACTORS

Acts

An Act To Transfer Funds to the Maine Milk Pool from the General Fund To Fund Dairy Stabilization Programs

(H.P. 1200) (L.D. 1692)

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.

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 (11) Ought to Pass as Amended by Committee Amendment "A" (S-367) - Minority (2) Ought to Pass as Amended by Committee Amendment "B" (S-368) - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Improve the Delivery of Maine's Mental Health Services"

(S.P. 57) (L.D. 151)

Which was **TABLED** by Representative PINGREE of North Haven pending her motion to **ACCEPT** the Majority Ought to Pass as Amended Report.

Representative RICHARDSON of Brunswick **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. 334

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brautigam, Browne W, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Crosby, Crosthwaite, Cummings, Daigle, Davis G, Davis K, Driscoll, 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, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lewin, Lundeen, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Vaughan, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Brannigan, Bryant, Craven, Hutton, Lerman, Lindell, Makas, Mills, Pelletier-Simpson, Twomey, Walcott, Webster.

ABSENT - Bierman, Brown R, Cressey, Curley, Curtis, Moore G.

Yes, 133; No, 12; Absent, 6; Excused, 0.

133 having voted in the affirmative and 12 voted in the negative, with 6 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-367)** was **READ** by the Clerk.

Senate Amendment "B" (S-373) to Committee Amendment "A" (S-367) was **READ** and **ADOPTED**.

On motion of Representative PINGREE of North Haven, **House Amendment "A" (H-716) to Committee Amendment "A" (S-367)** 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, Ladies and Gentlemen of the House. I just want to clarify that this amendment only makes two technical corrections to the committee amendment and it corrects a word and the proper area of statute to place this law in. Thank you.

Subsequently, House Amendment "A" (H-716) to Committee Amendment "A" (S-367) was **ADOPTED**.

Committee Amendment "A" (S-367) as Amended by House Amendment "A" (H-716) and Senate Amendment "B" (S-373) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-367) as Amended by House Amendment "A" (H-716) and Senate Amendment "B" (S-373)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

UNFINISHED BUSINESS

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

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

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

- In Senate, Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **LABOR READ** and **ACCEPTED**.

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

PENDING - The motion to **ADHERE** to **ACCEPTANCE** of the Majority Ought to Pass as Amended Report and **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-372)**.

On motion of Representative **CUMMINGS** of Portland the House voted to **RECEDE**.

The same Representative **PRESENTED** House Amendment **"A" (H-708) to Committee Amendment "A" (H-372)**, which was **READ** by the Clerk.

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

Representative **HALL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be brief. This amendment makes a bad piece of legislation worse. Please vote against it. I request a roll call.

Representative **HALL** of Holden **REQUESTED** a roll call on the motion to **ADOPT** House Amendment **"A" (H-708) to Committee Amendment "A" (H-372)**.

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 Winthrop, Representative Flood.

Representative **FLOOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We are now just feeling the crush of significant job losses from our defense base closures and we will be feeling that over the next year potentially. In part, this is due to the very nature of national and international competition, which left unmonitored and unadjusted inevitably leads to drastic and clear consequences and some would say that those consequences are obvious, but those consequences lie hiding for years until some event, usually from a far of place, comes down around our seemingly surprised state with the most stark of final consequences, thousands of lost jobs. We react predictably with outrage and disbelief during those dark days.

I want to talk a little bit about the forests and logging and the forest industry. For seven years one of my roles was to deliver 300 tractor-trailer loads of wood per day to one of our mills in Maine and to deliver an equal amount of wood to a mill in New York and an equal amount of wood to a mill in Pennsylvania. I can tell you with certainty today that the passage of this bill by us sets us up for the very same sad scenario in the forest products and paper industries business that we say with our base closures. You can say, "I was there." and "I helped accomplish that."

I truly believe that this bill puts immediately into jeopardy thousands and thousands of good paper company and sawmilling jobs that are clearly hanging on by a thread. These jobs from Calais to Jay and to Rumford and to Stratton and Dover and places in between are the next to go if we pull the trigger on this gun that is pointed point blank at this industry. I understand the motivations behind this bill and I respect those, but I would suggest that this is not a bill about several American logging companies along our borders with Canada. It is not about pushing back against the use of Canadian loggers working in Maine. This is a bill about placing Maine's remaining paper mills on their own special base closure list.

If you wish to see front page photos of our Chief Executive trying to console again thousands and thousands of out of job workers who lost their jobs because there weren't enough loggers to deliver wood from the most heavily forested state in the nation, of that is your idea of a good day, a good photo op, then vote for this bill. You will get your wish around October when the wood stops rolling into the state's mills because we told our Canadian loggers that they can't log in our state and that they are not welcome here. I think that would be very ironic. Wouldn't that be a little hard to explain? For instance, this is the most heavily forested state in the country. For instance, we have the most outstanding tree resources and tree species for paper making in the country. For instance, we have skilled workers and outstanding paper makers. We have all the ingredients and we, here, by pushing our buttons shut it all down. This would be our doing. I would hate to have to go home and have my wife ask me what I did today and tell her that I shut down the paper industry. That would be our claim to helping the economy this year and that would be our stamp of approval. Is that the lead story that we want? Is that the front-page photo that we want? I don't think it is? Thank you.

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

Representative SMITH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let me explain to you again what this bill does and what the amendment seeks to do.

Right now we have a situation where Canadian equipment can be brought into this country, worked in this country and not pay taxes in this country. There exists a special loophole for Canadian equipment to work in the State of Maine in preference to Maine equipment, which has to pay taxes. This bill says that if you are going to import Canadian workers than you need to operate your equipment and you need to show that that equipment has been paying taxes just like the equipment of Maine workers. I do not believe that our pulp and paper industry is dependent on us keeping this loophole open for Canadian equipment and that is why I am asking you to vote green on this bill and let's close this Canadian loophole.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-708) to Committee Amendment "A". All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 335

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, 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, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Ceбра, Churchill, Clough, Collins, Crosthwaite, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Bierman, Brown R, Cressey, Curley, Curtis, Marraché, Moore G.

Yes, 77; No, 67; Absent, 7; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, with 7 being absent, and accordingly **House Amendment "A" (H-708) to Committee Amendment "A" (H-372) was ADOPTED.**

Committee Amendment "A" (H-372) as Amended by House Amendment "A" (H-708) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-372) as Amended by House Amendment "A" (H-708) thereto in NON-CONCURRENCE** and sent for concurrence.

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

The House recessed until 7:30 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:

**ENACTORS
Emergency Measure**

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

(H.P. 1145) (L.D. 1622)
(H. "A" H-699 and S. "A" S-378 to C. "A" H-692)

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. 140 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

**REPORTS OF COMMITTEE
Pursuant to Joint Rule 309**

From the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Give Consumers the Option To Buy Cheaper Individual Health Insurance and Have Better Choices from Other States"

(H.P. 219) (L.D. 294)

Received by the Clerk of the House on June 17, 2005, pursuant to Joint Rule 309.

READ.

On motion of Representative **GLYNN** of South Portland the Bill was **READ ONCE.**

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

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have before us a very novel idea and it's a bill which allows Mainers the option of being able to shop out of the State of Maine to buy health insurance allowing them better choices and greater choices by being able to buy outside of the State of Maine. Just like Mainers have the ability to shop for other products and services out of the State of Maine, this would extend that right to health insurance, which is currently prohibited by Maine law.

As you may see there are a couple of handouts that just came around the House on LD 294, a green one and a yellow one and they show comparative rates of health insurance. Maine, right now, has the highest cost health insurance of any state in the nation. On the yellow handout supporting LD 294 it shows the run down of comparative rates for a company that, in 2002 offered PPO health insurance and the rates for a male aged 50 with \$1,000 deductible were \$4806 dollars a month. If you look at the balance of the states in the nation almost every state has significantly cheaper health insurance than the state of Maine, consistently cheaper health insurance. On the green handout comparing the rates in 2004 so that you can see the alarming trend it compares several states to the state of Maine. At the bottom of the sheet it shows, when looking at the rates for 2004 for a 20 year old male non smoker, that there are several scenarios you can see in the state of Maine the rates for health insurance for a 20 year old male non-smoker at \$421 a month. When you compare them to around the nation you see that in Kentucky it is only \$64 a month. Can you imagine the difference in premiums between \$421 and \$64 a month? In North Dakota \$119 a month. In Mississippi \$59 a month. In Connecticut \$137 a month. When you look at other categories as you thumb through the sheet it shows a family of four on the next page with parents 40 years old and two children. It shows that the rates in Kentucky are \$400 a month, \$459 in North Dakota, in Mississippi \$281, Connecticut \$643. How much would that same health insurance product cost in Maine? One thousand three hundred and ninety five dollars a month. Can you imagine? Three times the cost of other states.

We turn the page and we look still at other comparisons. Looking at somebody older, a 60-year-old male non-smoker, in Kentucky the rates would be \$225, in North Dakota \$412, Mississippi \$307, Connecticut \$578 and in Maine \$631.

Consistently each state offers health insurance that is significantly cheaper for the same product as the State of Maine. You may ask why is that the case? Well, the case is because of State of Maine regulations. Our regulations force the rates higher than the other states in the nation and what this bill, LD 294 does is that it doesn't amend or change any other law in the state of Maine other than if a consumer wants the ability to buy health insurance product in some other state in the nation than it allows them that ability. Sounds pretty simple. It is a simple solution to a complex problem by giving people the ability to shop elsewhere. This bill deserves and warrants your support and I urge you to support it. Thank you.

Representative **PERRY** of Calais, moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

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 am against this indefinite postponement of 294. If we were to pass LD 294 our constituents could buy from someone besides Anthem Blue Cross. Right now we do have that. We can buy from Mega Life I think it is. It is terrible insurance and it is very expensive. Basically we have Anthem here. If we could buy out of state we could buy it from someone besides Anthem and that would mean that we could get our health insurance for up to 75% less. I am not talking about us here, we have already got fantastic coverage and that is what one of my constituents said to me. She said, "You will never do anything about health insurance coverage there because you guys have Cadillac coverage. Why are you going to bother? You'll just add more mandates because it increases your own coverage, but what about us who have to pay?" We could save them 75% and for some families that have good coverage that is \$20,000 a year they are spending and if it were just 50%, \$10,000 a year they could save. Just think what a young working family could do with \$10,000, let alone just save it. They could spend it on their children's education. You know how expensive education is these days and that is just one of the things, let alone groceries and shoes and every other thing that you can spend money on or save money for besides health insurance. I know what my constituents want. I know how they want me to vote on this bill. They don't want indefinite postponement. Thank you Mr. Speaker. Can I get a roll call please?

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

Representative **LINDELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. A vote for Indefinite Postponement is a vote against allowing Maine families to buy affordable health insurance, plain and simple. Here is the current state of affairs. A family of four in Frankfort, Maine, self employed and unable to find a group that they can join to buy health insurance through has to buy it through the individuals market has one choice, Anthem. The cost for a policy with a \$1,500 deductible and then a 20% co-payment thereafter will cost them \$1,642 a month, \$1,642 a month, \$1,642 a month. Now if that family would choose to pull up stakes and move to Frankfort, Kentucky they could buy a similar policy with Anthem with a \$1,500 deductible, Blue Access PPO for the price of \$426 a month. That is a difference of \$1,200 a month ladies and gentlemen and they could also have some choice. They could

buy a policy from Humana for \$305.29 a month. Imagine that, a choice. A choice of health insurance plans that may have slight differences in benefits and different premiums, but what is not different is that there is an over \$1,000 a month difference between the premiums. This is unacceptable. We have to do something about this. Dirigo doesn't do it. The premiums in the Dirigo product are similar to what you are buying in the individual market with Anthem. This is a huge mortgage payment. People can't afford this. If we indefinitely postpone this bill we are cutting off an opportunity for families to at least not move to Kentucky but to stay in Maine and to buy insurance from Kentucky. Ladies and Gentlemen, if our seniors can go to Canada to buy their drugs how come they can't go to Kentucky to buy their health insurance? 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. There are reasons that we regulate insurance in this state. What this is asking to do is to bypass that. It is fraught with a lot of problems dealing with insurance regulation within the state and it also is not comparing plan-to-plan. Buyers beware. I ask that you indefinitely postpone this bill.

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

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It looks like we all went out to dinner and ate sugar packets for the entire meal. Let me just take a moment and perhaps we can take a few deep breathes here and let me point out something. How long ago was it that we stood up here and repeatedly offered bills and we said please give them up or down votes? In fact, most of that was happening on the other side of the aisle and then we hit the budget and the budget had a series of amendments and our first reaction was to jump up and to indefinitely postpone those amendments. That is pretty common when you are dealing with amendments to a budget issue, but with bills we started off this session asking people to discuss the bill and to give them straight ups or downs. But, within 10 seconds of the sponsor of this bill sitting down we had someone jump up and move that we indefinitely postpone. I read from Mason's Manual, "The object of this motion is not to postpone, but to reject the main motion without incurring the risk of a direct vote on it." We only have a few hours left. I would ask my fellow members to work that sugar off in a little different, more constructive way and perhaps suggest that when we bring bills to the floor with new questions and policy issues that we give ourselves the courtesy that we were so gracious with each other three weeks ago and four weeks ago and say that we will debate the bill and have a vote where yes means I like it and no means I don't like it. That is not the situation that we have today, at least not at the moment. I just wanted to point out that we fell into this trap and we can just as easily say that we are not going to do this anymore. Thank you.

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

Representative MARRACHÉ: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In terms of this bill I want to talk to you from the perspective of somebody who has to see patients who have insurance from other states. Just a couple of weeks ago, I already complained to IUPA's office saying that there are so many insurance companies that are regulated in other states that have no way to reach them and they leave you with a PO box number, no phone number that you can call and no name of a person, nothing other than a PO box

so that you can't complain when claims aren't paid and you certainly can't complain when you try to do prior authorizations and you get no word back and patients are irate and angry because you are trying to help them out but can't do anything but send a letter to a PO box. When you don't hear back you don't even know if they got it so I don't like working with other states where there are no regulations set in place to help providers as well as consumers to take care of themselves. I will be voting for the Indefinite Postponement. Thank you.

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

Representative COLLINS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You won't believe this, but prior to my getting acquainted with LD 294 I had constituents who would ask me why they couldn't buy their medical insurance coverage like they buy their auto insurance and life insurance in a national market. They said, "I buy my auto insurance with Geico or whoever." It is a national company and life insurance is the same way, even your homeowners insurance. When you look at the savings here this is a no brainer. Let's do this. We can go back to the folks back home tomorrow, god willing. We can then say that we saved them a lot of money on their health insurance. Now they can buy it in the open market place, the national marketplace and they can save a lot of money on their medical insurance. This is a great idea.

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

Representative MCKANE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to respond to the Representative from Waterville, Representative Marraché and say that we can buy Anthem from out of state and use them. They are top quality insurance and we are still going to save 50%. Thank you.

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

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to reiterate one strong point. I heard the case made so eloquently by constituents of mine of having the ability to be able to buy the prescription drugs in Canada and elsewhere if they could achieve them at a cheaper rate and I remember this Legislature acted favorably on this proposal with bills that came forward in front of one of my two committees, Health and Human Services. I supported that and I support any consumer's right and ability for choice and for being able to shop in the marketplace. I have to say that when it comes to health insurance we don't have any options. We have one option, we have one payer, it's kind of a twisted and mutant single payer, it's Anthem, I call them Anthemopoly. You either buy it through them and pay top dollar or you don't get coverage and I really want my constituents to have the ability to go next door to New Hampshire or to go to any other state and be able to buy cheaper health insurance. Please support the bill and vote against this motion.

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

ROLL CALL NO. 336

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché,

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

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

ABSENT - Bierman, Brown R, Curley, Mills, Moore G.

Yes, 77; No, 69; Absent, 5; Excused, 0.

77 having voted in the affirmative and 69 voted in the negative, with 5 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

From the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Reduce Maine's Health Insurance Rates and Expand Consumer Choice"

(H.P. 1053) (L.D. 1496)

Received by the Clerk of the House on June 17, 2005, pursuant to Joint Rule 309.

READ.

The Bill was **READ ONCE**.

On motion of Representative **GLYNN** of South Portland, under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

The same Representative **PRESENTED House Amendment "A" (H-717)**, which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-717)**.

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

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

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The previous bill that we voted on spoke to allowing Mainers the ability to shop outside of the State of Maine to buy cheaper health insurance. This bill, LD 1496 fixes the marketplace to allow cheaper health insurance to be able to be purchased in the State of Maine. Right now there are really two methods of offering health insurance, one is through guaranteed issuance, which is the kind of state that we are and the second way is through having a high risk pool in the state. Over the years most states have abandoned our form of offering health insurance in the private marketplace. Currently there are only five states in the nation that use guaranteed issuance laws in the individual marketplace. Right now 33 states use high-risk pools as a method of guaranteeing access to health insurance. Under either model, whichever way you go, federal law requires, HIPPA law requires and Maine law backs it up – that every Mainer is entitled to renew their policy. Everyone is entitled to guaranteed renewability. Under either method nobody loses access to health insurance. What happens is that as people enter the market having the option of having a high risk pool versus the guaranteed issuance

model that we have currently would allow people to buy lower cost, affordable health insurance in the State of Maine as in the other 33 states. As in the handouts that you see for LD 1496 Maine currently ranks the highest cost state in health insurance in the nation, the highest cost health insurance in the nation. The percent change in average annual single coverage for health insurance from 1993 to 2002 increased at a record amount in the State of Maine higher and faster than any other state in the nation to 52%. There was a 52% increase during that period.

There are a number of good reasons why we should move to having a high risk pool here in the State of Maine and among all of these is, for instance, our Dirigo Initiative. As we know Dirigo Health Insurance is a private health insurance policy offered through Anthem. If we had a high-risk pool here in the State of Maine, based on statistics provided to the Insurance and Financial Services Committee we would initially see about a 40% drop in the rates of Dirigo policies. Additionally, everybody else's health insurance is also going to be dropping in that same vicinity. Why is that? Well, what happens is that the highest most expensive folks in the healthcare system are taken out of the individual market because they are only insuring to a small band like they do in 33 other states in the nation that all do it the same way. Health insurance costs immediately drop dramatically. What happens to the folks in the high-risk pool? They receive a subsidy to subsidize their premiums paid for by everyone else in the health insurance market and their policies are at about the same low market cost. In fact, people with high utilization and expensive healthcare in the risk pool would be paying lower premiums in the State of Maine than they are currently paying if this bill is enacted. How do we know that? That is the case in 33 other states that have high-risk pools. That is how it works.

Maine is at a crossroads. We can continue down this road of no reform to the individual market and, in fact, every bill that we have enacted in this Legislature with regard to the issue of health insurance has not decreased health insurance and when you leave and go home your constituents are going to face a very large increase in health insurance, plus they are going to be facing the Dirigo Savings Offset Premium Tax, which will be up to a 4% increase. Those increases they will face. This is a way that you can mitigate it. This is an option. It allows Maine's health insurance costs to go down as is the case and as has been done in 33 other states. Let's not boldly go where no man has gone before. Let's not have a Star Trek adventure in healthcare. Instead, why don't we use the proven, tried and true methods of 33 other states and the large number of other states that are also looking into high risk pools as a way to lower their healthcare costs and when we come back in January that 33 state figure will probably be around 38 states that will have enacted them. Why don't we join them and enjoy low cost health insurance and have those options for our citizens. Please support this LD.

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. A high risk pool also needs to be paid for and it is going to be assessed through the insurers, the same people who are working with Dirigo Health. Dirigo Health is aimed at hitting the individual and small group market, those people who are uninsured and underinsured. There is a recent study that has come out through the Commonwealth Fund that has interviewed over 4,000 people nationwide and talks about the increased gap in the underinsured within the nation and what they find with underinsured is that their utilization of the healthcare system is the same as the uninsured.

Fifty percent tend to not go to the doctor because they are afraid of costs and they don't take their meds when given prescriptions because of the costs. They are spending more than 10% on their healthcare with insurance and healthcare and the results if this study actually highlights the importance of taking income into account in insurance plan design. This includes limiting out of pocket cost exposure to not more than 10% for income in general and 5% for those with low incomes. This is what the Dirigo Plan is trying to do. This is one of the newer studies.

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

Representative LINDELL: Mr. Speaker, Point of order.

The SPEAKER: The Representative may proceed.

Representative LINDELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I ask what the good Representative From Calais, Representative Perry's comments have to do with this amendment?

On POINT OF ORDER, Representative LINDELL of Frankfort asked the Chair if the remarks of Representative PERRY of Calais were germane to the pending question.

The SPEAKER: The issue before us is the issue of House Amendment "A". A roll call has been ordered to adopt House Amendment "A" and what is germane to the discussion is House Amendment "A". The Representative may proceed.

The Chair reminded Representative PERRY of Calais to stay as close as possible to the pending question.

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What I am saying is that this is a high-risk pool amendment. Everything else has been stripped off. I am saying that high-risk pools do not take away the underinsured issue and it does not help people who cannot afford insurance, whether it is high or low or the medical care that we have. This takes from the same source of income that Dirigo is taking from. We are in an experiment that studies are showing is the way to go. I am going to ask that you defeat this amendment and that you defeat this LD. 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. A couple of things here. First, that "Do We Want to Have Mississippi Style Healthcare Reform" paper that was handed out was, I think, very unfortunate. The statistics are out of context. The demographics of the two states are completely different and it is basically comparing apples to cumquats. It's not to be trusted in its entirety I believe. One comment about high-risk pools doesn't mean that it would be a high-risk to establish the high-risk pool. It would take those individuals who are high-risk and put them in a separate pool and insure them separately.

This bill is an opportunity for us here in the Legislature to save the Maine people some real money and it is not just about tax relief and a business environment which could possibly save a little bit of money here for the consumer or for the homeowner or property tax payer. This bill could save Maine people real money. Again, if we are talking about a family of four that is paying \$20,000 a year cutting that in half by \$10,000 a year is serious money and you know that they could use it. They certainly talked to me about it and that is what I have been getting from my constituents.

This would change Maine's insurance laws to allow for competition among insurance carriers, reducing premiums for all Mainers, especially the young and the healthy and increase the number of people who are insured. It has worked in other states and it would work in ours. Our current system of health insurance in this state has failed. It is the most expensive in the

country and if you can't call that a failure I don't know what that is. Yes we can give Dirigo a chance and maybe, over time it will lower it a tiny, tiny bit. It is possible that that will happen, but ask yourself if you really think that that is going to happen compared to what this bill would do, like cutting premiums in half.

Because of our guarantee issue law no one can be refused health insurance no matter what the age or health. That is great. That won't change, but if you combine that with our community rating law, which requires all premiums no matter what one's age, health or habits be will vary only a small amount. You have a system that subsidizes older, wealthier and less healthy people with the artificially high premiums of the younger healthier and less wealthy and, unfortunately, the young families aren't buying. They are complaining alot. You have heard it and I have heard it. They are either doing without and still complaining or they are moving to New Hampshire, a state with premiums that are half of ours and for some young people are a quarter of what the premiums are in Maine. As a result more unhealthy people are concentrated in Maine's insurance pool resulting in higher claims and more requests by our monopoly health insurance carrier, Anthem Blue Cross, for higher rates on those that remain. This is the health insurance death spiral that we are in. Out of the 16 states that experimented with these kinds of health insurance mandates Maine is one of only five states left. These five states have, by far, the most expensive health insurance premiums and are loosing enrollment.

Maine's deductible amounts are five times higher then the national average. One in five in Maine's population is now on Medicaid and Maine is increasing enrollment in Medicaid and it is soon to be one in four, while the number of privately ensured is declining. Over 60,000 people have fallen out of the private insurance market after guaranteed issue and community rating were imposed in 1993. In the past 10 years the number of insurance companies in Maine has gone from over 10 to around two. For comparison, you have heard it before, but let's just go over it again just to make sure that you understand it because I just can't believe people can hear these statistics and not want to jump on this. A family of four in Fargo, North Dakota, similar weather, similar demographics, with two 40 year old adults and a \$1,000 deductible policy can cover their whole family for \$459 a month. That same family in Westbrook Maine will pay \$1712 a month. That is a \$1250 difference. It is money that is gone forever from that Maine family and it is going to Anthem and they won't be able to pay for a new home with that money and they won't be able to buy a better car and they won't be able to pay for a child's education and the only difference is that North Dakota has the same kind of insurance reforms that LD 1496 would have. Maine continues to cling to a failed idea for some reason.

Dirigo Choice has been our state government's way of confronting the symptoms of our health insurance problems. Dirigo Choice subsidizes, as we all know from the debates the other night, the high insurance premiums with taxpayer dollars. But, unfortunately, Dirigo is not making a dent in the 130,000 uninsured in Maine. Even with this subsidy and the Experience Modification Program subsidy programs are still out of reach. Not only that, but the Dirigo Program will soon be funded by up an up to 4% tax on private insurers which will make Maine's insurance even more expensive. Still, Dirigo might be part of the solution.

There are many benefits. These reforms are not desperate nor are they revolutionary. They have been implemented in other states and are working well. They have lowered premiums and they are enrolling more people in the private insurance market. It would create a better business environment for one thing and would help cut the cost of overhead for small business and would, in turn, stimulate the economy and provide for more high

paying jobs. The cost of insuring Maine workers would decrease; saving tax dollars and the number of people on MaineCare would decrease, also saving tax dollars. The Maine Legislature has an opportunity right now to act in a bipartisan way and give real financial relief to the fiscally strained people of Maine. Do these people who elected this Legislature deserve anything else? I don't think so. Please vote to support 1496. Thank you Mr. Speaker.

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, Ladies and Gentlemen of the House. I have been looking all around and frankly I am unable to find the committee's report on LD 1496. I was wondering if you could give me some aid sir. Maybe the Clerk could read the report.

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

Representative BISHOP: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When I was looking through this and trying to look it up I couldn't find it and I found it. In fact it was denied and it said it had gone through rule 309 and 309 basically says that the President of the Senate and the Speaker of the House shall jointly establish reporting deadlines for all bills and resolves referred to committee and each committee shall, after having received notice of the reporting deadlines, report its bills and resolves out of committee to the floor for consideration with those deadlines and then rule 310 gives the different ways that it comes out of a committee and, in fact, I found none of those.

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, Ladies and Gentlemen of the House. Could you somehow make it available to us how this was reported out of committee?

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

Representative RICHARDSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. These figures that we are seeing here make me wonder if you are really doing your math. Let's assume that they are right, and that is the way that we should be assuming, we are talking about a difference of \$1,200 a month for a family of four. Take your pencil and multiply \$1,200 times 12 and you come up with close to \$14,000 a year. Have you got \$14,000 that you want to throw away? Why in the world would you deny them? Remember now that you have got 225,000 people on Medicaid, but you have got a million that are not on Medicaid that have to pay these premiums. Why in the world would you deny possibly a million people the chance to save \$14,000 a year? How can you do that with good conscience? I don't think that that makes any sense at all. This whole discussion has been over my head in terms of credibility because we are completely ignoring economics. All we are doing, I think, is trying to protect a health system that has no track record and that we don't know whether it will work or not. We don't know that it is going to cost a lot of money and it has already cost a lot of money. It has cost us \$53 million just for starters and we are talking about adding taxes to get another \$40 million or \$50 million a year. This doesn't make any sense to me.

If it makes sense to you we certainly are not on the same track. Thank you Mr. Speaker.

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. I obviously care passionately about this issue, but I am going to calm down a little bit now and put on my professorial hat if I may and turn back the clock and talk a little bit about history so that the members of this body might understand a little bit about how we got to this perilous situation that we are in now. Just a little bit from my own background. In the real world I am a certified employee benefits specialist, which is a masters level designation from the Wharton School of Business and the International Foundation of Employee Benefit Plans and I am also a Certified Financial Planner and Practitioner. I have some experience in these matters and, frankly, if there were one issue that I care most passionately about it is allowing consumers to buy affordable, market based health insurance in this state and that is what this amendment would do. I want to give you a brief background of the effects of the insurance reform efforts in Maine's individual health insurance market.

In 1993, Maine had a reasonably well functioning health insurance market. Eleven indemnity insurance carriers competed in the market and, although premiums were high, they were affordable by most Maine families. The biggest problem at the time was a high-risk pool that was funded from the General Fund rather than a dedicated revenue source. Yes, you heard me right, a high-risk pool. This is not a novel idea in the State of Maine. The problem was that it was funded from the General Fund and, as we all know and as we have all witnessed, such funding can be spurious at best in tight fiscal environments. Nineteen ninety-three was just such a time. Because of the lack of funding of that risk pool it led to caps in enrollments in the high-risk pool and that meant high-risk individuals who couldn't get premiums underwritten in the insurance market didn't have anywhere else to go. In an attempt to guarantee access to health insurance at an affordable price the Legislature passed and the executive signed a bill that abolished the high-risk pool and mandated guarantee issue of health insurance to anyone who applied.

According to a white paper published by the Department of Insurance in 2000 these reforms resulted in a deteriorating risk pool in the individual market. Let me quote directly from that white paper. The Bureau of Insurance issued this; this isn't from some market-based think tank. This is from our own insurance commissioner and I quote, "Since December 1993 carriers offering individual coverage have been required to accept all applicants regardless of health status. As a result healthy individuals who are uninsured and develop a health problem can buy coverage at any time. For those who have had no coverage in the prior three months the carrier can exclude pre-existing conditions for the first year, but after that full coverage must be provided. For those who have had prior coverage within the prior three months full coverage is immediate." According to a study by Towers Perrin guaranteed issue is the primary reason for the limited availability of individual indemnity coverage.

The 1993 market reforms also restricted the extent to which carriers can vary rates based on age and other factors. While claim costs for a 60 year old are about four times those for a 25 year old the rates charged can only be 50% higher. As a result, coverage is a good deal for older individuals while younger individuals must pay more than would be justified based on their own claim costs. This results in the risk pool having a higher age and therefore a higher cost. In other words, ladies and

gentlemen, the pool of insured has become smaller and costlier as healthier people have chosen to drop health insurance coverage or opted for policies with very high deductibles. This process of a risk pool with fewer and fewer healthy people was referred to in the white paper itself as a "death spiral".

In addition, many insurance companies have abandoned our individual insurance market. Follow this timeline: 1993, that was the year of the reforms that abolished the risk pool and brought in guaranteed issue. American Republic Golden Rule stopped writing individual policies in Maine. Remember we had eleven companies then. In 1995 Bankers Life and Mutual of Omaha stopped writing individual policies in Maine. Pioneer Life, seeing four companies drop out thought maybe there is a market here, so they tried it out. So, they entered the market. In 1996 Principle and Washington National stopped writing individual policies in Maine. Conesco entered the market. In 1997 Trust Mark stops writing individual policies in Maine. In 1999, Time Fortis stops writing individual policies in Maine. Finally, in 2000 those great adventurers Pioneer and Conesco, stopped writing individual insurance in Maine.

Now in 2001, in Kentucky, a rural state that had experimented with many of the same measures that Maine has since 1993, was facing a crisis. Their health insurance market was in a death spiral as ours is now. Kentucky adopted a high-risk pool funded by a moderate premium tax and immediately saw Fortis and John Alden reenter their market. Today seven companies write individual policies in Kentucky. In 2002, New Hampshire restored their high-risk pool funded with an assessment of \$.60 per month on health insurance policies. Remember that the Dirigo tax is \$40 a month. For the cost of \$.60 a month they were able to establish a high-risk pool and now six companies compete in their individual market.

Ten years ago, before these reforms, a resident of Kittery, Maine could have bought a Blue Cross Health Choice policy for \$480 a month. A Portsmouth, New Hampshire resident, right across the bridge, could have bought a similar Blue Cross policy for a similar price. The prices were the same and the benefits were similar. Today, in Kittery, the same policy, Blue Cross Health Choice costs \$1,577 a month and in Portsmouth you can buy a similar policy called Blue Direct for \$663 a month. The difference is that Maine's insurance market is in a death spiral. New Hampshire's is stable because they have a high-risk pool.

Ladies and Gentlemen I submit to you that we can do better. You owe it to your constituents to do this. You are ripping them off if you don't. This plan has to be enacted and if it is not enacted now then it will be enacted later because the people are going to rise up and demand it.

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

Representative RICHARDSON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. My question is what don't we understand about marketplace competition? Representative Collins mentioned it just a few minutes ago and it was ignored. I want to bring it to our attention one more time. Competition is a good thing, especially in the insurance business. In my company in 1996 the Principle Group insured our employees and we got the notice that said they no longer insured us. Immediately, upon our new insurance we were increased \$100 per person. That is not competition ladies and gentlemen. I urge you to please think about competition and support our bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative MILLER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to talk

about competition for a moment. We hear a lot about the fact that in the early and mid nineties the whole reason that we lost insurance companies was because of guaranteed issue etc., etc. Let me give you another piece of history about the early and mid nineties and that was the managed care era. There was a lot of talk about whether managed care would work in Maine. We are a very rural state and there was a lot of data out that said managed care only works in communities and areas of a million plus and we are talking cities and regions and not a whole state. A lot of companies galloped into Maine trying to offer managed care and then they found, once they got into our cities and our hospital areas that there is no competition. Most hospitals have a monopoly. We have three or four cities where there are a couple of hospitals and when managed care companies can't have competition they can't bring down the prices and they left. That was another reason that companies left this state during the mid nineties and it wasn't just because of guaranteed issue but we never hear that piece of history. So, competition is very important and what we have is very high hospital costs in this state. It is another reason why we have very high insurance rates. So I would like to hear that in the discussion as well. Thank you Mr. Speaker.

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. Many people have stated that we have a healthcare crisis. We don't have a healthcare crisis we have a health insurance crisis. Many of you were here two years ago when we went through this very same exercise. We didn't have a healthcare crisis then either. We had a health insurance crisis and as the Representative from Frankfort stated the State of Maine caused the health insurance crisis. The State of Maine caused the health insurance crisis by enacting the reforms that you see on the blue sheet referred to as the evil twins. Some of the opponents of real market based healthcare reform have stated in committee proudly that Maine was the first state to enact guaranteed issue. Well, a lot of other states followed suit and figured it out much sooner. There are still five states that are continuing the practice of guaranteed issue in their regulations and those five states have the highest priced insurance rates in the United States. On the backside of the blue sheet you can see who those states are and you can see the relative cost for the same program in those five states. New Jersey is the worst, but they have the highest median income. We are second, but we don't have the highest median income, we are 27th I think.

Certain opponents of health insurance reform have also implied that achieving the intended goals of LD 1496 which are lowering the cost of health insurance and expanding coverage are unlikely and the chances of doing real harm to the state are great. Well, as I just mentioned the harm to the state has long since been done, when the evil twins were enacted and drove premiums into the death spiral that we are witnessing today. You will notice that our car and homeowners insurance rates are not outrageous. They are in line with and probably better than most other states. Since Maine has the second highest health insurance premiums in the U.S. how much worse could it get? I disagree with the assertion that success is unlikely. These principles are working in many other states some of which never created the problems in the first place.

Opponents to reform have also made the following points. LD 1496 deregulated health insurance. Well, that is true, but that is, in fact, a good thing. It repeals guaranteed issue. That doesn't allow insurance companies to drop sick clients who are charged wildly fluctuating premiums. That is somewhat of a convoluted

statement. We need to get our terms and our facts straight. Guaranteed issuance means an insurer must sell to anyone regardless of how sick they are. At these rates healthy people tend not to buy. What we are referring to in both terms, guaranteed issue and a high-risk pool, is guaranteed access. Guaranteed access means anybody can receive access to health insurance coverage. A risk pool, which is only used when you first buy, accepts the otherwise uninsurable clients and massively lowers rates for everyone; for people who are generally healthy and for people who are not in such great health below where our costs currently are. A risk pool is guaranteed access.

Another term that sounds the same, guaranteed renewability. That means that the insurance company cannot drop you. You cannot lose your insurance unless you don't pay your premiums regardless of your health. No one is even suggesting that that has changed. No one will be dropped. They have also said that older patients, women of childbearing age and people with chronic conditions could be denied coverage altogether and are charged premiums out of line with what their neighbors pay. No one is denied coverage. Although there would be a variety of rate structures no one, even high-risk people, would pay the exorbitant rates that we now have under current structure.

It has incorrectly been stated that the risk pool would need to be subsidized by the federal and state government. That is simply not true. Although there is federal money available to ensure the start up of a high-risk pool, the model we propose is funded by the insurance companies. Government funding would cost tax dollars and be subject to the whim of the Legislature especially in times of budget crisis like now. That could mean that the risk pool would be dropped in favor of some other program, not real good stability.

To those who would say that experience in other states with such pools shows limited success, I simply reply that their premiums are lower than ours. Another misguided assertion: enrollment rates are low, costs are high and the plans tend to attract only the sickest of the sick. Well, regarding a risk pool that is the way that it is supposed to be and that is who they are for specifically. Generally about 1% of the individual market, somewhere between 500 and 1,000 people, should be in the risk pool at any given time and that is a very big effect on the actuarial numbers. Taking those risks gets people out of the general pool and can cause this 50% reduction that we are talking about.

A certain anti-reform lobbying group stated that reports from Washington State show that because of high premiums only one in every seven of those eligible signs up. Well, their risk pool premiums may be similar in cost to our regular premiums, which everybody in this state has to pay, maybe even lower. So, if that is the case, how many low risk Mainers are going without insurance right now in our current market for the very same reason? High cost is not a rational argument. Another red herring argument, the number of enrollees in Washington County is about 2,800. Maine experimented with high-risk pools from 1998 until 1994 and never had more than 500 participants. The risk pools are meant to only handle the upper extremes of those with chronic diseases. High cost consumers are those with pre-existing conditions and comprise about 15. The risk pools of '88-'94 were doing their job.

They have further stated that the risk pools have not reduced the numbers of insured or expanded care. I disagree and I can prove it. Guaranteed issue on the other hand has seriously increased the number of uninsured due to increased premium rates comparing today to the pretty good shape that we were in in 1993. Many people are able to get out of the risk pool after showing a good faith effort. For example by maintaining their

doctors advice on blood pressure medication. There is the incentive of lower premiums to get them back into the regular insurance pool. No one once insured in a lower rate classification is forced to enter the risk pool or any other higher rate class.

Here is another false implication. The legislation would also move mandates on health insurance coverage such as mental health parity, minimum maternal stays and prostate cancer screenings. LD 1496 removes no mandates except guaranteed issue. In fact, we know that all of Maine's mandates provide a valuable service in helping to provide preventative care and holding overall costs down as opposed to special writers. All of Maine's benefit mandates add a total of 3.3% to the premium and that is basically true in other states that have a lot of mandates. If we can cut premiums in half then who cares about 3.3% for a superior program?

I have also heard that LD 1496 would move Maine in the wrong direction on healthcare, undermine important consumer protections and do little to control costs. Actually, unless you choose to ignore most of the US, which has better health insurance for fraction of the cost I would have to disagree with all of these statements. In fact, states have been progressively repealing guaranteed issue and enacting risk pools. As a result they have been seeing the return of competition, better coverage and lower rates.

Ladies and Gentlemen, if you want to cut the cost of Maine's health insurance in half and if you want to improve Maine's business and job climate and if you want to do the biggest service to your constituents that you could possibly imagine as a Representative then I you would support LD 1496. Thank you Ladies and Gentlemen of the House I urge you to support the pending motion.

THE SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-717). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 337

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

NAY - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, 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, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Bierman, Brown R, Curley, Jackson, Moore G, Saviello.

Yes, 69; No, 76; Absent, 6; Excused, 0.

69 having voted in the affirmative and 76 voted in the negative, with 6 being absent, and accordingly the motion to **ADOPT House Amendment "A" (H-717) FAILED.**

Representative CUMMINGS of Portland moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONED** the Bill and all accompanying papers.

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

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

ROLL CALL NO. 338

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, 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, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

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

ABSENT - Bierman, Brown R, Curley, Moore G, Muse, Saviello.

Yes, 77; No, 68; Absent, 6; Excused, 0.

77 having voted in the affirmative and 68 voted in the negative, with 6 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

ENACTORS
Acts

An Act To Eliminate Pension Cost Reduction Bonding and Provide Replacement Budgeting Measures

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

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

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

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. We have before us "An Act to Eliminate Pension Cost Reduction Bonding". Before we vote on enactment I would ask that we recall the end of March when this Legislature and the Chief Executive rejected the bipartisan approach to budgeting and engaged in what we know now as the notorious method of pension cost reduction bonding.

I am glad that we are pass that night Mr. Speaker. I want to thank you for your part in bringing LD 1691 forward and I want to thank you for not using the BRAC recommendations as an excuse and I want to thank you Mr. Speaker for recognizing that borrowing money to keep the lights on isn't sound investment as was argued in march and is instead bad policy that flows from bad process.

When I talk about bad process I think it is important for us to look at the differences in Part I, a document that had only one set of fingerprints, versus the Part II document that did have two sets of fingerprints. I think we would all agree and I think, Mr. Speaker, that you would agree that the best process and product for the people of Maine occurs after there are two sets of fingerprints on a document.

As my good friend from Sanford, Representative Bowles suggested earlier today this LD is an improvement and credit needs to be given where credit is due. There have been some cuts and there have been some products of bipartisan work that have improved our state. But, tonight I would suggest that it is kind of like here we go again, we are ready to impose a tax increase on the overburdened people of Maine using a tax revenue that is unstable, unreliable and that will no doubt contribute to our structural gap in the future and I would ask this; are we getting the job done like we should and is this so called Part III the best product, given that it only has one set of fingerprints? If instead of borrowing to keep the lights on we are just taxing to keep the lights on is this what the people of Maine deserve?

We are going to vote against this over here in this side of the aisle unless something really goofy happens at supper tonight Mr. Speaker and we are standing up for the people of our districts and we are standing up for the Democrats, the Independents and the Republicans, the small business people, the smokers, the people who own the mom-and-pop stores and the people all across Maine who recognize that we are number one taxed state in the country. That burden is ridiculous, it is unacceptable and I ask isn't it obvious that we could do better? Mr. Speaker I ask for a roll call.

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 Portland, Representative Cummings.

Representative **CUMMINGS:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand here to speak in support of this motion and to say that we, as Democrats, are proud to be standing up for those who need healthcare and not their next cigarette. We have a belief in this state that people work better together and that is what this is about. But, I do want to say that I believe in this last few weeks we have clearly worked better and we have worked well and I want to thank the Minority Leadership and I want to thank the Minority Leadership and I want to thank Representative Millett and his team in Appropriations for working with us. I believe it was in a respectful manner and a helpful manner and a productive way and it means alot to us and to the people of this state.

I do want to say though that even if you go back to March, based on how things came out in the last few days, there are clear philosophical differences and even if we had done things differently in March you many not have had a different result. Here we see the clear philosophical difference that says we will not abandon 40,000 people. I have never heard a contradiction out of any significant independent source that says otherwise. We will not abandon them for with no healthcare, which is a

major cost shift to the rest of us. In addition, we did a significant cut in our structural gap, we eliminated the borrowing and we used no broad based taxes. We think that this is a step forward, but I would not be telling the truth if I believe that this was the only thing that needed to be done. Today we balance a budget that eliminates the borrowing and that shifts the structural gap downward, which was what we suggested and moves us, I think, forward and avoids the biggest cost shift in healthcare that we could experience as a state and we will all pay for it.

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

Representative CROSBY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I did vote for the Part I budget and the borrowing package and because I voted for that borrowing package and this package we have before us tonight is the only thing that we have to fix the borrowing package I plan to vote for final enactment. I am not happy about the fact that we are taxing our corporations, but it is the only thing that we have before us tonight and I believe that it is the better of the two evils and so I will be voting for 1691. Thank you Mr. Speaker.

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. 339

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, 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, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan.

ABSENT - Bierman, Brown R, Curley, Moore G, Saviello.

Yes, 74; No, 72; Absent, 5; Excused, 0.

74 having voted in the affirmative and 72 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. **ORDERED SENT FORTHWITH.**

**ENACTORS
Acts**

An Act To Improve the Delivery of Maine's Mental Health Services

(S.P. 57) (L.D. 151)

(H. "A" H-716 and S. "B" S-373 to C. "A" S-367)

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

On motion of Representative WALCOTT of Lewiston, 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. 340

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

NAY - Bliss, Brannigan, Bryant, Craven, Davis G, Eder, Hutton, Lerman, Lindell, Mills, Pelletier-Simpson, Sampson, Twomey, Walcott, Webster.

ABSENT - Bierman, Brown R, Curley, Moore G.

Yes, 132; No, 15; Absent, 4; Excused, 0.

132 having voted in the affirmative and 15 voted in the negative, with 4 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**ENACTORS
Emergency Measure**

Resolve, To Create the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978

(S.P. 139) (L.D. 415)

(H. "A" H-710 to C. "A" S-138)

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. 120 voted in favor of the same and 22 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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)

(H. "A" H-712 to C. "A" S-316)

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. 107 voted in favor of the same and 30 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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

(S.P. 610) (L.D. 1645)
(H. "A" H-714 to C. "A" S-290)

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. 102 voted in favor of the same and 40 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Clarify and Harmonize State Policy on Groundwater Management

(H.P. 1158) (L.D. 1643)
(H. "A" H-711 to C. "A" H-547)

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

Resolves

Resolve, To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws

(H.P. 226) (L.D. 301)
(H. "A" H-713)

Resolve, To Establish the Committee To Study the Establishment of a Memorial for Emergency Medical Services Personnel and To Set Aside Space for That Memorial

(S.P. 516) (L.D. 1498)
(H. "A" H-709 to C. "A" S-222)

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

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

Acts

An Act Regarding Access to Prescription Drugs and Reimportation

(S.P. 406) (L.D. 1178)
(S. "A" S-383 to C. "A" S-293)

An Act To Refine and Study Substance Abuse Testing Procedures and Treatment

(H.P. 944) (L.D. 1361)
(S. "A" S-386 to C. "A" H-428)

An Act To Amend the Sex Offender Registration and Notification Act of 1999

(H.P. 997) (L.D. 1433)
(S. "A" S-387 to C. "A" H-607)

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

Resolves

Resolve, To Review and Recodify Laws Pertaining to Violence in Our Schools

(H.P. 709) (L.D. 1024)
(S. "A" S-382 to C. "A" H-393)

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

Resolve, To Establish the Study Commission Regarding Liveable Wages

(H.P. 854) (L.D. 1236)
(S. "B" S-384 to C. "A" H-232)

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

On motion of Representative BOWLES of Sanford, 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. 341

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

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curtis, Daigle, Davis G, Davis K, Duprey, Edgcomb, 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, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan, Woodbury.

ABSENT - Beaudette, Brown R, Curley, Hotham, Moore G.

Yes, 74; No, 72; Absent, 5; Excused, 0.

74 having voted in the affirmative and 72 voted in the negative, with 5 being absent, and accordingly the Resolve was **FINALLY PASSED**, 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)
(S. "A" S-380 to C. "A" H-513)

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

Representative **TARDY** of Newport **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.

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. 342

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, 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, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Jacobsen, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Brown R, Curley, Hotham, Jodrey, Moore G.

Yes, 78; No, 68; Absent, 5; Excused, 0.

78 having voted in the affirmative and 68 voted in the negative, with 5 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Emergency Measure

Resolve, To Establish the Blue Ribbon Commission on the Future of MaineCare

(H.P. 594) (L.D. 835)
(S. "A" S-381 to C. "A" H-523)

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

Emergency Measure

Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and Education

(H.P. 899) (L.D. 1302)
(S. "A" S-385 to C. "A" H-570; S. "A" S-325)

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. 126 voted in favor of the same and 3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

Non-Concurrent Matter

An Act Allowing Certain Commercial Vehicles at Canadian Weight Limits To Travel from the Canadian Border at Calais to Baileyville

(H.P. 257) (L.D. 334)
(C. "A" H-261; S. "A" S-319)

PASSED TO BE ENACTED in the House on June 8, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-261) AS AMENDED BY SENATE AMENDMENT "A" (S-388)** thereto **AND SENATE AMENDMENT "A" (S-319)** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act To Amend the Electronic Insurance Cancellation Notification Law

(H.P. 467) (L.D. 634)
(C. "A" H-518)

PASSED TO BE ENACTED in the House on June 2, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-518) AS AMENDED BY SENATE AMENDMENT "A" (S-389)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act To Amend the Axle Weight Laws

(H.P. 477) (L.D. 657)
(C. "A" H-459)

PASSED TO BE ENACTED in the House on May 31, 2005.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-459) AS AMENDED BY SENATE AMENDMENT "A" (S-390)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act To Recognize the Recipients of the Korea Defense Service Medal

(H.P. 791) (L.D. 1148)
(C. "A" H-248)

PASSED TO BE ENACTED in the House on May 17, 2005.

Came from the Senate **PASSED TO BE ENGROSSED IN NON-CONCURRENCE.**

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

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

Representative **PARADIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have entitled this talk *Justice for All*. Is Dennis Dechaine included? Our efforts to pass a resolution advocating a new trial for Dennis Dechaine have apparently failed, although the 4-1 ratio of returned ballots

certainly supported it. However, the fight for a retrial and justice goes on all over the state and beyond as is evident with the ten year involvement of the Innocence Project and the growing national and international coverage, especially in USA Today and the upcoming Court TV special to be aired internationally on July 14 at 10pm eastern daylight savings time. It will be done in the rarely used wrong man series format. It will be only the fifth time that this full hour feature has been used. We in Trial and Error as well as the Dechaine family, have been assured that the show will be favorable to Dennis. Court TV has repeatedly contacted Don Dechaine in Madawaska, Dennis' brother for more information and pictures about Dennis' early life in Madawaska. It is appropriate that the show will air on Bastille Day, the French national holiday, considering Dennis' French Heritage. I hope that like in 1789, but peacefully when so many wrongfully incarcerated people were let out of prison, 2005 will be the year that Dennis finally finds justice. Ladies and Gentlemen of the House, the State of Maine, its law enforcement agencies, its judicial system and the Attorney General's Office will soon be under an intense international spotlight and put on trial for the travesty that was committed in the name of justice in 1988 and 1989 and allowed to continue unabated to this day.

There have been many occasions and opportunities to right this wrong, but time has run out. There is a strong belief in my and Dennis' religion and culture that injustice will be righted someday. That day is near at hand. Thanks to the exhaustive research of James Moore, the author of *Human Sacrifice* and the actions of the 120th and 121st Legislatures, there is abundant new evidence to warrant a new trial for Dennis Dechaine. There has long been a deep uneasiness about the verdict in the first trial and now we know why justice went awry almost 17 years ago. There was a rush to justice because such a heinous crime had been committed that the police forgot to check the five or seven sexual perpetrators that were all within a five-mile radius of where Sarah Cherry was babysitting that day and there were about 20 in a ten-mile radius. Sarah could very well be alive today, 29 years old and about the age of my good friend back here if the police had not dwelled on Dennis Deschaine. She was alive for some 25 to 30 hours after abduction. Good police work, like good surgery requires that the people have to set their emotions and feelings aside to be able to do the job. I submit that the job was not done that night.

Some of you have probably heard about the loneliness of the long distance runner. Tonight I wish to talk about the loneliness of fighting for justice. Justice is often very hard to come by in this country and recently especially here in Maine. Despite the unceasing efforts and sacrifice of thousands of good decent people all over this state and beyond. It is very well expressed in a letter to the editor by Carol Rasmussen of Smithfield in today's Kennebec Journal, "Public confidence demands a new trial for Dennis Dechaine." She writes. "The public is very much divided on the issue of wrongful conviction requiring that the issue be resolved. Based on DNA testing conducted by the state police crime lab and the Innocence Project and the doubts raised about Dechaine's case in the book *Human Sacrifice* there is sound reason to pursue the matter. The legislature has wisely put the issue back into the judicial system where it demands resolution if Maine people are to trust their legal system. It is time for Attorney General Steve Rowe to act. Trust in Maine's legal system has become a primal concern."

Mr. Speaker and colleagues of this great institution I would like now to speak about Dennis Dechaine, the man that I have gotten to know, respect and admire these 13 years or so. I did not know Dennis when Sarah Cherry was killed in one of the most heinous crimes that this state has ever seen. On that we

can all agree. I knew his father a little because of his service station in downtown Madawaska. The first time that I heard his name uttered was on TV on July 8, 1988 when he was inaccurately portrayed as a French Canadian migrant worker, yes discrimination and racism were alive back then. The character assassination had begun. You see, it is so much easier to convict and imprison a monster than the mild, considerate and peace loving man whom I have gotten to know and respect. He was falsely linked to the unsolved Green River murders in Washington State since he had majored in French Literature at Western Washington State. They have got their real killer now ladies and gentlemen. They have got him now. A guy by the name of Ridgeway admitted to 48 slayings. Apparently, according to the unscrupulous and ambitious prosecuting attorney in the case, I will leave out his name; Dennis might even have something to do with unsolved murders in India since he had been there briefly on some trip. The truth, ladies and gentlemen, is that Dennis had been named Farmer of the Year by the Rotary Clubs of Maine and had been rewarded by an all expense paid trip to India along with other winners from across the US.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative WEBSTER: Mr. Speaker, point of inquiry.

The SPEAKER: The Representative may proceed.

Representative WEBSTER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. How do I ask my fellow legislators to be a little quieter?

The SPEAKER: The Representative from Freeport, Representative Webster has inquired as to how we can be quieter so that he can hear. I think that that is a valid question. Please be respectful of those who want to hear and those who are speaking. Thank you. The Representative may proceed.

Representative PARADIS: Thank you Representative Webster I really appreciate that. I read all about that infamous murder trial in Rockland in early 1989 and saw it unfold in the evening news. According to the limited news I was getting I became convinced that Dennis was indeed guilty of brutally slaying a vibrant responsible twelve-year old. Sadly, I agreed with the jury's verdict of guilty as charged and the life sentence without parole that was imposed on him. Then I heard of a group called Trial and Error and read in the paper that they would be meeting in Madawaska. Out of curiosity my wife Judy and I went. The topic that night was mostly about the inconsistent stories about truck tire tracks left in the driveway where Sarah Cherry had been babysitting. An ever so faint doubt entered my mind but really not enough to change my verdict at that time, but enough to really discuss with Judy what we should do next, since Judy was then serving in this House and I came down as often as my teaching job would allow. We decided to go to the State Prison in Thomaston and meet this monster that preyed on little girls and could not but help but sexually assault them and even kill them. We were not quite ready for what we encountered. What we met was a very polite, well and soft spoken, articulate, in English and French, young man of 31. He is now 47. He looked us straight in the eye and spoke openly of his plight. However, the thought kept entering my mind that maybe this is a smooth operator in the mold of so many serial killers.

I left the prison that day very troubled and confused. Maybe this guy is not guilty after all, but no he was found guilty and convicted by a jury of our peers. What is a nice guy like that doing in jail, come on get over it, he is guilty as sin and deserves to rot and die in jail for what he did. I remember telling Judy that my instinct tells me he did not do it. She said "Me too." However, it was not until the initial DNA testing of a thumbnail

clipping of Sarah Cherry's that I made the leap forward. This guy did not do it. DNA does not lie. Ever since that day and even more so now because of new refined DNA testing and Jim Moore's extensive and thorough analysis of the state's own evidence I have committed myself to join the ever increasing numbers demanding justice.

I made a point to visit Dennis as often as I could. I really got to know and like the guy, despite what must be a hellish experience to be in jail for a crime that you did not commit. Dennis soon asked to be allowed to be transferred from protective custody to general population. He was told by his guards that he would be on his own if he did. If he got attacked they would not come to his rescue. After some harrowing experiences he came to feel safe in his surroundings. You see the most hardened criminal will often attack and even kill a man convicted of the brutal slaying of a child. The word soon got around to leave him alone. He wasn't one of them. Many of the biggest and meanest became his protectors. Dennis volunteered to do anything to help pass the time and to bring some happiness to other inmates and even to people on the outside who needed help. He volunteered for the braille project recruiting other inmates to participate in the project and he has a very good knack for recruiting. He used his training as an agronomist from Vermont to plant flowers around the prison yard. There were no funds for it and he asked them that if he contacted the people that he knew when he was in business would they allow it and they said yes. Those flowers are one of the most beautiful sites at that prison.

He served as clerk in the woods industries shop and he was even trusted with his own keys. A trait that I have learned to appreciate in Dennis soon manifested itself to me. This is indeed one of the most caring, altruistic persons I have ever met. He is always doing things to help his fellow inmates. Dennis used his considerable intelligence and superb education to help those who could not read and write and who needed encouragement or a listening ear and has very often related to me that when someone who was illiterate would come to him he would help them write a letter to their children or grandchildren. He has never refused.

Ironically, this victim of injustice became a champion of prisoners' rights, often at his own peril. He advocated for his friends to redress wrongs, often landing in the supermax for extended periods. He was even threatened with a transfer to Texas or to Florida and Senator Martin and I quelled that one. He appealed through court for justice in the same system that had betrayed him so terribly. I remember one time at the old prison where it was very confined space and had a lot of tension among the guards. Judy, who had been there many times was accosted by a guard almost literally, he said, "I don't know your face where is your ID?" and she said, "I don't know yours either and he almost jumped at her physically." I said, "Judy I will take care of it." A union personnel member came to the house and the reason we did not was that we talked to Dennis about it and he said that the guard has been good to him. Do what you want to do, but if you can accept an apology I would be really thankful. The guy did call and apologize.

By the way he recently won a lawsuit to respect the grandfathering of personal electronic equipment that had been granted upon transfer of the old prison to the new one in Warren. This guy would be a good lawyer.

Those of you who have come with me this year know how moving and haunting a visit with a most likely wrongfully incarcerated person can be. There is hardly a twinge of bitterness in this man after almost 17 years in the roughest environment that this state can impose on a human being. My original sense was to really let go in this speech, but I remember

what Dennis would probably tell me, "Ross, be kind." It can be downright heart breaking at times.

When Representative Hotham accompanied me for a two-hour visit Denis at one point asked him if he had any kids. After Randy proudly talked about his kids Dennis, with tears in his eyes said, "They took that away from me."

In another visit, Representatives Barbara Merrill and Kim Davis joined me to break the ice after I introduced them to Dennis I told them that Dennis would appreciate the visit of these two attractive and intelligent women. Now one of them is a Democrat and one of them is a Republican. Which is which, after looking at them intensely for a few seconds he said to Kim, "You are the Republican." And then Barbara quipped "Well of course Kim, your wearing red." We had a good laugh and we had a good bipartisan visit.

A few weeks ago Representative Rick Burns accompanied me to Warren. As with the three other previous Reps, Rick is a staunch believer in justice and a champion of the disenfranchised and the rejects of society. These guys from the Bronx are indeed fighters. He drove all of the way from Berwick on a lovely Saturday afternoon when he could have spent time with his family.

The last visit with another Representative was just this past Tuesday when we were granted some time off. With the understanding and cooperation of the visitation staff at the prison and the guards, I really thank them for their understanding, Representative Darren Hall and I popped in unannounced on Dennis. He was released from his new job as payroll clerk in Woods Industries, which pays all of \$10 a day with room and board, I think whatever doubts Darren had about Dennis were pretty well dispelled.

I have learned in the past several years that much was taken from Dennis Dechaine besides his freedom and his dignity in what I truly believe was a grave miscarriage of justice. His story is truly of Jobian proportions. Here was a faithful husband who had a true soul mate as a wife and partner in an enterprising farm business in Bowdoinham. Together they had planned to start a family. After visiting with his brothers and their young children in the St. John Valley for the July Fourth celebration in 1998. Don't believe the cruel rumors that Nancy was planning to divorce him all along and out of those sick rumors spread by those who believed they had their man. They did divorce after Dennis' conviction, not because they wanted to, but because he wanted her to get something from the sale of their farm. By the way, all of their assets were tied up after the Attorney General's Office assisted the family of the victim in a civil damages suit. This is even before the trial when he was still innocent until proven guilty. All of his and Nancy's assets were tied up. Dennis had to borrow \$30,000 from his family and friends an amount that, to this day, he has not been able to pay back. That, Mr. Speaker and colleagues was not only cruel, but unconstitutional leading to a one sided battle in court all in the name of justice and sanctioned by this state, which usually has a reputation for being fair and just.

One of the most heart wrenching accounts that I sat through with Dennis was his relating of his now ex wife visiting him in prison accompanied by her new lover and now her present husband. She wanted Dennis' approval for a next husband. What has this state done ladies and gentlemen? Like Job in the Old Testament, Dennis' faith in God was badly shaken. "My God, why have you forsaken me?" he must have muttered alone in that 8-foot by 10-foot cell of his that he now calls home. Despite all of that betrayal here on earth and what he perceived as an abandonment from above, he continues to keep himself busy doing whatever constructive activity was allowed him or that he

could muster reading, writing and always advocating for prisoners rights. This remarkably resilient individual plodded on without rancor or despair. The Dennis I know today has obtained the serenity, lack of bitterness and mental toughness that is so characteristic of long term wrongfully incarcerated and persecuted individuals such as Mahatma Gandhi, Vaclav Hovel and Nelson Mandela. He is in good company ladies and gentlemen.

Gradually, I learned more about Dennis' earlier life in Madawaska. He is the youngest of four boys who seemed to have all at one time two great parents with two successful businesses, the service station and a taxi service. I found out that his mom was from Frenchville and that she drove the cab while her husband worked at the station. People fondly remember young Dennis riding in the passenger seat in front and reading a book, then tragedy struck, his mother contracted lung cancer and died at the age of 42. Dennis was only eight years old. His grief stricken father passed away five years later at the age of 47 leaving the children on their own to fend of for themselves. The oldest brother, Phil, became the defacto father and a spinster aunt moved in to serve as surrogate mother. The older boys and Dennis operate the service station on their own until it burned down on a cold winters' night. Relatives and neighbors rallied to help these orphaned boys in any way that they could. Yes, the village did raise the children successfully for several years. All did well in school and all four did college work. I also found out that Dennis was born on October 29, 1957 at the Hotel Gier Hospital in Edmonston New Brunswick on the same day that my future brother-in-law Norman Buefort was born. In fact, these two boy's mothers were in the same hospital room. Norm and Dennis became good friends before starting school and remained so right through grade school and high school and continue that friendship to this day.

Before I close this evening dear friends, Dennis has since regained his belief in God and solidified his once wavering faith. A few years ago I asked Michael Heath the Executive Director of the Christian Civic League to accompany me on a prison visit after he had shared with me that he had read *human sacrifice* and was pretty much convinced that Dennis is innocent. He came away from that visit very moved and entirely convinced that the state has indeed persecuted and incarcerated the wrong man. He also saw a new faith evolving in Dennis. It was left to a young Canadian inmate, Dean Michaud, for whom I have also tirelessly worked for a transfer back to Canada who was convicted of manslaughter in a fight over a young woman on the banks of the St. John River in Frenchville to close the deal. This young man from Clair, New Brunswick, right across from Fort Kent succeeded in getting a job as the Assistant to the Catholic Chaplain at Warren, Father Bouchard. One of Dean's duties was to recruit inmates for a Kairos weekend. Those of you who have done a Kairos weekend know what I am talking about. Kairos is all about getting closer to Christ. The Kairos is the prison version. I tell you that this religious experience has done wonders for inmates. I have talked with guards and the Commissioner about this and I have talked to the Warden and they all agree that it has really changed alot of inmates for the good.

I was at the closing of Dennis' weekend in the gymnasium a few years ago as Dean looked on proudly from the stands. I told Dean on a visit to both of them, separately, the week before to not tell Dennis that I would be there. You should have seen Dennis' face when he saw me. I was not at all surprised when I had found out that he had been chosen by the other inmates in his group to represent them and to speak for them. I observed their non-verbals all night. All I saw was the utmost respect and

pride in their friend who has never ceased to help them. Everyone even asked by acclimation for him to go back up and to talk about what he had experienced.

Mr. Speaker and dear colleagues it is getting late in the night and we are all getting tired. I thank you all for allowing me to share with you the Dennis Dechaine that I know and respect and love as a brother. When I get tired and dragged down by everything as I was today, I have, for a long time, learned to think about Dennis in that cell where Commissioner Mike Newson and Warden Merrill allowed me to visit my friend for five minutes when we in a Criminal Justice and Public Safety toured the prison not too long ago. Deep down I think that the commissioner, the warden and the other guards are the keeper of a very special man who was at the wrong place at the wrong time. When I am down I think of Dennis and I perk right up. I skipped dinner to finish this speech and frankly I am not even hungry. How can I, free to move around as I please and do what I want when I feel like it, complain when this caring and courageous man serves a life in prison without parole? Mr. Speaker and Men and Men and Women of this house it has been a long challenging day and I thank you for your indulgence and your patience. I only ask you now to remember my friend Dennis and to support a new trial where and only where you will have the opportunity to be heard and to have a grievous wrong finally righted. I dreamt the other day and shared with Dennis that I was at home and there was someone in the room. I looked around and there was Dennis. I said, "Dennis, what are you doing here." He says, "They let me go and I came through Canada." If ever I have the privilege of driving this man from that prison we will go through Canada from Houlton to Madawaska. You can count on that. Across this political divide if you truly want peace of mind work for justice for all, including Dennis Dechaine. I rest my case. Merci Bo que e bonsue.

Non-Concurrent Matter

An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds (EMERGENCY)

(H.P. 1027) (L.D. 1464)
(C. "A" H-626)

PASSED TO BE ENACTED in the House on June 7, 2005.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

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

**REPORTS OF COMMITTEE
Pursuant to Joint Rule 309**

From the Committee on **TAXATION** and the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Stabilize and Strengthen the MaineCare Program" (EMERGENCY)

(H.P. 1012) (L.D. 1448)

Received by the Clerk of the House on June 17, 2005, pursuant to Joint Rule 309.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

From the Committee on **TAXATION** and the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Tobacco Use and Improve Health" (EMERGENCY)

(H.P. 1140) (L.D. 1617)

Received by the Clerk of the House on June 17, 2005, pursuant to Joint Rule 309.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

ORDERS

On motion of Representative CUMMINGS of Portland, the following House Order: (H.O. 43)

ORDERED, that the following specified matters be held over to any special or regular session of the 122nd Legislature.

House Committee on House Rules

H.O. 13 - House Order To Amend the House Rules by adding House Rule 108 To Permit Filming of Proceedings of the House for Broadcast

H.O. 18 - House Order To Amend House Rule 501 Regarding House Order of Business

H.O. 22 - House Order To Amend the House Rules by adding House Rule 526 To Establish a Seat on the floor of the House for the Legislative Youth Advisory Council

H.O. 39 - House Order To Amend the House Rules by adding House Rule 108 To Permit Filming of Proceedings of the House for Broadcast

READ and PASSED.

ENACTORS

Acts

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

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

(H. "A" H-708 to C. "A" H-372)

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

On motion of Representative DUPREY of Hampden, 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 Waldoboro, Representative Trahan.

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

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

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker I know I am short, but I didn't know that I was quite that short. I have just a few question for anybody that could answer. I noticed that this amendment does several things, but one in particular maybe somebody could answer for me. It appears that anyone who has a logging operation and who has bonded labor would have to provide proof that they paid their property tax on the equipment. I am wondering, some towns, in lieu of property tax allow people to pay an excise tax on their equipment. I know that my town does it and I know that others do it so I am wondering how they would do that? Another question that I have is that it appears that only those people that have bonded labor would fall under this law so, then how in the world would you know who had bonded labor and who didn't and how would you enforce it? The last question that I have is isn't this bill discriminatory? It appears to require people to keep this documentation only if they have bonded labor and everybody else is exempted from it and it seems really discriminatory and I was wondering if anybody could answer those questions?

The **SPEAKER**: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair

to anyone who may care to respond. The Chair recognizes the Representative from Fort Kent, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. That's alot of questions and I will try and get them as well as I understood them. One way that they keep track is that before, when they went to apply for bonded labor the Department of Labor would have them show proof that they owned the equipment that they are asking for the workers for. It is a really big problem that out of the 54 companies that are applying for bonded labor, quite a few of them, I would say over half, don't own a lot of the equipment that they are applying for. It is a strange thing that you would advertise for a worker for a piece of equipment that you don't even own, but that is the case. The Department of Labor would come up with a form to show that you own this piece of equipment and one of the ways that you could show it was with a receipt that says that you paid your personal property tax. The amendment on the bill is going to bring it back to the Labor Committee next session for rule making and Representative Trahan thought that sometimes it doesn't require personal property tax and that they charge excise tax is something that we may have to look at in rule making. In the towns that I know of, if it is a vehicle that is driven on the highway then it is excise tax and if it is a vehicle that is used in logging then it is personal property tax, but there might be a question there and the Labor Committee will have the opportunity to look at it so I think that we could resolve that there, but the biggest issue is to show us that you own the equipment that you are applying for bonds for. This does not stop the bonds from coming in for running the equipment for other people. All that this does is give Maine businesses that own logging equipment a level playing field so that they can work in some of the areas that for years had been dominated by Canadian labor and not only that, but it is very clear that it is a violation of the United States Department of Labor immigration laws to allow that equipment in here without prevailing wages so I would hope that you would do the right thing and allow Maine businesses to have a level playing field and support Maine loggers. Thank you.

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

Representative **HALL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just need to say something real, real briefly. You all have a yellow handout that came out to you. A 1999 Pan-Atlantic study commissioned by the Maine Department of Labor makes it very clear that H2B workers visas cannot be applied for unless the employer demonstrates to the US Department of Labor that no US workers are available. So, these workers cannot even get an H2B visa unless the company proves that US workers aren't available to take these jobs, which is the case. In a Wall Street Journal story from April 5, 2005, one US contractor had to lay off 5 US workers because he lost so many contracts when his H2B visas were all cut off and 15 Canadian workers had to go home and he had to get rid of one entire crew and 5 American workers lost their jobs. From that same story, and I quote, "Canadians have found themselves being booted out the country after only six months for the second year in a row, yet few Americans have rushed to fill their places. In Maine that has lead to a shortage of loggers, a supply crisis and sawmills and profit squeeze at pulp mills as printers shop for lower cost papers on other continents." That is from the Wall Street Journal, a pretty respected newspaper.

I am just going to ask you that if you cannot listen to me and you cannot listen to those of us on this side of the aisle then please listen to the good Representative from Millinocket, Representative Clark who has seen this from the paper mill side

where he knows that people would lose their jobs if we are not able to harvest wood. If Canadian workers don't come in here and put this wood on the ground then US workers can't put it on a truck and haul it to paper mills. Paper mills without wood don't work. When paper mills don't work people don't have jobs. Please, don't follow my light. Follow Representative Clark's. Thank you.

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. I have sat silently listening to this debate and I am not a logger and I don't know much about the logging industry, but it occurs to me that were this the Arizona Legislature and were we discussing Mexican guest workers coming to the United States this bill might be roundly condemned as an article of racism and xenophobia. Mr. Speaker, the United Nations has recently held a convention on xenophobia and has roundly condemned this type of action that seeks to target people from another country and to blame them for the ills that we have. That is why I am going to vote against this. Thank you.

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

Representative CLARK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope the good Representative who spoke prior to the last gentleman; Representative Hall doesn't follow my light because I think I would be leading you astray. I will be voting for this bill Representative Hall and the one thing that I want to tell you because we have a few loggers in this House, I want to listen to the person that is going to do the logging and not the person who is going to read the script off his paper and think that he knows a lot about logging. So, Representative Hall, when you do vote I hope that you do follow my light. 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.

ROLL CALL NO. 343

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

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curtis, Daigle, Davis G, Davis K, 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, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Blanchette, Brown R, Curley, Fisher, Hotham, Moore G, Sherman.

Yes, 75; No, 69; Absent, 7; Excused, 0.

75 having voted in the affirmative and 69 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. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

An Act To Reimburse Allan Wyman for Contributions to the Retired Teachers' Health Insurance Plan

(H.P. 733) (L.D. 1080)

PASSED TO BE ENACTED in the House on May 9, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-149)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Compensate the Gambling Control Board (EMERGENCY)

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

PASSED TO BE ENACTED in the House on June 1, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-253)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend Provisions of the Maine Land Use Regulation Commission Law (EMERGENCY)

(H.P. 93) (L.D. 117)

PASSED TO BE ENACTED in the House on May 9, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Enhance MaineCare Reimbursement Rates for Ambulance Services

(H.P. 147) (L.D. 196)

PASSED TO BE ENACTED in the House on May 16, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Establishing the Commission on Maximum Hospital Charges for Workers' Compensation (EMERGENCY)

(H.P. 635) (L.D. 916)

FINALLY PASSED in the House on May 20, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-338)**)

Came from the Senate with the Resolve and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

Non-Concurrent Matter

An Act To Recruit and Retain College Graduates through Loan Repayment

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

PASSED TO BE ENACTED in the House on June 6, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-553)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-553) AND SENATE AMENDMENT "A" (S-400)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide Relief from the Cost of Rescue Services to Certain Communities

(H.P. 412) (L.D. 557)

PASSED TO BE ENACTED in the House on May 18, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317) AS AMENDED BY SENATE AMENDMENT "A" (S-396)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers

(H.P. 490) (L.D. 670)

PASSED TO BE ENACTED in the House on May 20, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-258)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-258) AS AMENDED BY SENATE AMENDMENT "A" (S-395)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol

(H.P. 738) (L.D. 1085)

PASSED TO BE ENACTED in the House on June 2, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY HOUSE AMENDMENT "A" (H-485)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY SENATE AMENDMENT "A" (S-394) AND HOUSE AMENDMENT "A" (H-485)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Regarding the Budget Process for the Legislative Youth Advisory Council

(H.P. 1056) (L.D. 1511)

PASSED TO BE ENACTED in the House on May 23, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390) AS AMENDED BY SENATE AMENDMENT "A" (S-399)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Establish the Homeland Security Relief Fund

(S.P. 387) (L.D. 1125)

PASSED TO BE ENACTED in the House on May 19, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140) AS AMENDED BY SENATE AMENDMENT "A" (S-397)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Increase Faculty in Maine Nursing Education Programs

(H.P. 1051) (L.D. 1494)

PASSED TO BE ENACTED in the House on May 24, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-401)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-401) AND SENATE AMENDMENT "A" (S-401)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Create a Graduate School of Biomedical Sciences at the University of Maine

(S.P. 530) (L.D. 1528)

PASSED TO BE ENACTED in the House on May 18, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-165)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-165) AND SENATE AMENDMENT "A" (S-398)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Encourage the Use of Solar Energy

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

PASSED TO BE ENACTED in the House on June 6, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615) AS AMENDED BY SENATE AMENDMENT "A" (S-403)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Regarding the Prevention of Suicide
(EMERGENCY)

(S.P. 422) (L.D. 1208)

(C. "A" S-308)

Resolve and accompanying papers **INDEFINITELY POSTPONED** in the House on June 17, 2005.

Came from the Senate with the Resolve and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

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

ORDERS

On motion of Speaker RICHARDSON of Brunswick, the following Joint Resolution: (H.P. 1202) (Cosponsored by President EDMONDS of Cumberland and Representatives: BOWLES of Sanford, CUMMINGS of Portland, DUPLESSIE of Westbrook, TARDY of Newport, Senators: BRENNAN of Cumberland, DAVIS of Piscataquis, GAGNON of Kennebec, WESTON of Waldo)

JOINT RESOLUTION HONORING DAVID C. ELLIOTT ON THE OCCASION OF HIS RETIREMENT FROM STATE SERVICE

WHEREAS, David C. Elliott is retiring from his current position of Director of the Office of Policy and Legal Analysis, a nonpartisan staff office of the Legislative Council of the Maine State Legislature, and from state service; and

WHEREAS, David Elliott has served the State of Maine with dedication for 30 years and has earned the respect and affection of all who have worked with him, including Legislators, colleagues and friends, for his high professional standards, his commitment to excellence and his indefatigable and inspirational character of gentle strength, quiet humor, and knowledge of and sincere respect for the institution of the Legislature; and

WHEREAS, David Elliott is a native Mainer, who was born into a farming family in Waterville and educated in local schools, earning a bachelor's degree in economics from Colby College, and has been a resident of Whitefield for most of his adult life; and

WHEREAS, he earned a law degree at Boston University after serving honorably in the United States Army in Vietnam and was hired in 1975 by the State of Maine as a Research Associate for the Maine Land Use Regulation Commission in the Department of Conservation; and

WHEREAS, in 1978 he moved to the Secretary of State's office, where he served as an Administrative Procedures Officer, before accepting a position in 1981 with the Maine State Legislature's Office of Legislative Assistants, now the Office of Policy and Legal Analysis; and

WHEREAS, David Elliott, through his 24 years of hard work in OPLA as staff analyst to many of the Legislature's joint standing committees, became an expert for the Legislature on education, energy and natural resources, labor, retirement and state and local government issues; and

WHEREAS, David Elliott was promoted to Principal Analyst in 1988, appointed Acting Director in 2001 and appointed Director of the Office of Policy and Legal Analysis in 2002; and

WHEREAS, he always found time to devote to civic interests, including his commitment to the youth of his community, having served on the board of directors of the YMCA, and to youth from away, assuming the role of host, sponsor and mentor to disadvantaged urban youth with the Fresh Air Fund program; to

fitness through his love of running; and to basketball, as a player and an avid fan of college basketball; and

WHEREAS, David Elliott possesses the admirable qualities of resilience, ingenuity, determination, sound judgment and patience and a work ethic that exemplifies the best in Maine people, and we take this opportunity to acknowledge his long and distinguished career whereby he has demonstrated his dedication and contributed to the Maine Legislature and to his State; 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 formally express our great affection to David C. Elliott and extend to him our congratulations and warmest wishes on the occasion of his retirement and our heartfelt appreciation for the years of service he has given to the State of Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to David C. Elliott.

READ.

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

Representative CUMMINGS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is an honor for me to say a few brief words in honor of David Elliot. Many of you know David as Legal Counsel to a number of our committees and most recently as Director of OPLA for the state. Some of you have enjoyed David's always slight grin on his face and you never know quite whether he is befuddled with our procedure or whether he is amusing himself with our entanglements or whether he just has a sense of wisdom. But, I have to say that he has always guided us steadily and he has been a great presence and has always been a great help in guiding us through difficult public policy and his efforts are appreciated and we want to say thank you for the years of service to the Maine Legislature.

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

Representative BOWLES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Like you Mr. Speaker I am in my seventh year in the Legislature and I am serving my third year on the Legislative Council and it has been primarily through my three years in the Legislative Council that I have really come to know and appreciate David Elliot. Some of you have heard me say before that one of the things that has come as a real pleasant surprise to me in my time in the Legislature is the quality, the integrity and the hard work of Legislative staff and those people who work for the legislature. David Elliot exemplifies and typifies the sort of hard working and dedicated person of whom I speak. I have appreciated working with him because of his professionalism, his non-partisanship, his intelligence, his knowledge and his dedication to this institution and we all wish him well on the occasion of his retirement.

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

Representative DUPLESSIE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It gives me great pleasure to arrive this weekend and extend my best wishes to David Elliot. David Elliot is someone that I have known for quite a few years because David Elliot was the legislative analyst for the Labor Committee, a Committee that I advocated before for quite a few years. So, I have known David for quite a long time and have a high respect for him and have served on the Legislative Council for these last three years with him. He will be greatly missed. He always has steady guidance. He gives you the straight facts the way that it is, non-partisan straight facts. It

has been a real honor to know Dave Elliot and to have the opportunity to work with him. I wish him the best in his retirement years. Thank you.

The SPEAKER: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative MILLER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am pleased to say that Mr. Elliot is my constituent and I haven't kicked around here very long so I have not seen him at work much, but I can tell you a very interesting story about when I met him at the door and it is an example of his non-partisanship. He lives in the lovely village of Whitefield and it is a great place to retire to, you all ought to try it. I knocked on his door and it was a beautiful house and I gave my speal and he smiled at me and said, "Well, I work for the state." and I said that that was wonderful and he said, "I work for OPLA." and I said, "Great." And he said, "Do you know what that is?" and I said, "Yeah I think I do." And he said, "Well, it's a non-partisan position and I can't talk to you." and he turned and walked away. That is a model, would that all of our non-partisan staff acted that way. Thank you Mr. Speaker.

The SPEAKER: I would like to take just a few minutes to recognize David Elliot. I do want to mention, not because of the thirty years that he put into the state although we are very appreciative to that, born a native Mainer to a farming family in Waterville, educated at Colby and now a resident of Whitefield with a law degree from Boston University, he was a United States Army Veteran from Vietnam and he worked here tirelessly in the Legislature for 24 years. Those are all wonderful accomplishments, but what I think speaks the loudest about David is one of the whereas clauses where it indicates that he found time and has always found time to devote to civic interests, including his commitment to the youth in his community having served on the Board of Directors for the YMCA and to youth from away serving the role of host, sponsor and mentor to disadvantaged urban youth with the Fresh Air Fund Program. Those things, I think in the end, are what people remember most and if the Sergeant at Arms could bring David forward so that the entire Legislature can show our appreciation I would be most pleased.

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

SENATE PAPERS
Non-Concurrent Matter

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

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

(H. "A" H-712 to C. "A" S-316)

FINALLY PASSED in the House on June 17, 2005.

Came from the Senate **FAILING** of **FINAL PASSAGE** in **NON-CONCURRENCE**.

On motion of Representative PATRICK of Rumford, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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

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.

SENATE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (S-369) - Minority (3) Ought Not to Pass - Committee on TAXATION on Bill "An Act To Improve the Business Equipment Tax Reimbursement Program"

(S.P. 541) (L.D. 1557)

- 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-369)**.

TABLED - June 14, 2005 (Till Later Today) by Representative **WOODBURY** of Yarmouth.

PENDING - ACCEPTANCE OF EITHER REPORT.

On motion of Representative **RICHARDSON** of Brunswick, the Bill and all accompanying papers were **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE** and sent for concurrence.

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

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

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

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

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

PENDING - FURTHER CONSIDERATION.

On motion of Representative **BARSTOW** of Gorham, the House voted to **RECEDE**.

On further motion of the same Representative, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolution was **READ ONCE**. **Committee Amendment "A" (H-437)** was **READ** by the Clerk and **ADOPTED**.

Senate Amendment "A" (S-265) was **READ** by the Clerk.

Representative **MERRILL** of Appleton **PRESENTED** House **Amendment "A" (H-680)** to **Senate Amendment "A" (S-265)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Appleton, Representative Merrill.

Representative **MERRILL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. At the risk of sounding like a broken record I want to remind us all again that in the past all state budgets and long-term borrowing were passed by two-thirds votes in both houses. Since that time the legislature has found ways around both requirements. The amendment to Maine's Constitution that is before us now is offered with the desire to build a new consensus. This new middle ground would leave open the possibility of passing Majority Budgets, but only if the budget contained no long-term borrowing and only if there was a sufficient reserve available to assure that the budget was truly and strictly balanced. This resolve has become controversial among members of my own party and that has puzzled and saddened me.

This is a common sense bill. It is not even groundbreaking. It simply reflects good fiscal policy. It creates a constitutionally protected Rainy Day Fund that cannot be easily raided and it

prohibits borrowing by the Legislature without a two-thirds vote. It is probably safe to say that everyone around here agrees that a Rainy Day Fund does make sense. The argument is instead about the provision that it should take a two-thirds vote to spend it or to agree to not bank the required amount in any biennium. To those of you who think that it creates the ability for the minority to strangle the will of the majority let me assure you that the resolve allows for an escape valve. If the minority proves to be unreasonable the majority has the ability to put the question directly to the people. I submit that that type of threat would allow cooler heads to prevail. I think the example of the Don't Mortgage ME campaign proves that point in spades.

I have heard one of my colleagues express the view that a two-thirds requirement allows one person to hold extraordinary power and that it would lead to state shutdowns like we witnessed in 1991. I reject that argument and here is why. In the election after that infamous shutdown, legislative incumbents from both parties paid dearly at the polls and in the next gubernatorial election voters turned to an Independent. People learned from that disaster and I doubt that people will be as foolish again.

The good Representative from Bangor, a wonderful student of political history reminds me that James Madison argued that the majority must not be handcuffed by the minority. I cannot help but wonder that if Representative Faircloth's race for the United States Senate had been successful whether he would have supported Majority Leader Frist's attempts to change the cloture rules and allow the Republican Majority in the United States Senate the unfettered ability to confirm federal judges?

Mr. Speaker, being in the majority does not give us a lock on the truth and a quick glance at the number of unenrolled voters in this state should cause us to be far more humble. The vast majority of people in this state expect us to work together and the modest suggestion posed by this resolve asks that we simply work together to ensure that we have a bank account that will weather us through the bad times and convince the bond rating houses that we are serious about improving our fiscal house. I do not think that it is a stretch to say that had this state held 2.5% in reserves, as this amendment suggests, our bond rating would not have been downgraded last month.

The bill before you today was modified by Senate Amendment "A", which removed the requirement that the reserve account balance be in place before any borrowing can be authorized. I know that many of you were concerned with that provision and it was removed. Today I am offering House Amendment "A", which has been written after extensive talks with knowledgeable members from both parties. This amendment significantly eases the transition period as the special reserve account is built up and it reduces the ultimate required reserve from 5% to 2.5%. With this amendment only about \$14 million a year would need to be set aside as we built up the reserve until we reached 2.5%. Frankly, I wish that we could have found the will to accept a stricter discipline, but I understand and appreciate the sincerity of the competing concerns. These are, indeed, difficult times right now and until we get our spending in line with our revenues it will be extremely difficult to bank a larger amount of money per year.

Some worry about voting for this because of their concern that the Constitution should not be amended frequently or easily. I share this concern, but I am comforted that this amendment does nothing more than to restore some protections that previous Legislatures believed already in the Maine Constitution – the protection against unwise borrowing and the need for a two-thirds consensus on budgets. Please accept this amendment and then pass the amended resolve so that we can return to the politics of

mutual respect and responsibility. Mr. Speaker, when the vote is taken I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-680) to Senate Amendment "A" (S-265)**.

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 Waterford, Representative Millett.

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First I would like to commend the good Representative from Appleton for placing before us, even at this late hour, a very thoughtful road map to improve upon the difficult bumps in the road that we have encountered this year and that we have seen in recent years. Interestingly, she not only has the fortitude and the vision to identify these issues and present solutions to them, but she saw them in advance of their occurring here in this 122nd Legislature. Interestingly, her bill was printed on March 22nd, before we fell victim to a majority budget which included borrowing well beyond the biennium without voter approval.

She saw the difficulty of the rating agencies and what they look for in a state such as ours in order to give us their highest and best rating. They always look to see if the parties can work together and have fashioned a budget and a bond package that is reflective of a bipartisanship that looks at the state as a whole and that has the support of reserves that allow it to go forward and exercise its right to issue credit in a time when the fiscal stability of the state is in good shape. I think that she has addressed the issues of a majority budget in a reasonable way. The issues of a modest, but growing surplus that can be set aside and not used willy, nilly and the issue of requiring that any borrowing that extends beyond the biennium have the support of two-thirds of this body as well as the other. I commend it to you and I urge your serious consideration of it. We could do no worse than to prepare better for the future and avoid the difficulties that we have encountered this session. I think that this is a road map for the future and I urge you to follow it.

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. I plan on supporting this amended version of the bill. I think that the good Representative from Appleton, Representative Merrill has put a lot of work and effort into this issue and you know that it is not an easy fight, particularly for a member from the Majority. The original bill I felt went too far, but the amended version proposed, I think with the help of many from both parties to make a lot of good common sense. As you can see from the amended version of the bill the amendment changes the percentages authorizing expenditures of up to 97.5% unless the sum is equal to 2.5% of the projected revenues and is held in a special revenue account. The amendment also requires that the Legislature place an annual minimum percentage in the account until the minimum balance accrues. The amendment also clarifies borrowing authority and other questions. I think that it is about time that the Legislature addresses its own spending concerns. Every election goes by and we all say that we need to address these concerns and I think that the amended version of LD 1422 is a step in the right direction and it is long overdue and I encourage you to support it. Thank you Mr. Speaker.

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

Representative **PARADIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too support this

amendment. I was leary of supporting the first one, but this has been toned down and to me it is very reasonable. There is nothing wrong with setting up an account and if we have to have the guarantee of the constitutional amendment I am ready to do that. I will vote in favor of this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative WATSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I could not disagree more. You cannot tone down a bad idea and get anything more than a bad idea. I encourage my colleagues to follow my light and to defeat this amendment. This would be unnecessary and would strangle us in statutes and as an amendment to the Constitution it would strangle either party, minority or majority for years and years and years to come. This is a bad idea and it should go down. Thank you.

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

Representative FAIRCLOTH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have sought to work with Representative Merrill and I like her. I have personally worked for compromise with her on other legislation and worked for compromise with her on this legislation as a matter of fact. It is five minutes to midnight and we discussed this matter thoroughly in caucus. I actually sent a response to her question in writing to the members of our caucus as well as to the issue of filibusters and Majority budgets. I think that I will just let that stand and, out of a sense of good will I will allow the written discussion that we had and the caucus discussion that we had to really address this matter and I respect her right to bring this forward, but I stand with Representative Watson on this matter. Thank you.

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

Representative BISHOP: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Much, much, much earlier today as I was walking through the halls the good Representative from Appleton said to me that if the spirit moved me then maybe I would like to speak to her amended bill and she added that I might be able to quote some Shakespeare. Well, I won't do that, but as you can see the spirit has driven me from my seat. It is the excellence of this particular bill that drives me to speak, albeit briefly. I won't say what has already been said and well said at that, but with a small stretch of our collective imagination I might liken the need for this legislation to an old saying about one of Shakespeare's plays, *Richard the III*. The saying goes something like this. "For want of a nail a shoe is lost. For want of a shoe a horse was lost. For want of a horse a kingdom was lost." Simply put, this bill could be that needed nail and could be a great place for this body to begin the beginning of a more fiscally responsible future. Thank you Mr. Speaker.

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

Representative CROSBY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I voted for this initial amendment when it was a little more honerous than it is at the moment and I would like to remind my colleagues on this side of the aisle, with all due respect, that we did vote to borrow lots of money to fill the budget and many states have a Rainy Day Fund and in only 2001 we had \$143 million and that was wiped out that year. I think that it is responsible for us, although opening up the Constitution is a very serious matter, it is a responsible thing for us to do and I think that we should vote in favor of this motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A"

(H-680) to Senate Amendment "A" (S-265). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 344

YEA - Annis, Austin, Babbidge, Beaudette, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Burns, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curtis, Daigle, Davis G, Davis K, Driscoll, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hogan, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Makas, Marean, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moulton, Muse, Nass, Nutting, Ott, Paradis, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith W, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Vaughan.

NAY - Adams, Ash, Barstow, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Cain, Canavan, Clark, Craven, Cummings, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hutton, Jennings, Koffman, Lerman, Lundeen, Marley, Marraché, Miller, Mills, Moody, Norton, O'Brien, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Smith N, Thompson, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Brown R, Curley, Hotham, Moore G.

Yes, 85; No, 62; Absent, 4; Excused, 0.

85 having voted in the affirmative and 62 voted in the negative, with 4 being absent, and accordingly **House Amendment "A" (H-680) to Senate Amendment "A" (S-265) was ADOPTED.**

Senate Amendment "A" (S-265) as Amended by House Amendment "A" (H-680) thereto was ADOPTED.

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

The Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-437) and Senate Amendment "A" (S-265) as Amended by House Amendment "A" (H-680) thereto in NON-CONCURRENCE** and sent for concurrence.

Joint Resolution Memorializing Congress to Reject Plans to Privatize Social Security

(S.P. 634)

- In Senate, **READ and ADOPTED.**

TABLED - June 10, 2005 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - ADOPTION.

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

Representative TARDY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I oppose this motion and I am not sure that a partisan attack at this time of night is an appropriate use of our time. Mr. Speaker I am going to yield my time to the other seventy people that want to speak on this and Mr. Speaker I request a roll call.

Representative TARDY of Newport **REQUESTED** a roll call on **ADOPTION.**

LEGISLATIVE RECORD - HOUSE, June 17, 2005

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

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I handed out an article from the Portland Press Herald a little while ago and I would like to read a couple of lines of it. "Along with the Governor, Senate President Beth Edmonds and House Speaker John Richardson expressed their opposition to the Republican Plan. All three Maine officials are Democrats. They were joined by Maine AFL-CIO President, Ed Gorham. They don't however, have any more influence on the issue than any other person. Such concerns may be laudable, but Maine voters elected those same lawmakers to deal with the state's problems." Maine has enough on its plate right now to make such actions seem a little out of place and a bit of a distraction. When Maine has no more problems of its own then there will be time to solve everyone else's. In fact, forty state legislators have backed a non binding resolution so that if there are forty of you over there that want to know how I feel about the Social Security thing, maybe I don't

agree with the President, but I don't think that that is anybody's business and I don't think I should be hearing it in the House.

I will go back to another article in the Press Herald, seeing how you people are so concerned about Social Security. June 11, 1999 when some of you who are sitting over there were sitting there and you voted to tax Social Security at the state level. You didn't care about the little old lady making five or six hundred bucks a month then did you? But you are concerned about the great President of the United States tampering with Social Security and the only one that had the courage over there is a freshman and the only one that had the compassion is standing up there now and is the Speaker of your House. Seventy of you over there voted to tax Social Security at the state level and this gentleman still had the compassion and integrity as a freshman and that is probably why he is standing up there now as your leader. Thank you.

After Midnight

The **SPEAKER**: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. All I am going to say is that I read this article and I will tell you that some people can walk and chew gum at the same time. Thank you.

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. It's midnight and I will happily hold the floor till one AM if I have to, but I would like to tell you about why we ought to privatize certain aspects of Social Security. Actually, privatization is the wrong word. That is another misnomer that has been spread by opponents of the President's plan to modernize Social Security and offer choice. I would like to tell you a little bit about what is going on here. First of all I appreciate the members for their patience sitting here and listening to me, because I am going to go on for a little while, but I appreciate that whether Social Security reform should or should not include personal accounts is really what we are discussing here. If we are to discuss personal accounts we have got to talk about how it is going to be structured and, quite frankly, the proposals for personal accounts are designed to maximize consumer choice and control while ensuring efficiency and low costs and preserving an appropriate measure of worker protection.

Of course, I believe that Social Security reform must allow younger workers to save and invest some of their Social Security taxes through personal accounts. I believe that such accounts can significantly contribute to restoring Social Security to permanent sustainable solvency. More importantly I believe that personal accounts are essential to modernizing Social Security in keeping with such fundamental American values as ownership, inheritability and choice. In particular, regarding the subject that is before us today economic theory holds that private capital investment should provide a higher rate of return than a mature, pay as you go Social Security system. If one accepts the Social Security Administration's assumptions about future bond and stock returns, a balanced portfolio of about 50% stocks, 30% corporate bonds, and 20% government bonds would be expected to yield a return of 4.9%, that is after subtracting 25 basis points, which is one-quarter of 1% in administrative costs, yielding a net yield of around 4.6%. Shifting the mix slightly in favor of equities would raise the expected return to roughly 5%. This clearly exceeds the return available from Social Security and also significantly exceeds the offset interest rate suggested under the president's reform proposal. This is not to say that personal accounts can perform miracles. They cannot by themselves solve Social Security's entire \$12.8 trillion funding shortfall. It sort of makes the things we are dealing with here in the State of Maine look pretty puny, however, workers who choose the personal account option, and I note that personal accounts are voluntary under all of the major reform proposals, voluntary. So, those who choose the personal account option can expect to receive more in retirement benefits than Social Security can actually pay them. That said, "How personal accounts are structured and the investment options available to workers can make a significant difference in the success of any personal account proposal. In short Mr. Speaker, details matter. So I am going to get very detailed here.

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

Representative **TARDY**: Mr. Speaker, Point of order.

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

Representative **TARDY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would question the presence of a quorum.

The same Representative inquired if a Quorum was present.

The **SPEAKER**: The Chair has determined that there is a Quorum.

Subsequently, the Chair **RULED** that a Quorum was present.

Representative **TARDY** of Newport **REQUESTED** a roll call on **SUSTAINING** the **RULING OF THE CHAIR**.

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

Representative **TUTTLE** of Sanford **MOVED THE PREVIOUS QUESTION**.

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

Representative **BOWLES**: Mr. Speaker, point of inquiry.

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Is it an appropriate motion to ask for a roll call on calling the question?

The **SPEAKER**: The Chair answers in the affirmative. It is not a debatable issue, but you can have a roll call ordered.

The Chair reminded the Representatives the motion is not **DEBATABLE** until after the vote pursuant to House Rule 504.

Representative **BOWLES** of Sanford **REQUESTED** a roll call on **CONSENT TO MOVE THE PREVIOUS QUESTION**.

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 Newport, Representative Tardy.

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

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

Representative **TARDY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Under rule 504 is the motion to move the previous question debatable?

On **POINT OF ORDER**, Representative **TARDY** of Newport asked the Chair if the motion is **DEBATABLE**.

The **SPEAKER**: The motion is not debatable at this stage until 1/3 of the members have determined that the question shall be put. At that stage what will happen if one third of the members determine that the question shall be put then members are limited to five minutes apiece.

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

ROLL CALL NO. 345

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

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curtis, Daigle, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Makas, Marean,

McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan, Woodbury.

ABSENT - Blanchette, Brown R, Curley, Davis G, Eder, Hotham, Marraché, Merrill, Moore G, Muse, Rector, Saviello, Smith N.

Yes, 69; No, 69; Absent, 13; Excused, 0.

69 having voted in the affirmative and 69 voted in the negative, with 13 being absent, and accordingly one third of the members present **MOVED THE PREVIOUS QUESTION**.

On **POINT OF ORDER**, Representative LINDELL of Frankfort inquired if the votes necessary were received pursuant to House Rule 504.

The Chair answered if the affirmative that the necessary votes were received to **MOVE THE PREVIOUS QUESTION** by one third of the members present.

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

Representative LINDELL: Mr. Speaker, point of order.

The SPEAKER: The Representative may proceed.

Representative LINDELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The board indicated 69 votes in favor of the motion and it also indicated that 70 votes were required to pass the motion.

On **POINT OF ORDER**, Representative LINDELL of Frankfort inquired if the votes necessary were received pursuant to House Rule 504.

The SPEAKER: The rule is 1/3 of the members present must consent to the question being put. We had at least 1/3 of the membership voting in the affirmative so, therefore, the question is now put.

The Chair answered if the affirmative that the necessary votes were received to **MOVE THE PREVIOUS QUESTION** by one third of the members present.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgcomb.

Representative EDGEComb: Mr. Speaker, point of order.

The SPEAKER: The Representative may proceed.

Representative EDGEComb: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The motion to stop debate requires a 2/3 positive vote. That is my point of order.

Representative EDGEComb of Caribou inquired if it requires the consent of two thirds of the membership to move the previous question.

The SPEAKER: The Chair would rule in the negative.

Subsequently, the Chair **RULED** that the consent of one third of the membership is necessary to entertain the previous question.

Representative EDGEComb of Caribou **APPEALED** the **RULING OF THE CHAIR**.

Representative CUMMINGS of Portland **REQUESTED** a roll call on **SUSTAINING THE RULING OF THE CHAIR**.

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

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

ROLL CALL NO. 346

YEA - Annis, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Cebra, Churchill, Cressey, Crosthwaite, Curtis, Daigle, Davis K, Duprey, Edgcomb, Emery, Fitts, Fletcher, Hall, Hamper, Hanley B, Jacobsen, Joy, Kaelin,

Lansley, Lewin, Marean, McCormick, McFadden, McKane, McLeod, Millett, Moulton, Muse, Nass, Nutting, Pinkham, Plummer, Richardson M, Richardson W, Robinson, Rosen, Seavey, Shields, Stedman, Sykes, Tardy, Thomas, Vaughan.

NAY - Adams, Ash, Austin, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carr, Clark, Clough, Collins, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Jodrey, Koffman, Lerman, Lindell, Lundeen, Makas, Marley, Mazurek, McKenney, Miller, Mills, Moody, Norton, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson D, Richardson E, Rines, Sampson, Schatz, Sherman, Smith N, Smith W, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Brown R, Curley, Davis G, Eder, Hotham, Marraché, Merrill, Moore G, Saviello.

Yes, 51; No, 91; Absent, 9; Excused, 0.

51 having voted in the affirmative and 91 voted in the negative, with 9 being absent, and accordingly the **RULING OF THE CHAIR** was **SUSTAINED**.

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

Representative KAELIN: Mr. Speaker, point of order.

The SPEAKER: The Representative may proceed.

Representative KAELIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Is the motion to appeal the ruling of the Chair or to confirm the ruling of the Chair?

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

Representative BRANNIGAN: Mr. Speaker, point of order.

The SPEAKER: The Representative proceed.

Representative BRANNIGAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Would it be proper at this time for whoever called the question to withdraw that request?

On **POINT OF ORDER**, Representative BRANNIGAN of Portland asked the Chair if it was proper for Representative TUTTLE of Sanford to **WITHDRAW** his request to **MOVE THE PREVIOUS QUESTION**.

The SPEAKER: The Chair would answer that that is certainly up to the member in terms of whether they would want to withdraw that question or not.

The Chair answered that it was proper for Representative TUTTLE of Sanford to **WITHDRAW** his request.

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

Representative HALL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand today in opposition of moving the question and I do so because this is a hugely important issue, whether or not to privatize Social Security. I personally have a great deal that I want to say about this and I feel it would be totally and completely unfair for this body to tell me that I don't have the opportunity to stand up and speak on something that is such a vitally important issue. I know that the good Representative from Frankfort has a great deal that he would like to say about this issue and I am sure that people on both sides of the aisle would like to have an opportunity to speak.

I know that I am certainly going to take the five minutes I am allowed to say what I feel is important. We are talking about solving one of the biggest problems that this country faces. We are the Maine State Legislature and we are going to solve the federal government's problems and I am so thoroughly excited to stand up and debate for thirty, forty minutes and maybe even an hour on privatizing Social Security and why it is a good idea and why we should defeat this resolution that we are talking about passing.

Now, there are those of you on that side of the aisle who want to just move the question so that we can all go home and maybe that is a good idea and maybe it is not, but I do know that I feel that what I have to say is very important and I feel that the good Representative from Frankfort has to say is important. Representative Bowles, Representative Tardy, Representative Bowen, Representative Nass, who is smiling at me are people that I certainly feel deserve to speak. The good Representative from Cutler, Representative Emery would love to stand up and tell you why privatizing Social Security is or is not a good idea. I am sure that my good friend from Hampden, Representative Duprey would love to tell you all why privatizing Social Security is or is not a good idea. We are talking about taking away everyone's opportunity to stand up and speak. It is just not acceptable, it shouldn't be done and I don't think that we should do it and I intend to stand here and speak for as long as I can.

Subsequently, Representative TUTTLE of Sanford **WITHDREW** his motion to **MOVE THE PREVIOUS QUESTION**.

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. I thank the Representative from Sanford, Representative Tuttle for allowing me to continue and to discuss why, in fact, this motion is completely inappropriate, not only because of its partisan nature, but also because it fails to understand the proposals before congress regarding Social Security. Just the word privatize shows the failure to understand. There is no plan to privatize Social Security. What we are talking about is giving individual choice and individual accounts. What we are talking about is shifting from a purely defined benefit/pension system to a defined contribution system. The difference between a defined benefit and a defined contribution system should be well understood by most of us. Anybody who has a 401k plan understands that that is a defined contribution system. If you have a pension plan that gives you a fixed pension benefit that is a defined benefit system. I could go on, but I think that I am going to yield the floor to the Representative from Sanford, Representative Bowles.

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

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

The SPEAKER: The Representative may pose her question.

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Was there something in the water tonight or something? With all due respect this is an important issue and it is late and we have memorialized things to Congress all of the time and to the president and I am resentful. I am, because for seven years every time that I run for election I have to hear about voting for Social Security. Guess what guys? I keep winning. It is unbelievable how that keeps coming out of the woodwork because we voted to give teachers and state workers more money and when that comes up all of the time with my senior citizens and I ask anybody in this room making \$30,000 on Social Security because that is where you have to be and there is not

one senior that raises their hand that is making \$30,000 in Social Security. It is just ridiculous how this is playing out tonight. What a way to end a session. I just don't think that it is good rapport between two sides and I think that if you want to stick to the issues of privatization than just read the reports. Read what people are saying. They don't want the privatization of Social Security. If anybody on that side has even bothered to read the report you will see that we are not even in trouble. You are raiding the Social Security so you can pay for weapons of mass destruction that just aren't there but we won't talk about that. I just think that this is a terrible way to end what I thought was a good working relationship and I think that theatrics at midnight is just a little too much and I don't appreciate it. Thank you Mr. Speaker.

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

Representative BOWLES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do agree with the Representative from Biddeford. I think that it is a shame that we are ending the session on this note, but I do disagree with the way that it is occurring. Apparently the good Representative from Biddeford should just take a stick in the eye, smile and go home. We didn't ask for this.

I have been on the Legislative Council for three years and I have not one time, with the exception of the recent base closing resolution signed a resolution memorializing Congress or the president to do anything and that includes resolutions that were offered by my own side. I have said no. There are people in here that can attest to that. The reason that I have said no is that it is a colossal and gross waste of our time to be debating federal issues over which we have no control for the sole purpose of political gain.

A couple of years ago I happened to be down in Washington D.C. and I stopped in at the office of Senator Snowe and I asked Senator Snowe's office manager what you do with the Joint Resolutions that are sent down here and all I got for an answer was "Huh?" I said all of the ones that we pass out of here memorializing the congress to do things. What do you do with them? "Huh?" Do you remember the scene in Raiders of the Lost Arc at the end where they take the arc of the covenant and they wheel it into a warehouse that seems endless with boxes and boxes upon boxes stacked? Well, apparently that is where all of these resolutions go, never to be seen or heard from again. So what is the point? We disrupt the harmony of this body and we waste our own time and we look foolish to the people of the State of Maine. Pass the resolution; don't vote against it. You can vote for it and you can send it down to Washington and it will get filed and perhaps some people will take comfort in that.

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

Representative CUMMINGS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First I want to say that with the withdrawal of moving the previous question we maintained our reputation as the filibuster party and I also want to say briefly that, in fact, the substance of Social Security directly effects the matters that are taken up in this room. We have taken from 40% of our seniors in poverty to 9% because of the presence of Social Security and as it ticks upwards because of a privatization plan that other Republicans across the nation have said is a bad idea then you and I will be spending time in this room trying to protect the elderly from the poverty that is inevitable.

The only reason that it is political is because it is a bad idea and you are not ready to say that it is a bad idea, but let me remind you that you have many, many friends in your party at the national level that have told the President that it is a bad idea.

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: The Representative from Portland, Representative Cummings in his speech is telling us what we are doing and what our national colleagues are doing and I believe that he should be addressing you the Chair.

The SPEAKER: I would remind the member speaking that he is to address the Chair. The Representative may proceed.

Representative CUMMINGS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize and I would argue that the issue before you is a bad idea and if you agree with that then you can join us in this Joint Resolution and therefore eliminate the political angle.

On motion of Representative CUMMINGS of Portland, **TABLED** pending **ADOPTION** and later today assigned. (Roll Call Ordered)

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

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

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

(H. "A" H-712 to C. "A" S-316)

Which was **TABLED** by Representative PATRICK of Rumford pending **FURTHER CONSIDERATION**.

Representative PATRICK of Rumford moved that the House **RECEDE**.

The same Representative **PRESENTED House Amendment "B" (H-718) to Committee Amendment "A" (S-316)** which was **READ** by the Clerk.

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

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment removes the emergency preamble in the emergency clause. Thank you very much.

Subsequently, House Amendment "B" (H-718) to Committee Amendment "A" (S-316) was **ADOPTED**.

Committee Amendment "A" (S-316) as Amended by House Amendment "A" (H-712) and House Amendment "B" (H-718) thereto was ADOPTED.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (S-316) as Amended by House Amendment "A" (H-712) and House Amendment "B" (H-718) thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

ENACTORS

Acts

An Act To Amend the Electronic Insurance Cancellation Notification Law

(H.P. 467) (L.D. 634)

(S. "A" S-389 to C. "A" H-518)

An Act To Amend the Axle Weight Laws

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

(S. "A" S-390 to C. "A" H-459)

An Act To Recognize the Recipients of the Korea Defense Service Medal

(H.P. 791) (L.D. 1148)

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 Allowing Certain Commercial Vehicles at Canadian Weight Limits To Travel from the Canadian Border at Calais to Baileyville

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

(S. "A" S-388 to C. "A" H-261; S. "A" S-319)

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

On motion of Representative BOWLES of Sanford, 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. 347

YEA - Adams, Annis, Ash, Austin, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Bryant-Deschenes, Cain, Campbell, Canavan, Cebra, Clark, Clough, Collins, Craven, Crosby, Crosthwaite, Cummings, Daigle, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duprey, Eder, Emery, Faircloth, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley S, Harlow, Hutton, Jennings, Jodrey, Joy, Kaelin, Koffman, Lerman, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, Merrill, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson W, Rines, Robinson, Rosen, Sampson, Sherman, Shields, Smith N, Smith W, Tardy, Thompson, Trahan, Valentino, Vaughan, Walcott, Watson, Woodbury, Mr. Speaker.

NAY - Babbidge, Barstow, Burns, Carr, Churchill, Cressey, Curtis, Davis G, Dudley, Duplessie, Eberle, Edgecomb, Farrington, Finch, Fischer, Hanley B, Hogan, Jackson, Jacobsen, Lansley, Lundeen, Makas, Marley, Mazurek, McLeod, Miller, Nutting, Pingree, Pinkham, Richardson M, Schatz, Stedman, Sykes, Thomas, Tuttle, Twomey, Webster, Wheeler.

ABSENT - Brown R, Curley, Hotham, Marraché, Moore G, Saviello, Seavey.

Yes, 106; No, 38; Absent, 7; Excused, 0.

106 having voted in the affirmative and 38 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. **ORDERED SENT FORTHWITH.**

ORDERS

On motion of Representative CUMMINGS of Portland, the following Joint Order: (H.P. 1203)

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 122nd Legislature.

Agriculture, Conservation and Forestry

- H.P. 473, L.D. 640 - An Act To Recognize the Importance of Forestry
- H.P. 653, L.D. 934 - Resolve, To Transfer Ownership of Certain Public Reserved Lands to the Town of Allagash
- S.P. 495, L.D. 1406 - An Act To Preserve Public Access and Job Opportunities in the North Woods
- H.P. 1168, L.D. 1657 - An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides

Appropriations and Financial Affairs

- H.P. 74, L.D. 78 - An Act To Fund the Acquisition of Land by the Land for Maine's Future Board from the General Fund
- H.P. 99, L.D. 123 - An Act Concerning Multiple-item Bond Issues
- S.P. 55, L.D. 149 - An Act To Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Fractionation Development Center
- H.P. 121, L.D. 170 - An Act To Provide Funding for a Veterans' Cemetery in Springvale
- H.P. 149, L.D. 198 - An Act To Enhance the Role of the Fogler Library as the Research Library for the State of Maine
- S.P. 83, L.D. 263 - An Act To Support and Expand Nursing Education Opportunities at Maine's Public Universities
- S.P. 93, L.D. 273 - An Act Regarding the So-called Katie Beckett Benefits in the MaineCare Program
- S.P. 94, L.D. 274 - An Act To Raise the University of Maine System Debt Ceiling
- H.P. 217, L.D. 292 - An Act To Establish a New Method of Determining the State Budget
- S.P. 128, L.D. 404 - An Act To Ensure the State's Continued Commitment to Former Students Who Were Physically or Sexually Abused at the Governor Baxter School for the Deaf or the Maine School for the Deaf
- S.P. 170, L.D. 544 - An Act To Ensure Statewide Access for Schools and Libraries to On-line Reference Materials and Periodicals
- H.P. 405, L.D. 550 - An Act To Appropriate Matching Funds for the Construction of a Convention Center in Oxford Hills
- S.P. 195, L.D. 586 - An Act To Authorize a General Bond Issue To Improve the Quality and Safety of Teaching and Science Laboratories
- H.P. 469, L.D. 636 - An Act To Authorize a General Fund Bond Issue To Construct a Freshwater Aquaculture and Freshwater Species Biotechnology Center
- H.P. 489, L.D. 669 - An Act To Authorize a General Fund Bond Issue To Provide Infrastructure for Expanded Treatment Capacity for Alcoholism and Addiction in a Therapeutic Community Model
- S.P. 253, L.D. 755 - An Act To Authorize a General Fund Bond Issue for Fort Knox
- S.P. 254, L.D. 756 - An Act To Authorize a General Fund Bond Issue To Revitalize Downtown Areas, Support Cultural Tourism and Expand Maine's Creative Economy
- H.P. 564, L.D. 787 - An Act To Authorize a General Fund Bond Issue for the Enhanced Development of Public

Geographic Information

- S.P. 261, L.D. 794 - An Act To Authorize a General Fund Bond Issue To Allow Municipalities To Purchase Fishing Rights and Equipment
- S.P. 266, L.D. 799 - An Act To Authorize a General Fund Bond Issue To Create a Holocaust Human Rights Center at the University of Maine at Augusta
- S.P. 274, L.D. 819 - An Act To Authorize a General Fund Bond Issue To Expand Maine's Ocean-based Economy
- S.P. 283, L.D. 844 - An Act To Authorize a General Fund Bond Issue to Stimulate Maine's Economy
- H.P. 626, L.D. 876 - An Act Authorizing a General Fund Bond Issue To Encourage Development of Maine's Traditional Industries
- S.P. 298, L.D. 890 - An Act To Authorize a General Fund Bond Issue for Certain State Parks
- S.P. 299, L.D. 891 - An Act To Authorize a General Fund Bond Issue To Fight Global Warming through Energy Conservation
- H.P. 645, L.D. 926 - An Act Authorizing a General Fund Bond Issue To Preserve Maine's Traditional Working Waterfront and Farming Economies by Ensuring Access to Working Waterfront and Farmland
- H.P. 679, L.D. 969 - An Act To Authorize a General Fund Bond Issue To Provide Funds To Support Economic Development
- H.P. 681, L.D. 971 - An Act To Authorize a General Fund Bond Issue for Shared-use Trails
- S.P. 337, L.D. 997 - An Act To Authorize a General Fund Bond Issue To Match Available Federal Funds To Repair and Upgrade Maine National Guard Armories
- S.P. 338, L.D. 998 - An Act To Authorize Department of Transportation Bond Issues To Match Available Federal Funds for Improvements to Highways and Bridges; Airports; Public Transit; State-owned Ferry Vessels and Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors and Improvements to Railroad Structures; and Statewide Trail and Pedestrian Improvements
- S.P. 339, L.D. 999 - An Act To Authorize a General Fund Bond Issue To Provide Funds for Building Renovations at Campuses of the University of Maine System, the University of Southern Maine and the Maine Community College System
- S.P. 340, L.D. 1000 - An Act Authorizing a General Fund Bond Issue for Wastewater Treatment Systems for Fish Hatcheries
- S.P. 341, L.D. 1001 - An Act To Authorize a General Fund Bond Issue To Construct and Upgrade Water Pollution Control Facilities and Public Water Systems, Clean Up Uncontrolled Hazardous Substance Sites, Remove Hazardous Materials from Schools, Comply with Federal Storm Water Regulations, Make Public Water System Improvements, Replace Air Quality Monitoring Equipment, Establish Hospice Services, Repair State-owned Dams and Remediate Lead Paint
- H.P. 704, L.D. 1020 - An Act To Authorize a General Fund Bond Issue To Stimulate Economic Growth and Job Creation through Investments in the Maine Economy
- H.P. 720, L.D. 1035 - An Act To Authorize a General Fund Bond Issue To Provide Funds for the Land for Maine's Future Program
- H.P. 875, L.D. 1278 - An Act Requiring Long-range Budget

Planning

H.P. 909, L.D. 1311 - An Act To Preserve the Integrity of the Fund for a Healthy Maine
 S.P. 457, L.D. 1330 - Resolve, To Lower the Cost of State Government by Approximately \$1,000,000 Annually

Business, Research and Economic Development

H.P. 143, L.D. 192 - An Act To Establish the Pine Tree Recreation Zone
 H.P. 778, L.D. 1135 - An Act To Safeguard Federalism in Trade
 H.P. 941, L.D. 1358 - Resolve, To Establish the Commission To Study Incentives That Foster Small Business Practices That Support the Economic Growth and Well-being of Maine People and Communities
 H.P. 1147, L.D. 1629 - An Act To Enable Bulk Purchasing of Heating Oil Eligible for Federal Reimbursement
 S.P. 611, L.D. 1653 - Resolve, To Require the Department of Professional and Financial Regulation To Suspend Recently Enacted Rules Pertaining to the Office of Licensing and Registration, Board of Boilers and Pressure Vessels
 S.P. 617, L.D. 1663 - An Act To Establish the Maine Higher Education Employer Initiative

Criminal Justice and Public Safety

H.P. 15, L.D. 10 - Resolve, To Fund a Study Regarding Health Care for Maine's Firefighters
 H.P. 783, L.D. 1140 - Resolve, Directing the State Police and the County Sheriff's Departments To Enter into a Call-sharing Agreement
 S.P. 524, L.D. 1508 - An Act To Regulate Fire Alarm Contractors

Education and Cultural Affairs

S.P. 26, L.D. 84 - An Act Regarding Interscholastic Athletics
 H.P. 151, L.D. 200 - An Act To Improve Teaching and Learning Conditions in Maine Schools
 S.P. 372, L.D. 1055 - An Act To Require Academic and Community Input into Major Decisions of the University of Maine System
 S.P. 459, L.D. 1332 - Resolve, Directing the Department of Education To Establish a Secondary Vocational Education Facility in Washington County
 H.P. 932, L.D. 1349 - An Act To Encourage Neighborhood Schools and To Minimize Sprawl Caused by School Siting
 S.P. 480, L.D. 1381 - An Act To Update Teachers' Minimum Salaries
 H.P. 989, L.D. 1425 - An Act To Support the Efficient Implementation of Maine's Learning Results
 S.P. 606, L.D. 1640 - An Act To Permit Charter Schools in Maine

Health and Human Services

S.P. 142, L.D. 444 - An Act Providing Procedures To Protect Members upon Redesign of the MaineCare Program
 S.P. 150, L.D. 463 - Resolve, To Amend MaineCare Eligibility for the Workers with Disabilities Option
 H.P. 597, L.D. 846 - An Act To Prevent Discrimination against Persons without Health Insurance
 S.P. 325, L.D. 950 - An Act To Allow the Shipment of Cigars into Maine
 S.P. 353, L.D. 1036 - An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons
 S.P. 422, L.D. 1208 - Resolve, Creating a Working Group To Study the High Rate of Suicide in Maine
 H.P. 984, L.D. 1420 - An Act To Establish a Maternal and

Infant Death Review Panel

H.P. 1096, L.D. 1555 - An Act To Improve Quality, Effectiveness and Efficiency in the Department of Health and Human Services
 S.P. 596, L.D. 1614 - An Act To Sustain and Strengthen Community Health Coalitions
 H.P. 1149, L.D. 1631 - Resolve, Requiring the State To Reimburse Providers for Costs Incurred Due to MaineCare Reimbursement Delays

Inland Fisheries and Wildlife

H.P. 231, L.D. 307 - An Act To Improve Recreational Watercraft Safety
 H.P. 267, L.D. 354 - An Act To Give Moose Permits to Members of the Wesget-Sipu Organization
 H.P. 352, L.D. 477 - An Act To Authorize the Use of Tribal Sustenance Hunting Permits on State Lands

Insurance and Financial Services

S.P. 625, L.D. 1680 - An Act to Improve Dirigo Health

Joint Select Committee on Joint Rules

H.P. 929, L.D. 1346 - An Act To Require Employers and Employees To Provide a 2-Week Notice before Terminating Employment
 H.P. 495 - Joint Order Requiring the Posting of Roll Call Votes to the Internet
 H.P. 951 - Joint Order, Directing Joint Standing Committees To Hear Testimony from Multiple Perspectives during Public Hearings

Judiciary

H.P. 57, L.D. 61 - An Act To Authorize a Judge To Order Involuntary Commitment of a Person with Mental Illness Not Taking Prescribed Medication
 H.P. 113, L.D. 162 - An Act To Protect the Rights of Leaseholders and Ensure Their Continued Access to Land
 S.P. 271, L.D. 816 - An Act To Prohibit Changing the Flow of Water on Another's Land
 S.P. 326, L.D. 986 - An Act To Amend the Maine Revised Uniform Limited Partnership Act
 S.P. 362, L.D. 1045 - An Act Regarding Contract Indemnification
 S.P. 405, L.D. 1177 - An Act To Limit the Early Release of Persons Convicted of Certain Crimes
 S.P. 417, L.D. 1203 - An Act To Amend the Laws Concerning Eminent Domain
 H.P. 847, L.D. 1229 - An Act To Strengthen the Enforcement of Divorce Decrees
 H.P. 885, L.D. 1288 - An Act To Reduce Costs and Improve Efficiency of the Maine Criminal Justice System
 H.P. 893, L.D. 1296 - An Act To Provide for Victims of Trafficking
 H.P. 894, L.D. 1297 - An Act To Provide Just Compensation for Established Businesses During Eminent Domain Proceedings
 H.P. 958, L.D. 1372 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights
 H.P. 1020, L.D. 1455 - An Act To Codify Public Records Exceptions
 H.P. 1073, L.D. 1526 - An Act To Enact the Uniform Parentage Act and Conforming Amendments and Additional Amendments to Laws Concerning Probate, Adoption, Child Support, Child Protection and Other Family Law Issues
 H.P. 1107, L.D. 1569 - An Act To Abolish the Maine Indian Tribal-State Commission
 S.P. 591, L.D. 1609 - An Act To Establish the Uniform

Partnership Act

H.P. 1162, L.D. 1646 - An Act Regarding Buildings on Leased Lots
 H.P. 1187, L.D. 1679 - An Act To Amend Procedures Used in Criminal Proceedings in Which the Victim Is Mentally Disabled
 S.P. 627, L.D. 1682 - An Act To Support Sibling Rights in Child Welfare Custody Matters

Labor

H.P. 174, L.D. 235 - An Act To Increase the Minimum Wage
 H.P. 315, L.D. 430 - An Act To Modify the Obligation To Bargain under the Municipal Public Employees Labor Relations Law
 S.P. 246, L.D. 748 - An Act Requiring Equal Retirement Benefits for Corrections Officers and Mental Health Workers with 25 Years of State Service
 H.P. 706, L.D. 1021 - An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters
 S.P. 367, L.D. 1050 - An Act To Promote Enforcement of Labor Laws Affecting Employers
 H.P. 873, L.D. 1276 - An Act To Prohibit the Use of Foreign Labor Unless a Federal Prevailing Wage Is Set
 S.P. 585, L.D. 1604 - An Act To Restructure the Unfunded Liability of the Maine State Retirement System
 H.P. 1146, L.D. 1628 - An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects
 S.P. 613, L.D. 1654 - An Act To Prevent the Loss of Jobs through Outsourcing

Legal and Veterans Affairs

H.P. 173, L.D. 234 - An Act To Establish a Transparent Pricing Formula for Distilled Spirits
 H.P. 371, L.D. 496 - An Act To Extend Term Limits
 H.P. 415, L.D. 560 - An Act To Permit Interstate Wine and Malt Liquor Sales and Delivery to Homes
 H.P. 765, L.D. 1112 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Legislative Term to 4 years
 S.P. 570, L.D. 1596 - An Act Limiting Clean Election Candidates' Campaign Soliciting
 S.P. 604, L.D. 1627 - An Act To Allow Dual Liquor Licenses for On-premises Consumption and Off-premises Retail Sales

Natural Resources

S.P. 47, L.D. 141 - An Act To Ensure Proper Disposal of Debris and Protection of the Environment
 H.P. 394, L.D. 518 - An Act To Regulate Lead-smart Renovators and Lead Sampling Technicians
 H.P. 468, L.D. 635 - An Act To Amend the Maine Sanitary District Enabling Act
 S.P. 375, L.D. 1058 - An Act To Regulate the Use of Batteries Containing Mercury
 S.P. 454, L.D. 1327 - An Act To Prohibit the Use of Mercury Fillings
 S.P. 465, L.D. 1338 - An Act To Limit Human Exposure to Mercury
 H.P. 1080, L.D. 1535 - An Act Making Improvements to the Laws Regarding Local Land Use Ordinances
 S.P. 560, L.D. 1578 - An Act To Ensure Certain Protections to Communities Hosting Waste-to-energy Facilities
 H.P. 1128, L.D. 1592 - An Act Regarding Disposal of Dredged Materials

H.P. 1178, L.D. 1669 - Resolve, To Authorize Certain Host Community Benefits Relative to a Landfill in the City of Old Town Owned by the State

State and Local Government

H.P. 464, L.D. 631 - An Act To Establish a Maine Law Sunset Review Committee
 S.P. 265, L.D. 798 - An Act To Establish a Sunset on New State Agencies and Programs
 S.P. 297, L.D. 889 - An Act To Create the County Government Capital Improvements Revolving Loan Fund
 H.P. 644, L.D. 925 - An Act To Fairly Apportion the Cost of Sheriff Patrol Services
 S.P. 343, L.D. 1003 - An Act To Establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee
 S.P. 389, L.D. 1127 - Resolve, To Establish a Pilot Project To Assist Towns Interested in Multitown Cooperation and Governance
 H.P. 848, L.D. 1230 - An Act To Facilitate and Promote Regional Cooperation
 H.P. 978, L.D. 1414 - An Act To Authorize Municipalities To Create Municipal Fire Districts
 S.P. 507, L.D. 1481 - An Act To Amend the Laws Governing the Enactment Procedures for Ordinances

Taxation

H.P. 7, L.D. 2 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Homestead Land
 H.P. 359, L.D. 484 - An Act To Enact the Tax Fairness Act
 H.P. 755, L.D. 1102 - An Act To Connect the BETR Program with Job Retention
 S.P. 438, L.D. 1258 - An Act To Provide for Department of Labor Services and Other Services in Unorganized Territories
 S.P. 455, L.D. 1328 - An Act To Amend the Maine Tree Growth Tax Law To Encourage Public Access
 H.P. 926, L.D. 1343 - An Act To Simplify Rent and Property Tax Relief
 S.P. 489, L.D. 1400 - An Act To Reduce Payments under the Business Equipment Tax Reimbursement Program and To Eliminate Double Dipping and Increase Conformity with the Internal Revenue Code
 S.P. 541, L.D. 1557 - An Act To Improve the Business Equipment Tax Reimbursement Program
 H.P. 1123, L.D. 1587 - An Act To Modernize Maine's Tax Code
 H.P. 1130, L.D. 1594 - An Act To Provide an Income Tax Exemption to Recent College Graduates Who Work in Maine To Help Them Pay College Loans
 H.P. 1131, L.D. 1595 - An Act To Rebalance Maine's Tax Code
 S.P. 586, L.D. 1605 - An Act To Reform the Income Tax for Middle-income and Lower-income Families
 H.P. 1134, L.D. 1607 - An Act To Provide Incentives for Maine Film Production
 H.P. 1171, L.D. 1660 - An Act To Reduce Income Taxes and Encourage Economic Growth in Maine

Transportation

H.P. 104, L.D. 128 - An Act To Create a License Plate for the Elks Organization
 H.P. 304, L.D. 419 - An Act To Create a License Plate for the National Rifle Association
 H.P. 322, L.D. 437 - An Act To Create an Agriculture Recognition License Plate
 H.P. 367, L.D. 492 - An Act To Create a Special Higher

Education License Plate

H.P. 376, L.D. 501 - An Act To Amend the Operator's License and Nondriver Identification Card Requirements for Nonimmigrants

H.P. 386, L.D. 510 - An Act Concerning Dismantling of Railroad Track

H.P. 802, L.D. 1159 - An Act To Promote Transportation Investments within Downtowns and Urban Compacts

S.P. 485, L.D. 1396 - An Act To Create a Specialty License Plate for Members of the Maine National Guard

H.P. 994, L.D. 1430 - An Act To Establish Special License Plates To Honor Maine Residents Serving Overseas

H.P. 1027, L.D. 1464 - An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds

Utilities and Energy

H.P. 156, L.D. 205 - An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission

H.P. 158, L.D. 207 - An Act To Require Electric Utilities To Permit Customers To Pay Electric Utility Bills in Their Communities

S.P. 131, L.D. 407 - An Act To Place the Emergency Services Communication Bureau within the Department of Public Safety

H.P. 470, L.D. 637 - An Act To Allow Qualified Health Centers To Obtain Telecommunications Education Access Funding

S.P. 382, L.D. 1065 - An Act To Promote Economic Development and Sustainable Energy

H.P. 930, L.D. 1347 - Resolve, Directing the Public Utilities Commission To Amend Its Rules Governing Net Energy Billing

S.P. 475, L.D. 1377 - An Act Regarding Municipally Owned Street Lighting

H.P. 1004, L.D. 1440 - An Act To Encourage the Implementation of High-speed Internet Access in Rural and Isolated Areas

S.P. 622, L.D. 1675 - An Act To Make a Standard Alternative Form of Regulation Available to Rural Telephone Companies

READ and PASSED.

Sent for concurrence.

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

ENACTORS

Acts

An Act To Recruit and Retain College Graduates through Loan Repayment

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

(C. "A" H-553; S. "A" S-400)

An Act To Provide Relief from the Cost of Rescue Services to Certain Communities

(H.P. 412) (L.D. 557)

(S. "A" S-396 to C. "A" H-317)

An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers

(H.P. 490) (L.D. 670)

(S. "A" S-395 to C. "A" H-258)

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

Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Acts

An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol

(H.P. 738) (L.D. 1085)

(H. "A" H-485 and S. "A" S-394 to C. "A" H-455)

An Act Regarding the Budget Process for the Legislative Youth Advisory Council

(H.P. 1056) (L.D. 1511)

"A" S-399 to C. "A" H-390)

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.

Acts

An Act To Establish the Disaster Relief Fund

(S.P. 387) (L.D. 1125)

(S. "A" S-397 to C. "A" S-140)

An Act To Increase Faculty in Maine Nursing Education Programs

(H.P. 1051) (L.D. 1494)

(C. "A" H-401; S. "A" S-401)

An Act To Create a Graduate School of Biomedical Sciences at the University of Maine

(S.P. 530) (L.D. 1528)

(C. "A" S-165; S. "A" S-398)

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.

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

ENACTORS

Acts

An Act To Encourage the Use of Solar Energy

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

(S. "A" S-403 to C. "A" H-615)

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.

SENATE PAPERS

The following Joint Order: (S.P. 640)

ORDERED, the House concurring, that the following specified matters be held over on the Special Appropriations Table to the next special or regular session of the 122nd Legislature:

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

(H.P. 22)(L.D. 19) - An Act To Clarify the Law Regarding Transfer Tax Liability for Deeds between Domestic Partners

(H.P. 38)(L.D. 42) - An Act To Expand the Maine Economic Improvement Fund

(H.P. 66)(L.D. 70) - An Act To Amend the Laws Governing the Funding of State Special Elections

(H.P. 70)(L.D. 74) - An Act To Increase Eligibility for the Property Tax Exemption for Veterans
 (S.P. 38)(L.D. 96) - An Act To Increase the Adult Education State Subsidy by a Specific Percentage
 (H.P. 94)(L.D. 118) - An Act To Provide Tax Relief for People with Functional Limitations
 (H.P. 95)(L.D. 119) - An Act To Promote Math and Science Education Learning Kindergarten to Grade 12
 (S.P. 52)(L.D. 146) - An Act To Repeal the Tax on Private Nonmedical Institutions
 (S.P. 57)(L.D. 151) - An Act To Improve the Delivery of Maine's Mental Health Services
 (H.P. 120)(L.D. 169) - An Act To Amend the Law Regarding Resale Certificates
 (H.P. 131)(L.D. 180) - An Act To Appropriate State Funds To Protect Potato Farmland in Aroostook County from Blight and Other Diseases That Could Occur with the 2004 Crop Unless Cull Potatoes Are Dumped Properly
 (H.P. 146)(L.D. 195) - An Act To Conform the Maine Tax Code with the Federal Health Savings Accounts Laws
 (H.P. 150)(L.D. 199) - An Act To Support and Expand Regional Teacher Development Centers
 (S.P. 81)(L.D. 228) - An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education
 (H.P. 175)(L.D. 236) - An Act To Change Nonresident Income Tax Filing Requirements
 (H.P. 187)(L.D. 248) - An Act To Provide Funding for Dues for the International Northeast Biotechnology Corridor
 (S.P. 95)(L.D. 275) - An Act To Promote Energy Conservation and a Cleaner Environment
 (H.P. 232)(L.D. 308) - An Act To Extend the Tax Credit for Clean Fuel Infrastructure Development
 (H.P. 248)(L.D. 325) - An Act To Clarify the Definition of "Domiciled" for Maine Income Tax Purposes
 (H.P. 252)(L.D. 329) - An Act Concerning Recognition of Qualified Political Parties
 (H.P. 263)(L.D. 350) - An Act To Provide Funding To Allow Veterans Who Received Certain Combat Medals To Purchase Subsidized Service Time towards Their Retirement
 (H.P. 266)(L.D. 353) - An Act To Exempt the United States Flag and the Flag of the State of Maine from State Taxation
 (H.P. 272)(L.D. 359) - An Act To Change the Child Care Facility Licensing Laws
 (S.P. 118)(L.D. 371) - An Act To Distribute Revenue in the Law Enforcement Agency Reimbursement Fund to Municipalities and Counties and To Assist Law Enforcement Officers with Unmet Catastrophic Medical Needs
 (S.P. 129)(L.D. 405) - Resolve, To Establish an Education Pilot Program for Registered Nurses
 (H.P. 321)(L.D. 436) - An Act To Eliminate Estate Taxes on Family-owned Businesses
 (S.P. 145)(L.D. 447) - An Act To Require Health Insurers To Cover the Costs of Hearing Aids
 (S.P. 161)(L.D. 535) - An Act To Clarify for Tax Purposes That Manure Removal and Storage Are Operations Directly Involved in the Raising and Care of Livestock

(H.P. 421)(L.D. 588) - An Act To Restore Support for HIV and AIDS Treatment and Prevention
 (H.P. 426)(L.D. 593) - An Act To Alter Trade-in Allowances Regarding Motor Homes
 (H.P. 446)(L.D. 613) - An Act To Provide Tax Incentives to Small Businesses
 (H.P. 455)(L.D. 622) - An Act To Provide Funding towards the Employment of a Demersal Finfish Ecologist by the Gulf of Maine Research Institute
 (H.P. 459)(L.D. 626) - An Act Relating to the Sale of Foreclosed Property
 (H.P. 465)(L.D. 632) - An Act To Lower the Tax Burden for Small Businesses and Low-income Families
 (H.P. 492)(L.D. 672) - An Act To Promote Ornamental Horticulture by Amending the Definition of "Commercial Agricultural Production"
 (S.P. 214)(L.D. 678) - An Act To Require Fair and Timely MaineCare Payments to Hospitals
 (S.P. 224)(L.D. 687) - An Act To Amend the Hospital Tax
 (S.P. 236)(L.D. 699) - An Act To Repeal Tax and Match
 (S.P. 237)(L.D. 700) - An Act To Provide Tax Benefits for Sale of Leased Land Used as a Primary Residence
 (H.P. 511)(L.D. 716) - An Act To Create an Income Tax Checkoff To Support Veterans' Cemeteries
 (H.P. 535)(L.D. 758) - An Act To Increase Retired Teachers' Health Insurance Benefits
 (H.P. 543)(L.D. 766) - An Act To Support the New Century Community Program
 (H.P. 552)(L.D. 775) - An Act To Provide a Stable Source of Funding for the Safe Drinking Water Revolving Loan Fund
 (S.P. 258)(L.D. 791) - An Act Concerning the Taxation of Property Owned by Certain Veterans' Organizations
 (H.P. 573)(L.D. 808) - An Act To Provide Funding for "Camp To Belong" To Reunite Siblings Separated by Foster Care
 (H.P. 603)(L.D. 852) - Resolve, To Require the Department of Environmental Protection To Undertake Phosphorus Control in Toothaker Pond in Phillips
 (S.P. 312)(L.D. 904) - An Act To Create the Maine Asthma and Lung Disease Research Fund
 (H.P. 682)(L.D. 972) - An Act To Exempt Military Pensions for Future Military Retirees from State Income Tax
 (H.P. 685)(L.D. 975) - An Act To Create Entrepreneurship Internships for Maine High School and College Students
 (H.P. 689)(L.D. 979) - An Act To Fund Youth Mentoring Programs
 (H.P. 702)(L.D. 1018) - An Act To Require a Criminal Background Check for the Initial Licensure of Emergency Medical Services Personnel
 (S.P. 360)(L.D. 1043) - An Act To Provide Funds for the Preservation of Digital Records
 (S.P. 381)(L.D. 1064) - An Act To Clarify the Laws Governing Agricultural Composting Operations
 (H.P. 727)(L.D. 1074) - An Act To Stimulate Economic Development in Maine's Aviation Industry
 (H.P. 743)(L.D. 1090) - An Act To Create a Grandparent-to-grandchild Exemption in the Real Estate Transfer Tax
 (H.P. 769)(L.D. 1116) - An Act To Exempt from the Sales Tax Electricity Used in Homes

(H.P. 788)(L.D. 1145) - An Act To Allow Tournament Games for Charitable Purposes
(H.P. 801)(L.D. 1158) - An Act To Allow Employee Retirement Disability Benefits To Be Eligible for the Pension Deduction under Maine Income Tax Law
(H.P. 808)(L.D. 1165) - An Act To Encourage the Preservation of Affordable Housing
(S.P. 411)(L.D. 1183) - An Act Regarding Access to Mental Health Services
(H.P. 852)(L.D. 1234) - An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources
(H.P. 869)(L.D. 1272) - An Act To Ensure Compliance with the Federal Americans with Disabilities Act for Court Facilities
(H.P. 890)(L.D. 1293) - An Act To Assist Families and Children by Increasing Access to the Court System
(H.P. 931)(L.D. 1348) - An Act To Increase Funding for Meals on Wheels Program
(S.P. 477)(L.D. 1379) - An Act To Amend the Maine Wind Energy Act
(H.P. 964)(L.D. 1387) - Resolve, To Promote Training Centers for Entrepreneurship
(H.P. 1065)(L.D. 1518) - An Act To Increase Access to Justice in Maine's Court System
(S.P. 535)(L.D. 1540) - An Act To Appropriate Funds for the School Breakfast Program
(H.P. 1093)(L.D. 1552) - An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption
(H.P. 1121)(L.D. 1585) - An Act To Provide a Temporary Sales Tax Exemption for Prescription Drugs for Animals
(S.P. 602)(L.D. 1625) - An Act To Fully Fund the Homestead Exemption
(H.P. 1159)(L.D. 1647) - An Act To Award Income Tax Credits for Boiler or Furnace Systems That Reduce or Eliminate Certain Pollutants

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

COMMUNICATIONS

The Following Communication: (S.C. 401)

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

June 18, 2005

Honorable Millicent M. MacFarland

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it Indefinitely Postponed Resolve, Establishing the Commission on Maximum Hospital Charges for Workers' Compensation (H.P. 635) (L.D. 916) and all accompanying papers.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We are winding down and we are in the last few minutes and we are not going to be here much longer and we are all relieved and happy to be leaving and at the same time we are obviously going to miss one another and the friendships that we have made this session. I want to take you back if I could for a moment to seven months ago to December 1, 2004 and that was the day that we came in here and we elected constitutional officers, our Clerk and our Speaker. I want to remind you of the fact that I seconded the nomination of our speaker at that time, which is a somewhat unusual occurrence for the Minority Leader to do. I said to you in that seconding speech that "Representative Tardy and I had been meeting with Representative Richardson over the past several weeks and we have engaged in frank and productive discussions. We have each articulated our views, visions and hopes for the upcoming session and have found that our agreement in wanting to best serve the people of Maine outweighs the policy differences that will inevitable confront us. In supporting the nomination of Representative Richardson we entrust him to lead this body with fairness, honest and integrity. He has pledged to us his intention to do that and we accept his word as a man of honor."

I wish to say Mr. Speaker that you have not let us down and Representative Tardy and I and the rest of the Republican caucus are a pretty good judge of horseflesh. You have lived up to our expectations and you have lead us with fairness, equanimity and there are times when it has been a little rough but I know that you have managed to maintain your patience and the little silly skirmish that we had just a couple of hours ago is a pretty good example of how you lead us through it and guided us along the way and we appreciate it. It has been an honor and a privilege to work with you and I think it has certainly aided in the accomplishments of this Legislature and I wish to publicly state that we appreciate your leadership.

The **SPEAKER**: I am embarrassed first of all, but slightly offended because the Representative from Sanford, Representative Bowles said nothing of my humor. I do thank him very much and also Representative Tardy. It is a real pleasure to have worked with both of you this session and I have found you both to be a delight to work with, professional, courteous and always willing to look to the middle of any issue and how the trust just keeps being built one bond upon another in a way that I consider a pleasure to have the kind of bond that I do with you and as I do with the Democratic side of the aisle here. I find it a great honor to be standing here and I have taken the responsibility to be the Speaker very seriously and I try everyday when I wake up to do the right thing and to treat people as fairly as I possibly can, sometimes to a fault as Millie has often indicates to me that I should be enforcing the rules to a greater degree. But I think that in a citizen Legislature and, especially being a term limited citizen's Legislature, a little lenience when we are together is, I think, a little helpful to the process of getting to a point where we can all work together with each other and that means that we will not always come to an agreement, but I know, based on your work and on your statistics that we have an overwhelming number of unanimous reports on each of the committees and it shows your dedication to work together.

I will only say one thing as an editorial and that is, I think in some respects what can better us from reaching a partisan

consensus on some issues had everything to do with a lack of experience and not with anyone being earnest or wanting to come to reach a bipartisan agreement, but with a lack of experience due to term limits and I think that that was our burden in many respects. I think of it even with myself when I look back and wonder what I could have done differently. It is my hope that all of us learn that with experience comes the art of compromise and as we proceed forward I hope that you remember in your committees that compromise and getting to win-win is what Maine people want us to do and the only reason why we don't is not because we don't want to but that alot of times we don't understand how to get to that consensus point. That will be our challenge in the future and it will be a challenge that I will take seriously. I know that you will too and I just hope that in some form or fashion I won't let it effect me with term limits because I think that that would be self serving to try to serve another term when the people have spoken. I think that if term limits are either extended or eliminated than this institution, one that we care so much about will be better served and my hope is that as time goes on we will leave that legacy of an institution which we care so deeply about. It could definitely raise the bar in the way people are treated and in decorum and respect and professionalism for the office of the Speaker and in the way in which you conduct yourselves and I am so honored and pleased that we follow the lead of the Chair to make this one of the most successful sessions that I have ever been a part of and it comes to working together without the hatred and discontent that often comes among groups. Thank you.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to thank you Speaker Richardson for making me the Chair of Criminal Justice and Public Safety this year and it has indeed been a pleasure although it has been a hard job and I need to publicly thank my clerk Lisa Cote and I need to apologize to the members of my committee. We were not able to have our committee Party because our clerk was sick. She got severely sunburned because she didn't realize that we hadn't had any sun in a month and she thought she was immune to it and went out in the kayak and got severely burned, but we are glad that she is back and paging with us in the House.

Mr. Speaker I need to thank you publicly for the appointment of the members that you gave me to work with on Criminal Justice and Public Safety. For the first time, and this is my fifth year in the Legislature, I had the brightest bunch of people and they were so accommodating and so polite and we were able to work together, not always agree, but were able to be polite and courteous about it. They asked the departments the hard questions and didn't take no for an answer. We had department heads that came before us that had to answer questions that they had never been asked by the criminal justice committee before. It is good to hold them accountable, because if we don't then who is going to. So, I want to thank all of the members on my committee. You did a wonderful job. We put through 96 bills. Unanimous reports were 73, Ought Not to Pass, 30 and Ought Not to Pass were 39 and only 20 divided reports on very contentious issues. Thank you once again and I thank you Mr. Speaker and I thank the corner over there for the leadership that they have given us through some rough caucuses and we have had some, but we can hopefully all leave here and go on and have a good summer and look forward to coming back in January

with deeper friendships than we leave here with today. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis who wishes to address the House on the record.

Representative **ANNIS**: As Master of Valley Grange in Gilford, Maine I need to conduct my meetings in a standing position and they usually last for about an hour and half to two hours. How you manage to stand for so many hours a day I will never understand. God bless you.

**SENATE PAPERS
Non-Concurrent Matter**

Resolve, To Reestablish the Health Care System and Health Security Board (EMERGENCY)

(H.P. 35) (L.D. 32)
(S. "A" S-380 to C. "A" H-513)

FAILED of FINAL PASSAGE in the House on June 17, 2005.
Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-513) AS AMENDED BY SENATE AMENDMENTS "A" (S-380) AND "C" (S-405)** thereto in **NON-CONCURRENCE**.

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

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

**ENACTORS
Resolves**

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

(H.P. 35) (L.D. 32)
(S. "A" S-380 and S. "C" S-405 to C. "A" H-513)

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

Resolves

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)
(H. "A" H-712 and H. "B" H-718 to C. "A" S-316)

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

COMMUNICATIONS

The Following Communication: (H.C. 296)

STATE OF MAINE

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

June 16, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	59	
Unanimous Reports		41
Ought to Pass	2	
Ought to Pass as Amended	28	
Ought Not to Pass	11	
Divided Reports		9
Committee Bills & Papers		1
Pursuant to Joint Order		1
Carry Overs		4
Gubernatorial Nominations		4

Respectfully submitted,
S/John M. Nutting
Senate Chair
S/John F. Piotti
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 297)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

June 17, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Appropriations and Financial Affairs during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	92	
Unanimous Reports		39
Ought to Pass	3	
Ought to Pass as Amended	14	
Ought Not to Pass	20	
Referred to Another Committee	2	
Divided Reports		14
Committee Bills & Papers		1
Pursuant to Joint Order (divided)		1
Carry Overs		38

Respectfully submitted,

S/Margaret Rotundo
Senate Chair
S/Joseph C. Brannigan
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 298)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON BUSINESS RESEARCH AND ECONOMIC
DEVELOPMENT**

June 16, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Business, Research and Economic Development during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	116	
Unanimous Reports		87
Ought to Pass	8	
Ought to Pass as Amended	40	
Ought Not to Pass	38	
Referred to Another Committee	1	
Divided Reports		15
Carry Overs		6
Gubernatorial Nominations		8

Respectfully submitted,
S/Lynn Bromley
Senate Chair
S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 299)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

June 16, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Criminal Justice & Public Safety during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	96	
Unanimous Reports		73
Ought to Pass	4	
Ought to Pass as Amended	30	
Ought Not to Pass	39	
Divided Reports		20
Carry Overs		3

Respectfully submitted,
S/Bill Diamond
Senate Chair

S/Patricia A. Blanchette
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 300)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

June 16, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Education and Cultural Affairs during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	136	
Unanimous Reports	94	
Ought to Pass	9	
Ought to Pass as Amended	29	
Ought Not to Pass	56	
Divided Reports	14	
Committee Bills & Papers	1	
Pursuant to Statute	1	
Carry Overs	8	
Gubernatorial Nominations	19	

Respectfully submitted,
S/Elizabeth H. Mitchell
Senate Chair
S/Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 301)

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

June 17, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Health and Human Services during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	146	
Unanimous Reports	107	
Ought to Pass	7	
Ought to Pass as Amended	53	
Ought Not to Pass	45	
Referred to Another Committee	2	
Divided Reports	28	
Committee Bills & Papers	1	
Pursuant to Joint Order	1	
Carry Overs	10	

Respectfully submitted,
S/Arthur F. Mayo III

Senate Chair
S/Hannah Pingree
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 302)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

June 16, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Inland Fisheries and Wildlife during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	88	
Unanimous Reports	74	
Ought to Pass	1	
Ought to Pass as Amended	21	
Ought Not to Pass	52	
Divided Reports	8	
Carry Overs	3	
Gubernatorial Nominations	3	

Respectfully submitted,
S/Bruce S. Bryant
Senate Chair
S/Thomas R. Watson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 303)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

June 16, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Insurance & Financial Services during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	78	
Unanimous Reports	63	
Ought to Pass	5	
Ought to Pass as Amended	26	
Ought Not to Pass	32	
Divided Reports	10	
Carry Overs	3	
Gubernatorial Nominations	2	

Respectfully submitted,
S/Nancy B. Sullivan
Senate Chair
S/Anne C. Perry
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 304)
STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON JUDICIARY

June 16, 2005

The Honorable Beth Edmonds, President of the Senate
 The Honorable John Richardson, Speaker of the House
 122nd Maine Legislature
 Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Judiciary during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	149	
Unanimous Reports		99
Ought to Pass	8	
Ought to Pass as Amended	49	
Ought Not to Pass	41	
Referred to Another Committee	1	
Divided Reports		18
Carry Overs		19
Gubernatorial Nominations		13

Respectfully submitted,
 S/Barry J. Hobbins
 Senate Chair
 S/Deborah Pelletier-Simpson
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 305)
STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LABOR

June 14, 2005

The Honorable Beth Edmonds, President of the Senate
 The Honorable John Richardson, Speaker of the House
 122nd Maine Legislature
 Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Labor during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	103	
Unanimous Reports		61
Ought to Pass	4	
Ought to Pass as Amended	4	
Ought Not to Pass	32	
Referred to Another Committee	1	
Divided Reports		25
Carry Overs		9
Gubernatorial Nominations		10
Received by the Clerk Pursuant to Joint Rule 309		2

Respectfully submitted,
 S/Ethan Strimling
 Senate Chair
 S/William J. Smith
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 306)
STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS

June 16, 2005

The Honorable Beth Edmonds, President of the Senate
 The Honorable John Richardson, Speaker of the House
 122nd Maine Legislature
 Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Legal and Veterans Affairs during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	116	
Unanimous Reports		91
Ought to Pass	2	
Ought to Pass as Amended	29	
Ought Not to Pass	58	
Referred to Another Committee	2	
Divided Reports		18
Carry Overs		6
Gubernatorial Nominations		1

Respectfully submitted,
 S/Kenneth T. Gagnon
 Senate Chair
 S/John L. Patrick
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 307)
STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON MARINE RESOURCES

June 16, 2005

The Honorable Beth Edmonds, President of the Senate
 The Honorable John Richardson, Speaker of the House
 122nd Maine Legislature
 Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Marine Resources during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	35	
Unanimous Reports		22
Ought to Pass	1	
Ought to Pass as Amended	12	
Ought Not to Pass	8	
Referred to Another Committee	1	
Divided Reports		8
Gubernatorial Nominations		5

Respectfully submitted,
 S/Dennis S. Damon
 Senate Chair
 S/Leila J. Percy
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 308)

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

June 14, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Natural Resources during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	83
Unanimous Reports	55
Ought to Pass	1
Ought to Pass as Amended	29
Ought Not to Pass	24
Referred to Another Committee	1
Divided Reports	16
Carry Overs	10
Gubernatorial Nominations	2

Respectfully submitted,
S/Scott W. Cowger
Senate Chair
S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 309)

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

June 16, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on State and Local Government during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	102
Unanimous Reports	61
Ought to Pass	10
Ought to Pass as Amended	29
Ought Not to Pass	21
Referred to Another Committee	1
Divided Reports	32
Carry Overs	9

Respectfully submitted,
S/Elizabeth M. Schneider
Senate Chair
S/Christopher R. Barstow
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 310)

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

June 16, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Transportation during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	126
Unanimous Reports	96
Ought to Pass	14
Ought to Pass as Amended	29
Ought Not to Pass	50
Referred to Another Committee	3
Divided Reports	19
Carry Overs	10
Gubernatorial Nominations	1

Respectfully submitted,
S/Dennis S. Damon
Senate Chair
S/Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 311)

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

June 16, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Utilities and Energy during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	77
Unanimous Reports	56
Ought to Pass	3
Ought to Pass as Amended	29
Ought Not to Pass	24
Divided Reports	10
Committee Bills & Papers	1
Pursuant to Statute	1
Carry Overs	9
Gubernatorial Nominations	1

Respectfully submitted,
S/Philip L. Bartlett II
Senate Chair
S/Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 312)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
JOINT SELECT COMMITTEE ON PROPERTY TAX REFORM**

June 16, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Select Committee on Property Tax Reform during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	6	
Unanimous Reports		1
Ought to Pass	0	
Ought to Pass as Amended	1	
Ought Not to Pass	0	
Divided Reports		1
Committee Bills & Papers		4
Pursuant to Joint Order		4

Respectfully submitted,
S/Dennis S. Damon
Senate Chair
S/Richard G. Woodbury
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 313)

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

June 17, 2005

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Taxation during the First Regular and First Special Sessions of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	153	
Unanimous Reports		104
Ought to Pass	1	
Ought to Pass as Amended	23	
Ought Not to Pass	80	
Divided Reports		32
Joint Study Orders		1
Carry Overs		14
Received by the Clerk Pursuant to Joint Rule 309		2

Respectfully submitted,
S/Joseph C. Perry
Senate Chair
S/Richard G. Woodbury
House Chair

READ and ORDERED PLACED ON FILE.

The Speaker appointed the following members on the part of the House to wait upon his Excellency, Governor JOHN E. BALDACCI, and inform him that the House was ready to adjourn without day:

Representative BRANNIGAN of Portland
Representative DUDLEY of Portland
Representative CRAVEN of Lewiston
Representative FISCHER of Presque Isle
Representative LERMAN of Augusta
Representative MILLS of Farmington
Representative MILLETT of Waterford
Representative NUTTING of Oakland
Representative BOWEN of Rockport
Representative CURLEY of Scarborough

The Speaker appointed Representative CUMMINGS on the part of the House to inform the Senate that the House was ready to adjourn without day.

Subsequently, Representative CUMMINGS reported that he had delivered the message with which he was charged.

Subsequently, the Committee reported that they had delivered the message with which they were charged.

THE GOVERNOR: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Nice job. Please sit down. I won't keep you long. I know that it has been a long day and night. It has been so enjoyable to listen to all of you downstairs and I would like to also echo the sentiments of all of you in appreciation of the leadership of the Speaker of the House, John Richardson and I appreciate the working relationship that he has established along with Majority Leader Cummings and Assistant Majority Leader Duplessie, with Minority Leader Bowles and Assistant Minority Leader Tardy. It has been a session where there are differences of opinion, but for the most part it has been done in a very agreeable fashion so we do appreciate all of the good leadership Mr. Speaker.

This has been a session with many accomplishments. You can be proud that the people of Maine have been well served by your leadership, hard work and dedication. Thank you on their behalf.

As you return to your families, friends and work and leave for a time your colleagues here in Augusta please know that from your actions, deliberations and tough decisions, Maine will be a better place, a place where we protect our working families, our communities and small businesses. We are continuing to put Maine's fiscal house in order and in the budgets that we have passed this year we have lived within the new state-spending cap. The rate of growth of the two biennial budgets is 3%, well under the personal income rate increases and less than any other administration and Legislature for the last 30 years. Collectively, the budgets that we have passed this year have cut state spending by more than 600 million and going forward we have reduced the structural gap by 50%.

We funded historic hospital settlements going back as far as 1993, representing over \$108 million to Maine's hospitals and most importantly, and very personally to all of us here in this

chamber and to the citizens throughout the state we have repealed the \$450 million borrowing. Congratulations.

We have passed LD 1, a landmark and historic piece of legislation, providing property tax relief for Maine families, including a historic increase in funding for local education. We have enhanced our economic plan by creating a biomedical research triangle, investing in R&D for new jobs in the 21st Century and strengthening the Pine Tree Zones, which will yield almost 3,000 new jobs.

We have provided renewable energy incentives for solar energy and cleaner burning vehicles and we passed legislation to ensure civil rights for all Maine people. Maine is a place of technology, talent and tolerance. Collectively we did many, many other things on behalf of the public from the working waterfront to drug disclosure laws and on behalf of the people of Maine I say thank you and I wish you well and commend you on a job well done and hope that you have an enjoyable summer and have enjoyable times with your families and friends it is well deserved. Congratulations.

At this point, a message came from the Senate borne by Senator Gagnon of that Body, informing the House that the Senate was ready to adjourn without day.

On motion of Representative RICHARDSON of Greenville, the House adjourned without day at 3:03 a.m., Saturday, June 18, 2005.