

MAINE STATE LEGISLATURE

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

Volume II

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May 26, 2005 – June 17, 2005

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Second Regular Session

January 4, 2006 - April 6, 2006

Pages 737-1487

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
29th Legislative Day
Tuesday, March 28, 2006

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

Prayer by Pastor Reginal Adams, Calvary Temple Assembly of God, East Millinocket.

National Anthem by Eliza Richard, Farmington.

Pledge of Allegiance.

Doctor of the day, James Pisini, M.D., Cumberland Foreside.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.C. 562)

**MAINE SENATE
122ND LEGISLATURE
OFFICE OF THE SECRETARY**

March 27, 2006

Honorable John Richardson

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Richardson:

In accordance with Joint Rule 506 of the 122nd Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Business, Research and Economic Development, the nominations to the:

Maine Educational Loan Authority

David Mahoney of Hebron for appointment;

Elizabeth M. Doane of South Portland for appointment;

Bruce N. Shatz of Manchester for reappointment.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nominations to the:

Maine Public Broadcasting System Board of Trustees:

The Honorable Mark W. Lawrence of South Berwick for reappointment.

The School Board of the Governor Baxter School for the Deaf:

Sarah M. Whitfield of Wiscasset for appointment;

Donald W. Miller of West Bath for appointment.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Strengthen the Collection of the Tax on Tobacco Products"

(H.P. 1485) (L.D. 2093)

Sponsored by Representative CUMMINGS) of Portland.
(GOVERNOR'S BILL)

Committee on **TAXATION** suggested and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

ORDERS

On motion of Representative CUMMINGS of Portland, the following Joint Resolution: (H.P. 1486)

**JOINT RESOLUTION RECOGNIZING THE THIRD ANNUAL
INTERNATIONAL PIANO AND CHAMBER MUSIC FESTIVAL**

WHEREAS, the Portland Conservatory of Music was founded in 1995 to provide excellent musical instruction to individuals of all ages, goals and abilities, which is unique among organizations in Maine; and

WHEREAS, the Portland Conservatory of Music has brought that mission to life by bringing the gift of music into the lives of hundreds of students by offering programs such as private lessons on various instruments, music classes and ensembles to students across the region; and

WHEREAS, the Portland Conservatory of Music currently has more than 400 students from across the region and has a faculty numbering more than 40 of Maine's most talented musicians; and

WHEREAS, the Portland Conservatory of Music has established the International Piano and Chamber Music Festival to bring concerts to the public and serve as a meeting ground for musicians of all ages and from all parts of the globe by providing intensive instruction, performing opportunities for young musicians and nightly concerts by professional musicians; and

WHEREAS, the Portland Conservatory of Music is proud to host the Third Annual International Piano and Chamber Music Festival in Portland, Maine from June 21 to June 30, 2006 and welcomes performers and guests from around the world to share their love and appreciation of music; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to salute the Portland Conservatory of Music for hosting the Third Annual International Piano and Chamber Music Festival and we welcome all participants and guests to the State of Maine during the music festival; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Portland Conservatory of Music with our appreciation for its enhancing the art of music in the State of Maine.

READ and ADOPTED.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Hanley Denning, of Yarmouth, founder and director of Safe Passage, an organization dedicated to provide an education to children of families who live at the garbage dump of Guatemala City, Guatemala. Ms. Denning, a native of Yarmouth and Cumberland and a graduate of Bowdoin College, first visited Guatemala City in 1999 and was brought to the garbage dump by a friend. She found a community of children and families who made their home surviving as scavengers in the mountains of garbage around them. In an effort to bring hope and a better future to these people, she founded Safe Passage to enable children to move beyond their poverty in a dignified and permanent way through education. Due to her passion and dedication, Safe Passage has made a brighter future for more than 540 children. Several of the original class of students were accepted this year into a prestigious private school based on their academic achievement. Ms. Denning has also given much to the

State of Maine by involving local community, school, church and business groups in the Safe Passage mission. Mainers returning from volunteer work at Safe Passage in Guatemala City describe their experience as life-transforming. Ms. Denning's decision to act on the tragic circumstances she witnessed has produced a ripple effect from Guatemala to Maine, producing an inspiring example of what can be accomplished through compassion and commitment. We extend our appreciation to Hanley Denning for her years of dedication to the children and families of Safe Passage;

(HLS 1777)

Presented by Representative WOODBURY of Yarmouth. Cosponsored by Senator TURNER of Cumberland, Representative BRAUTIGAM of Falmouth, Representative MCKENNEY of Cumberland.

On **OBJECTION** of Representative WOODBURY of Yarmouth, was **REMOVED** from the Special Sentiment Calendar. **READ.**

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

Representative **WOODBURY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my pleasure to introduce you to Hanley Denny today. The story of her founding of Safe Passage and its impact on an increasing number of people around the world is one of the most inspiring stories that I know. As you just heard it begins with a young teacher visiting Guatemala City to work on her Spanish seeing a community of people in extreme poverty and deciding that she could not, in good conscience, walk away from it. Instead, she committed herself to making a permanent change in the lives of the people that she met living in the Guatemala City garbage dump. I met Hanley several years ago and first learned about the inspirational work of Safe Passage. I took about 15 seconds listening to Hanley to feel, first her profound sense of passion, compassion and caring for people and her work and, second, her incredible competence and leadership capabilities. She is, in person, as inspiring as her story.

I have not visited Safe Passage yet. Many of my friends and neighbors in Yarmouth and Cumberland have, and my church and many other churches have become involved and sent volunteer groups to Safe Passage, Rotary Club and many other business groups have become involved and supported projects at Safe Passage. The number of people connected in some way to Safe Passage has grown incredibly since its inception.

Among those who have been to Guatemala City to support Safe Passage programs it is not an overstatement to hear them talk about their experiences as life transforming and as if their eyes have been opened to something that they just did not get before they went.

Hanley, it is my honor to recognize you today and thank you for the amazing work that you are doing. I also want to recognize the many people touched by and contributing to the Safe Passage mission. The safe passage staff who have been inspired to dream and to grown into leadership positions in their community in Guatemala City and the many people who have become involved with safe passage in Maine and who have visited Safe Passage as volunteers and most importantly, the Safe Passage children and families themselves who are working toward a better life. Hanley, you have touched the lives of so many people. We thank you for all that you have done to make this world a better place. Thank you, Mr. Speaker.

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

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

Representative **ROBINSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my pleasure today to introduce to you the New England Prep School Division II Hockey Champions from Hebron Academy. These young men had a great feat this year. They finished the season 27-9-2 with victories over Vermont Academy three to one and an impressive five to three victory over Proctor to go on to win the New England Division II Prep School Championship. And, as a 1991 graduate of Hebron, it is my great honor to have these young men in the building today and I also wanted to congratulate Coach Gagnon and Coach Keough for their achievement this year. Thank you.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative PINGREE for the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Address Eating Disorders in Maine"

(H.P. 1487) (L.D. 2094)

Reporting **Ought to Pass** pursuant to Joint Order 2006, H.P. 1480.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and was assigned for **SECOND READING** Wednesday, March 29, 2006.

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Permit Charter Schools in Maine"

(S.P. 606) (L.D. 1640)

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot

Representatives:

NORTON of Bangor
DAVIS of Falmouth
FINCH of Fairfield
MAKAS of Lewiston
CAIN of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-471)** on same Bill.

Signed:

Senator:

TURNER of Cumberland

Representatives:

EDGECOMB of Caribou
GOLDMAN of Cape Elizabeth
STEDMAN of Hartland
LANSLEY of Sabattus

Representative MERRILL of Appleton - of the House - abstaining.

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

Representative NORTON of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Clarify the Workplace Smoking Laws"

(S.P. 726) (L.D. 1926)

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

WALCOTT of Lewiston
MILLER of Somerville

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

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

READ.

On motion of Representative PINGREE of North Haven, the Majority **Ought Not to Pass** Report was **ACCEPTED**.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Regarding Contract Indemnification"

(S.P. 362) (L.D. 1045)

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFISKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor
SHERMAN of Hodgdon
CARR of Lincoln

NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-514)** on same Bill.

Signed:

Senators:

HOBBS of York
HASTINGS of Oxford

Representative:

BRYANT-DESCHENES of Turner

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

READ.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-513)** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Clarify Deadlines for Submitting Direct Initiatives to Municipal Officials for Signature Verification

(S.P. 782) (L.D. 2033)

Signed:

Senator:

GAGNON of Kennebec

Representatives:

OTT of York
PINKHAM of Lexington Township
VALENTINO of Saco
PATRICK of Rumford
TUTTLE of Sanford
NASS of Acton
BROWN of South Berwick

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

Signed:

Senators:

PLOWMAN of Penobscot
MITCHELL of Kennebec

Representatives:

FISHER of Brewer
MOORE of Standish

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-513)**.

READ.

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

The **RESOLUTION** was **READ ONCE**. **Committee Amendment "A" (S-513)** was **READ** by the Clerk and **ADOPTED**. The **RESOLUTION** was assigned for **SECOND READING** Wednesday, March 29, 2006.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-511)** on Bill "An Act Authorizing the Deorganization of Drew Plantation"

(S.P. 679) (L.D. 1762)

Signed:

Senator:

ANDREWS of York

Representatives:

McFADDEN of Dennysville
 MOULTON of York
 BISHOP of Boothbay
 CROSTHWAITE of Ellsworth
 BROWNE of Vassalboro
 BLANCHARD of Old Town
 MUSE of Fryeburg
 SCHATZ of Blue Hill

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

Signed:

Senators:

SCHNEIDER of Penobscot
 ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham
 HARLOW of Portland

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

Representative BARSTOW of Gorham moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

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

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

Representative **MOULTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wish to speak against the pending motion. This bill was considered before the committee. We have a very small plantation with a very limited number of people. They really cannot perform the functions of a plantation let alone a municipality. This is something that, in the process, will require a subsequent vote, but we heard practically half of the plantation was in our committee room at the time of the hearing and this is one that we should let go Mr. Speaker and so I would encourage the members of the House to vote against the pending motion. Thank you, Mr. Speaker.

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What we have before us is, yes, the de-organization of Drew Plantation. Yes, it is a community of only 57 people, but we need to be sure that as we sit in this body and look at all policies that we look at the big picture and that we look, overall, at the direction that we are heading in, in this state.

If you are in favor of taking the history of a small community of 57 people and looking at possibly increasing the mil rate for the unorganized territories and, further, taking away their ability to

have democracy and a voice in their local community affairs then go ahead and vote against the pending motion, that is absolutely fine. But, to take this and other measures that we are going to see on deorganization come before us and to make it divisive within a community and to take a history of a community, whether it is 527 people or thousands of people and to just race it through one vote is absolutely ludicrous. This is something that we need to look at because as we continue to have tax burden and we continue to look at tax reform in this body we have a situation in that a lot of communities are taking the approach of quitting and moving forward with these deorganization plans. Yes, Drew Plantation is small, but are their ways that they can save costs without completely throwing the baby out with the bath water? I would say, yes, there are. Could you look to a neighboring community to provide core services; sharing services for education and other needed services in a municipality? I certainly don't think that it is worthwhile to go forward with this plan and would hope that my colleagues in this body would support the Ought Not to Pass Motion before us. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Blanchard.

Representative **BLANCHARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't normally stand on very technical issues, but this is a very technical issue. Drew Plantation started its procedure for deorganization some three and a half years ago and I was involved as a commissioner. I attended their first initial meeting, which was attended by approximately 31 of the 57 people that lived in our town. A straw vote was taken that evening on whether to proceed with deorganization or not. The straw vote was unanimous to proceed with deorganization. Since then I have found out that no one has come forward to serve in any of the elected positions and there are no selectmen that wish to continue. As far as using a bordering town, I think that you should look at the mileage in between for sharing services. Also, the state has acquired a lot of the land up there so the tax value has dropped. I ask you to follow my light and vote against the Minority Report.

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

ROLL CALL NO. 398

YEA - Adams, Ash, Babbidge, Barstow, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Craven, Cummings, Duchesne, Dudley, Dunn, Duplessie, Eberle, Faircloth, Farrington, Fischer, Gerzofsky, Grose, Hanley S, Harlow, Hutton, Jennings, Lerman, Marley, Marraché, Mazurek, Mills, Norton, O'Brien, Patrick, Percy, Perry, Pineau, Pingree, Piotti, Richardson E, Saviello, Simpson, Smith N, Smith W, Tuttle, Twomey, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Beaudette, Berube, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duprey, Eder, Edgecomb, Finch, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Hall, Hamper, Hanley B, Hogan, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Lewin, Lindell, Lundeen, Makas, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Moody, Moore G, Moulton, Muse, Nass, Nutting, Ott, Paradis, Pilon, Pinkham, Plummer, Richardson D, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Schatz, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Thompson, Trahan, Valentino, Vaughan, Walcott, Woodbury.

ABSENT - Bierman, Canavan, Crosby, Dugay, Emery, Hotham, Koffman, Lansley, Rector, Stedman.

Yes, 50; No, 91; Absent, 10; Excused, 0.

50 having voted in the affirmative and 91 voted in the negative, with 10 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-511)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 29, 2006.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass pursuant to Resolve 2005, chapter 78, section 5** on Bill "An Act To Authorize the Deorganization of the Town of Cooper"

(S.P. 781) (L.D. 2030)

Signed:

Representatives:

McFADDEN of Dennysville
 MOULTON of York
 BISHOP of Boothbay
 CROSTHWAITE of Ellsworth
 BLANCHARD of Old Town
 MUSE of Fryeburg
 SCHATZ of Blue Hill
 BROWNE of Vassalboro

Minority Report of the same Committee reporting **Ought Not to Pass pursuant to Resolve 2005, chapter 78, section 5** on same Bill.

Signed:

Senators:

SCHNEIDER of Penobscot
 ANDREWS of York
 ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham
 HARLOW of Portland

Came from the Senate with the Minority **OUGHT NOT TO PASS PURSUANT TO RESOLVE 2005, CHAPTER 78, SECTION 5** Report **READ** and **ACCEPTED**.

READ.

Representative **BARSTOW** of Gorham moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Dennysville, Representative **McFadden**.

Representative **McFADDEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak against the pending motion. This bill was taken up in the other body yesterday. Mainly, the big thing that I was talking about in the other body was taxation. There is more than taxation to the organization of Cooper. The big thing in Cooper is the winter maintenance of Route 191, the major collector between Machias and Calais. If MDOT had stepped forward and helped, as they were asked to do, winter maintenance on the road than this would have a different outcome. It is the shortcut between

Machias, Calais and the Canadian provinces. It is a much better road than Route 1 and there is probably a little less traffic on Route 191 through Cooper than there is on Route 1, mainly because of the towns of Eastport and Lubec off to the side. That is the difference in the traffic. But, anyway, I asked you to vote against this pending motion. We need to defeat this pending motion.

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

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

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have a question for the good Representative, Representative **McFadden** or somebody who may know. I have heard second hand that Cooper had a town meeting and a vote last night and the vote was in opposition of deorganization and I don't know if that is true or not and was wondering if anyone had any further information?

The **SPEAKER**: The Representative from Calais, Representative **Perry** has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gorham, Representative **Barstow**.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The town of Cooper is a very unique situation in that it has been somewhat more controversial than the last deorganization bill that we dealt with. We had legislation come forward regarding the deorganization of the Town of Cooper a year ago and, though I can't speak to what exact vote was yesterday evening, there has been, within our committee hearings, a change of heart from citizens being a vast majority in favor of deorganization to, slowly but surely, people wanting to take on the responsibility of keeping this community alive up in Washington County. It is approximately over 300 people, and in my hand I actually have a petition from 35 people specifically in the community, that states that they want to keep Cooper as a town and that further, they would be willing to fill a lot of these elected offices that were supposedly going to be left open because nobody wanted to step in and take over for those who were looking to end their sacrifice and volunteerism for the community.

I look at this personally as the big picture and not wanting to continue to see the deorganization statewide. If you were to look at this on a case by case basis and we were to take within ourselves our legislative responsibilities and do that instead of rubber stamping this and sending it to the voters, I would hope that my colleagues would look into this case a little further and realize that you have a divided community here and, unfortunately, a vote of whether or not to deorganize in general has taken the citizens in this town and divided them amongst themselves rather than being the solid community that they could be. I hope that you would join me in this motion. Thank you, Mr. Speaker.

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

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

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

Representative **CARR**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my understanding, having listened to a few of these deorganization discussions in the past that it would still require a vote by the local community. Is that right, rather than the Legislature making that final determination? It would actually be by the community involved?

The SPEAKER: The Representative from Lincoln, Representative Carr has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative MCFADDEN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Yes, the law is that if it does pass the House and Senate than it must go back to the local people and they must have a two-thirds vote in favor to deorganize. It is not a simple majority, it is a two-thirds. Thank you, Mr. Speaker.

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

Representative BISHOP: I am also a member of the State and Local Government Committee, which this question came in front of, and I have great respect for the good Representative from Gorham, but I don't have that piece of paper on my desk and I haven't had access to it. I also don't know about whether or not a vote took place last night in the Town of Cooper so what I have in front of me is a piece of legislation that we spent lots of time on and tried very hard to understand what the issues were and how we could best rectify them with the understanding that passage of this legislation will allow the Town of Cooper whether to vote on whether or not they want to deorganize or disorganize. I am a little disorganized myself at this point, but the passage of this particular bill will allow them the option of whether or not they want to deorganize. I don't think that it is fair at this point in time to introduce information that cannot be collaborated and cannot be verified and that did not come in front of the committee that passed this bill with a Majority Ought to Pass Report. I think that we should be voting on what is in front of us. I wish to give the Town of Cooper what they have asked for for two years. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Dunn.

Representative DUNN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In response to the good Representative from Calais' question, earlier I spoke with my sister and brother-in-law that live in Cooper and there was a vote last night and it went under the gavel so to speak. They did not even get to a vote to take it to a straw poll vote. So the majority of citizens in Cooper voted to not move forward on this and I will say this, it is my understanding that in Cooper last night at the town meeting they had contested elections in nearly all of the categories for the offices that were being sought. So I think it is important that we vote to support the Ought Not to Pass Report. Thank you.

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

ROLL CALL NO. 399

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

NAY - Annis, Austin, Berube, Bierman, Bishop, Blanchard, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes,

Campbell, Carr, Cebra, Churchill, Clough, Collins, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Dugay, Duprey, Eder, Edgecomb, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Jacobsen, Jodrey, Joy, Kaelin, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Richardson D, Richardson M, Richardson W, Robinson, Rosen, Sampson, Schatz, Sherman, Shields, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Canavan, Crosby, Emery, Hotham, Koffman, Lansley, Rector, Stedman.

Yes, 72; No, 71; Absent, 8; Excused, 0.

72 having voted in the affirmative and 71 voted in the negative, with 8 being absent, and accordingly the Minority Ought Not to Pass Report was ACCEPTED in concurrence. ORDERED SENT FORTHWITH.

Majority Report of the Committee on NATURAL RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (H-887) on Resolve, Directing the Department of Environmental Protection To Establish Standards for the Cleanup of Mold

(H.P. 1381) (L.D. 1971)

Signed:

Senators:

COWGER of Kennebec
MARTIN of Aroostook
SNOWE-MELLO of Androscoggin

Representatives:

DUCHESNE of Hudson
ANNIS of Dover-Foxcroft
EBERLE of South Portland
KOFFMAN of Bar Harbor
TWOMEY of Biddeford
THOMPSON of China

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

Signed:

Representatives:

JOY of Crystal
DAIGLE of Arundel
ROSEN of Bucksport

READ.

On motion of Representative EBERLE of South Portland, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Resolve was READ ONCE. Committee Amendment "A" (H-887) was READ by the Clerk and ADOPTED. The Resolve was assigned for SECOND READING Wednesday, March 29, 2006.

Majority Report of the Committee on TAXATION reporting Ought to Pass as Amended by Committee Amendment "A" (H-877) on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Property Tax Exemption for Property Owners with Limited Personal Property Assessments

(H.P. 1446) (L.D. 2052)

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris
CLARK of Millinocket
McCORMICK of West Gardiner
WOODBURY of Yarmouth
CLOUGH of Scarborough
BIERMAN of Sorrento
HUTTON of Bowdoinham
SEAVEY of Kennebunkport

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representative:

WATSON of Bath

READ.

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

The **RESOLUTION** was **READ ONCE.** **Committee Amendment "A" (H-877)** was **READ** by the Clerk and **ADOPTED.** The **RESOLUTION** was assigned for **SECOND READING** Wednesday, March 29, 2006.

CONSENT CALENDAR

First Day

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

(H.P. 1168) (L.D. 1657) Bill "An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-885)**

(H.P. 1282) (L.D. 1842) Bill "An Act To Amend the Laws Governing Living Wills of Terminally Ill Persons" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-890)**

(H.P. 1388) (L.D. 1981) Resolve, Regarding Legislative Review of Portions of Chapter 335: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-883)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

(H.P. 1466) (L.D. 2072) Bill "An Act To Amend the Definition of 'Municipality' as It Relates to the Maine Municipal Bond Bank Act" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

On motion of Representative BARSTOW of Gorham, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED.** The Bill was **READ ONCE.**

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** and sent for concurrence.

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

CONSENT CALENDAR

Second Day

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

(S.P. 777) (L.D. 2014) Bill "An Act Protecting Youth from Losing Health Insurance Coverage" (C. "A" S-512)

(S.P. 791) (L.D. 2047) Bill "An Act To Provide for the 2006 and 2007 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) (C. "A" S-510)

(H.P. 1325) (L.D. 1885) Bill "An Act To Protect Drivers' Privacy by Clarifying Ownership of Data Recorded by Motor Vehicle Data Recorders" (C. "A" H-876)

(H.P. 1389) (L.D. 1982) Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) (C. "A" H-881)

(H.P. 1396) (L.D. 1994) Bill "An Act To Preserve Patient Records" (C. "A" H-882)

(H.P. 1435) (L.D. 2035) Bill "An Act Regarding Storm Water Program Administration" (C. "A" H-879)

(H.P. 1443) (L.D. 2049) Bill "An Act To Amend the Laws Regarding Aquaculture Leases" (C. "A" H-880)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

(H.P. 1333) (L.D. 1892) Bill "An Act To Prevent Price Gouging" (C. "A" H-875)

On motion of Representative SIMPSON of Auburn, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED.** The Bill was **READ ONCE.** **Committee Amendment "A" (H-875)** was **READ** by the Clerk.

On further motion of the same Representative, **House Amendment "A" (H-894)** to **Committee Amendment "A" (H-875)**, was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (H-875) as **Amended by House Amendment "A" (H-894)** thereto was **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, March 29, 2006.

BILLS IN THE SECOND READING

House

Bill "An Act To Clarify the Uninsured Motorist Laws"

(H.P. 1422) (L.D. 2021)

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.

ENACTORS**Constitutional Amendment**

RESOLUTION, Amending the Constitution of Maine To Lower the Age of Eligibility for Election to the House of Representatives (H.P. 1353) (L.D. 1912) (C. "A" H-809)

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

Representative **TRAHAN** of Waldoboro **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Before we take this vote just a few thoughts: First, the debate that we had on this bill the last time that it came before us was exciting and it was very long. In fact, we had 19 speakers and I am hoping that today's debate will be 1/19th of last weeks overall. I couldn't help but take last weeks debate a little bit personally. I went home and I really wrestled with the objections to the bill that were raised on the floor and to me in the hallway. In fact, many people who voted against it came up to me in the hallway afterward and said, "You know that it is not about you; you're great." And I thought, "Well, that is nice and I appreciate that." I was so very flattered by those thoughts and those kind words, Mr. Speaker, that I went home and I thought a lot about the idea of experience because that was one of the major objections raised to me personally, and on the floor of the House, which was that young men and women who are 18 or 19 years old simply do not have the experience that it takes to serve in this body. What does that mean? That is what I have been wrestling with. Besides the age and residency requirement, there is no other requirement that we have to have to serve in this body. So I started to think. If we were going to make a list of what experience means what would it include? Would it include owning a business, running a business, being a parent, being married, having fallen in love, having children, having grand children, having worked in a mill, having been a lobsterman or a lobsterwoman, having been in college, have a masters degree, a law degree, be a banker, a lawyer or councilor, running a restaurant. The list goes on and on of the diverse experiences that we all bring to this body and the minute that we start to assign any quantitative or qualitative lists of what experience means we send ourselves home because the minute we get any more specific than age or residency we begin to say that there are people who, no matter what they do and how many votes they get they shouldn't be here and the minute that we assign any of those qualities to us we send a majority of ourselves packing. That's too bad.

The idea of experience matters. But who should be the judge of that experience? I believe that the judge of that experience should be the voters of the House districts throughout the state in order for them to decide who it is that represents them in this body. Eight percent of the population of Maine, the voting age population age 18 to 25 represents eight percent of Maine's population. When I was elected to this body, I was 24 and at that time, there were two of us that fell in the 18 to 25 range. As of the end of this past January that number dropped to 1 - me. And, as of tomorrow, I will be 26. It is my birthday tomorrow, you can clap for me tomorrow, but as of tomorrow that eight percent, that 18 to 25 group will have no one, not even one of us in this whole body to represent that group. You know what, that is okay because the people in all of your districts chose you as the best

people to represent them. So I just encourage you to think about supporting this, to push the green button and allow the people in your district to have a few more options when they go to the polls and when they meet the candidates that come to their door.

I will just read one paragraph from an editorial that I was very flattered by in the Maine Sunday Telegram on Sunday and they said that we see no reason that qualified adults in their late teens should be prohibited from running. If they can mount a credible campaign and win a majority at the polls than they probably, have the kind of fresh ideas and new approaches that would benefit the Legislature. Thank you all for the kindness in talking with the many students who have been advocating for this bill and thank you for speaking honestly with me over the past several weeks about your feelings on this bill. I hope that you have been able to have your thought horizon expanded on this topic and hope that you will vote yes today Mr. Speaker.

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

Representative **MOULTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Like the good Representative, Representative Cain, I went home and I thought long and hard about this piece of legislation. Like many of you and listening to the voice of the young people out in the hallway, it is the hallmark of our society, and we say this ourselves, that anybody can run and it is true. However, not everybody can run. We cannot all be here. As much as we would like to think of our country and institutions as a democracy they aren't. We are a republic. We are elected here to represent the people here back home, which we do to the best of our ability and we respect one another for that, even when we have to disagree. To me, an 18 year old is sort of like a blank slate. They haven't been bruised. They haven't, if you will, won anything. They are still young and they haven't gone through the process that many of us have experienced over the years.

I think one of the arguments that I heard by one of the students who said, when they found out that this was my measure, was that just because they run a credible campaign doesn't mean that the folks back home should be voting for them. I think that one of the measures of whether or not we can decide whether or not a person should be representing us is what they have done around the community. What have they done to demonstrate that they are the sort of people that should be representing the folks back home? Frankly, for somebody that young the opportunities are limited because they haven't been around long enough. It gives people in the community a chance to gauge whether or not they are of a certain caliber to represent other people in the House whether or not they are a lobsterman, whether or not they are a teller at the local bank or a school teacher or maybe even a lawyer.

Ladies and gentlemen of the House, in further reflection on the comments to me, I would like to make a brief contrast and that is that back when I was the age of some of the students that spoke to me there was a group at my college that went to the Pennsylvania assembly to petition on behalf of the rights of migrant workers. This was back in the early seventies and I tell you that I was impressed because they were working on behalf of a group that needed a voice and if any of those students afterwards had come to me and said that it would be good if we could serve in the Legislature I would think very seriously on that, because to me they demonstrated that measure of action on behalf of somebody else that needed it. That is the true test to me of whether or not they should serve in an assembly such as this one. In contrast, for those that say we should do it because we are outstanding people it does not cut it for me. It goes back to what I just said a couple of minutes ago. We need to see that

measure. Just because I come down the road and knock on your door and say, "Vote for me, I am a nice guy," is not enough. What the people in the community are looking for is some additional measure and however it is done – and it isn't always done by the flashy little placards that we give people rather often by word of mouth – when the community as a whole talks to itself and says this person should represent us because they will do a good job is, I think, the true test. So, Mr. Speaker, ladies and gentlemen of the House I would encourage you to vote against this measure. Thank you.

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 a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 400

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Bishop, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Clark, Craven, Crosthwaite, Cummings, Curley, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hutton, Jennings, Kaelin, Lerman, Lindell, Makas, Marley, Marraché, Mazurek, McFadden, McKenney, Merrill, Miller, Mills, Moody, O'Brien, Paradis, Patrick, Percy, Perry, Pineau, Pingree, Piotti, Richardson D, Rines, Rosen, Sampson, Saviello, Smith N, Thompson, Tuttle, Valentino, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Blanchard, Bowles, Brown R, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cresse, Curtis, Daigle, Davis G, Duprey, Edgcomb, Fitts, Fletcher, Greeley, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Jacobsen, Jodrey, Joy, Lewin, Lundeen, Marean, McCormick, McKane, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pilon, Pinkham, Plummer, Richardson E, Richardson M, Richardson W, Robinson, Schatz, Seavey, Sherman, Shields, Simpson, Smith W, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan, Watson.

ABSENT - Canavan, Crosby, Hotham, Jackson, Koffman, Lansley, Norton, Rector, Stedman.

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

77 having voted in the affirmative and 65 voted in the negative, with 9 being absent, and accordingly the Resolution **FAILED FINAL PASSAGE**. Sent for concurrence.

Emergency Measure

An Act To Prohibit Parking in Access Aisles

(H.P. 1213) (L.D. 1706)

(C. "B" H-765)

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

Representative SIMPSON of Auburn **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As I understand, we are being asked to vote on Enactment of what appears to be the Minority version of this bill. I have read both versions and while I respect the work of the Transportation Committee, I will be voting against this measure. As I understand it, the difference between the Minority and Majority Report – I will not get into the

other report that is not before us – is that this provision in front of us imposes a mandatory sentence of \$200 and, more specifically, it poses a vicarious liability on the registered owner of a vehicle that is parked in the wrong place in a handicap zone. I understand that there are problems with enforcement of the handicap parking area provisions of our laws. I think this is probably a matter of needing more training, more responsibility and responsiveness on the part of local law enforcement, but I think that this is an overreaction to the problem when we impose vicarious liability as this says a person who is a registered owner of a vehicle at the time that that vehicle is involved in a violation commits a traffic infraction and only if somebody else is somehow later found to be operating the vehicle at the time of the violation and adjudicated of this violation, then and only then the registered owner is off the hook basically. I just think that if you look at page two of the committee amendment there are four kinds of defenses and it imposes an awful lot of burdens on local law enforcement to go find out if the vehicle is a leased vehicle, if it is a dealer vehicle transporter registration and to go track down somebody who may not even be in the State of Maine to find who should be charged with what. It is a simple thing to me it seems to put better signage up and to have better local enforcement of the existing laws and to create all new laws that impose these kinds of burdens of vicarious liability which I don't think is fair. Thank you.

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 issue has been before us a number of times. Imagine that you are a handicapped person for a second and that you have to operate a van in order to get around to go shopping, to be at least normal in some respects you need to have a van that carries your wheelchair around and you need to have a special parking spaces for that van that have an access aisle so that you can have a landing zone for your wheelchair. Now, imagine your discomfort, frustration and anger, perhaps, when you come out of the grocery store and you are all alone and you find somebody parked in your access aisle. You are stranded. You can't get in and out of your parking space and you can't get in or out of your car. What do you do? These people have come before us to ask us to fix this problem because it is a reoccurring problem. The Majority Report was accepted in this body and rejected in the Senate because there was a fiscal note. The Representative from Farmington talked about signage. The Majority Report had signage in it, but it also had a \$50,000 fiscal note that went with it, which we deemed wasn't possible to pass. The Minority Report raises the fine, that is an enforcement method and it also puts into statute the exact same provision that we give school bus drivers. School bus drivers are allowed to report a car that has passed a school bus, report the license plate number and turn it into police. This Minority Report gives that same standing to an operator of a van when they find somebody illegally parked in their space. They can take the license number and report it to the police. Actually, when you come right down to it, anybody can do that. Hopefully, this gives them enough standing so that the police are able to do their job.

The Representative from Farmington thinks that we are putting a burden on the police, but I say this helps the police do their job and maybe they will do their job and we won't continually have this matter brought before us to address illegal parking in handicap van access aisles. 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. I appreciate the Representative from Cumberland, Representative McKenney for getting up to speak on this issue and I was going to get up but others beat me to it when they talked about reading the committee report. If you remember in the initial debate in the House we both got up, both myself who was on the Majority Report and Representative McKenney on the Minority Report and said that this is really a Unanimous Report. We all wanted to get to the same means, we just chose different methods and this was actually one of the methods that the Majority did consider, but we felt like it would really topple the house of cards given the fiscal note that was discussed earlier. We did switch back to the Minority Report because, after listening in the public hearing to these families, and there wasn't just one family there were multiple families and others that we have heard from since then that have been in that situation that Representative McKenney just discussed. I am just going to read briefly testimony from one of the families. This is a woman from Albany Township, "Numerous times we have parked in a handicapped parking space only to find that when we return to our vehicles someone has parked in the access aisle, that striped line between the two handicap spaces, denying us access to our vehicle. Personally, for us that means that I have to leave my son Chris, who is non-verbal sitting behind a parked vehicle in the travel lane of a parking lot, by himself while I back out the van into the travel lane to load him." She mentioned – it's not in her testimony – that some of the times what is actually done is that people have driven around her and Chris to get into one of these access aisles endangering this young man. She said, "This is extremely unsafe and I am very uncomfortable doing so. The really sad part is that we are the lucky ones. If you are confined to a wheel chair, but can drive yourself, as Representative McKenney talked about, and many of you know Donald Simoneau who is a veteran that lobbies around here quite a bit, who spoke of this same helplessness. For those individuals you are either out in the elements waiting for the person to return or you can go back into the store and try to get someone to help you. They also testified, in many cases, of the indifference of the manager in helping find the person who owns the vehicle and, actually, as this woman talks about, having been sworn at when they have spoken to the people about moving their vehicles because it is a grey area if it is illegal to park in these access aisles. To me it would just be a matter of common courtesy, but that seems to be lacking in today's society. I mean this really is a safety issue. It is an issue for people who feel an overwhelming sense of helplessness and I do support the Minority Report. I think that you will find the majority of the committee; before the Senate changed over to the Minority Report we talked to committee members so I hope that you will support this emergency measure and I think that it will help these people that feel very helpless. Thank you.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to clarify. I don't dispute that there are some enforcement problems and those are genuine problems brought before the Transportation Committee and there is a need to do something. I don't think that this is the way to do it. I think the way to do it is to improve training of municipal law enforcement officers. This bill does not create a new offense it simply imposes a mandatory fine on an existing offense and I think that imposing vicarious liability

and saying that it there is no defense to a mandatory fine and a traffic violation when you aren't operating the vehicle at the time of the violation is carrying it too far and you are going after people who are not at fault. You want to get the scofflaws and not the owner of a vehicle who may have two or three teenage kids driving around and may have other friends and relatives driving their cars and who is simply not at fault whatsoever. Thank you.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 9 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Measure

An Act To Amend the Law Regarding Smoking in Private Clubs

(H.P. 1342) (L.D. 1901)
(C. "A" H-830)

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. 114 voted in favor of the same and 19 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The House recessed until 4:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

Emergency Measure

An Act To Give Superior Court Clerks and Deputy Clerks the Authority To Issue Process for the Arrest of Persons Charged with Crimes

(H.P. 1404) (L.D. 2002)

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

Emergency Measure

An Act Amending and Restating the Charter of The President and Trustees of Colby College

(S.P. 774) (L.D. 2012)
(C. "A" S-501)

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. 105 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.

Acts

An Act To Support Sibling Rights in Child Welfare Custody Matters

(S.P. 627) (L.D. 1682)
(C. "A" S-500)

An Act To Continue the Tourism Cooperative Marketing Fund

(S.P. 652) (L.D. 1698)
(C. "A" S-502)

An Act To Require the Maine State Retirement System To Divest Itself of Holdings in Those Businesses or Corporations Doing Business in the Nation of Sudan and To Repeal Requirements Relating to Shareholder Initiatives by State Officials on State Investments in Northern Ireland

(S.P. 675) (L.D. 1758)
(C. "A" S-493)

An Act To Expand the Alternative Aid Program

(H.P. 1294) (L.D. 1854)
(C. "A" H-820)

An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships

(H.P. 1314) (L.D. 1874)
(C. "A" H-831)

An Act To Maintain Standards for the Plumbing Profession

(S.P. 723) (L.D. 1923)
(C. "A" S-496)

An Act To Improve the Oral Health of Maine's Children

(S.P. 737) (L.D. 1936)
(C. "A" S-498)

An Act To Establish Harbor Master Training Requirements

(H.P. 1448) (L.D. 2054)

An Act Regarding Energy Efficiency Standards for Residential Rental Properties

(H.P. 1468) (L.D. 2074)

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 Direct the Department of Labor To Coordinate a Task Force To Examine and Study Issues Relating to Workplace Safety and Workplace Violence

(H.P. 1206) (L.D. 1699)
(C. "A" H-828)

Resolve, To Name the New Bridge over the Penobscot River

(S.P. 766) (L.D. 1986)
(C. "A" S-503)

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.**

An Act To Promote Economic Development by Enhancing Educational Opportunities

(S.P. 702) (L.D. 1785)
(C. "A" S-497)

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

On motion of Representative CUMMINGS of Portland, 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. 401

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

NAY - NONE.

ABSENT - Beaudette, Berube, Bishop, Canavan, Crosby, Daigle, Duchesne, Greeley, Hotham, Joy, Koffman, Lansley, Marley, Moore G, Ott, Perry, Rector, Sherman, Stedman, Sykes.

Yes, 131; No, 0; Absent, 20; Excused, 0.

131 having voted in the affirmative and 0 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

An Act To Require the Display of POW-MIA Flags at Courthouses

(H.P. 1340) (L.D. 1899)
(C. "A" H-827)

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

On motion of Representative WATSON of Bath, 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. 402

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Richardson D, Richardson E, Rines, Rosen, Saviello, Schatz, Seavey, Simpson, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Berube, Bishop, Blanchard, Canavan, Crosby, Davis K, Greeley, Harlow, Hotham, Joy, Koffman, Lansley, Marley, Moore G, Ott, Piotti, Rector, Sherman, Stedman, Sykes.

Yes, 131; No, 0; Absent, 20; Excused, 0.

131 having voted in the affirmative and 0 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Make Revisions to the Maine Revised Statutes Relating to Agricultural Fairs

(H.P. 1391) (L.D. 1985)
(C. "A" H-825)

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

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

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

An Act To Implement the Recommendations of the Attorney General's Working Group Regarding Sentencing Factors for Crimes against Persons Who Are Homeless

(H.P. 1442) (L.D. 2046)

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. 403

YEA - Adams, Ash, Babbidge, Barstow, Bierman, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Cummings, Curley, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Jackson, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lundeen, Makas, Marraché, Mazurek, McFadden, Merrill, Miller, Millett, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Richardson D, Richardson E, Rines, Rosen, Saviello, Schatz, Seavey, Simpson, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Beaudette, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curtis, Daigle, Davis G, Dugay, Duprey, Edgecomb, Emery, Fitts, Fletcher, Glynn, Hall, Hamper, Hanley B, Hanley S, Jacobsen, Joy, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Moulton, Muse, Nass, Nutting, Plummer, Richardson M, Richardson W, Robinson, Sampson, Shields, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Berube, Bishop, Crosby, Greeley, Hotham, Lansley, Marley, Moore G, Ott, Rector, Sherman, Stedman, Sykes.

Yes, 86; No, 52; Absent, 13; Excused, 0.

86 having voted in the affirmative and 52 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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 (8) Ought to Pass as Amended by Committee Amendment "A" (S-457) - Minority (5) Ought Not to Pass - Committee on HEALTH AND HUMAN SERVICES on Resolve, To Amend MaineCare Eligibility for the Workers with Disabilities Option

(S.P. 150) (L.D. 463)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-457)**.

TABLED - March 7, 2006 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

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

Representative PINGREE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just to clarify, this is a good bill that I think, in a bipartisan way, our committee agreed was the right thing to do. It allows certain people who are disabled to have access to the MaineCare program if they are working. It has to do with the amount of their unearned income.

If they receive federal Social Security/Disability they are not eligible for MaineCare. They are eligible for Medicare, but not MaineCare and there are some people, especially the blind who need additional support.

At this point we are about to hear the budget, which a lot of time and effort has been put into. This bill carries a fairly significant fiscal note and I know that that was the reason that the minority felt that this bill could not go forward at this time. We are about to hear a budget tonight that includes the noncategoricals, which is another important piece of the MaineCare program and I think I just didn't feel it was a responsible as didn't the advocates who put this bill forward. There will be another day for this bill, but it is not today. Thank you, Mr. Speaker.

Representative WALCOTT of Lewiston **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

Representative GLYNN of South Portland **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 404

YEA - Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brown R, Browne W, Bryant-Deschenes, Cain, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Hall, Hamper, Hanley B, Hanley S, Hogan, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lewin, Lindell, Lundeen, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, Paradis, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Seavey, Shields, Simpson, Smith N, Smith W, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Watson, Woodbury, Mr. Speaker.

NAY - Adams, Brautigam, Bryant, Burns, Canavan, Eder, Grose, Harlow, Hutton, Lerman, Makas, Miller, O'Brien, Patrick, Piotti, Schatz, Walcott, Webster, Wheeler.

ABSENT - Berube, Bishop, Crosby, Greeley, Hotham, Lansley, Moore G, Ott, Rector, Sherman, Stedman, Sykes.

Yes, 120; No, 19; Absent, 12; Excused, 0.

120 having voted in the affirmative and 19 voted in the negative, with 12 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Expression of Legislative Sentiment Recognizing Roland Boutin of Lewiston

(HLS 1717)

TABLED - March 16, 2006 (Till Later Today) by Representative CRAVEN of Lewiston.

PENDING - **PASSAGE.**

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

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-855) - Committee on NATURAL RESOURCES on Resolve, Regarding Legislative Review of Portions of Chapter 355: Coastal Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1385) (L.D. 1977)

TABLED - March 22, 2006 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

The Resolve was **READ ONCE.** **Committee Amendment "A" (H-855)** was **READ** by the Clerk and **ADOPTED.** The Resolve was assigned for **SECOND READING** Wednesday, March 29, 2006.

Bill "An Act Regarding the Sharing of Costs in Certain School Districts" (EMERGENCY)

(S.P. 750) (L.D. 1953)

(C. "A" S-495)

TABLED - March 23, 2006 by Representative BOWLES of Sanford.

PENDING - **PASSAGE TO BE ENGROSSED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1395) (L.D. 1993) Bill "An Act To Make Public Information Regarding Financial Interests Affecting Legislative Testimony" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-904)**

(H.P. 1462) (L.D. 2067) Resolve, Regarding Legislative Review of Portions of Chapter 520: Rules Regarding Publication of Public Comments on Statewide Referenda, a Major Substantive Rule of the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-905)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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-515)** on Bill "An Act To Amend the Maine Health Data Organization Laws Regarding Dental Services"

(S.P. 677) (L.D. 1760)

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
BURNS of Berwick
MILLER of Somerville
WEBSTER of Freeport
CAMPBELL of Newfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-516)** on same Bill.

Signed:

Senator:

ROSEN of Hancock

Representatives:

SHIELDS of Auburn
LEWIN of Eliot
GLYNN of South Portland

Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-515)** Report.

Came from the Senate with the Majority **OUGH TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-515)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-515)** was **READ** by the Clerk.

Representative SHIELDS of Auburn **PRESENTED** House **Amendment "A" (H-889)** to **Committee Amendment "A" (S-515)**, which was **READ** by the Clerk.

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

Representative **SHIELDS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Majority Report of LD 1760 is acceptable except for one area and this is what I want to address. I want to give you the background of this first. The Maine Health Data Organization is funded by assessments and they are based on a sliding scale and the organizations that are required to be assessed are non-profit hospitals, medical service organizations, health insurance carriers, health maintenance organizations, third party administrators and carriers that provide administrative services for client sponsors. There is a cap on the amount of money that they can assess these people and there is also funding for Maine

Health Data Organization from people who want to get the data out of the organization.

Now, current law exempts from being assessed limited benefit health insurance policies. These are healthcare policies that are for a specific disease and they are for an accident or incident only. There are hospital indemnity policies there are disability policies and there are long-term care policies and it also says other limited health benefit insurance policies. I will read you the exact text. It says, "Healthcare policies issued for a specific disease, accident, injury. Health hospital indemnities etc. are not subject to assessment." Now, here is the change. In the current bill it says that for the purposes of this subparagraph policies issued for dental services are not considered to be limited benefit health insurance policies. Now, if dental insurance is not a limited benefit insurance I don't know what is. The bill was presented so that they would be subject to assessment by the Maine Health Data Organization and the reasons for this are not clear to me. So, my judgment is that the dental insurance is a limited benefit health insurance and that remains in the law, therefore it should not be given an annual assessment. Fairness says that if it is a limited benefit policy and you are going to assess it then you should assess all of the limited benefit insurance policies. It is discriminatory and inconsistent to single out one group of limited benefit insurance policies for assessment.

In 2005, this organization, through its assessments, collected almost \$1,200,000 so I ask you to accept this amendment in the name of fairness and consistency. The Maine Health Data Organization is, also in this bill, provided with the opportunity to sell its data to government and private entities, which it was not able to do before, and it will give them further income. So, I think that discriminating against dental health insurance is not the way to go. Thank you.

On motion of Representative PINGREE of North Haven, **TABLED** pending the motion of Representative SHIELDS of Auburn to **ADOPT House Amendment "A" (H-889)** to **Committee Amendment "A" (S-515)** and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 676) (L.D. 1759) Bill "An Act To Strengthen Maine's Timber Theft Laws" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-517)**

(S.P. 779) (L.D. 2028) Bill "An Act To Establish a Computer Crimes Unit within the Maine State Police Crime Laboratory" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-519)**

(H.P. 1436) (L.D. 2038) Bill "An Act To Protect the Privacy of Cellular Telephone Customers" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-892)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

UNFINISHED BUSINESS

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-878) - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007" (EMERGENCY)

(H.P. 1378) (L.D. 1968)

TABLED - March 27, 2006 (Till Later Today) by Representative BRANNIGAN of Portland.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-878)** was **READ** by the Clerk.

On motion of Representative BRANNIGAN of Portland, **House Amendment "D" (H-901) to Committee Amendment "A" (H-878)**, was **READ** by the Clerk.

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. As you can see in the amendment and the summary, it is just a technical amendment. Sometimes people are having a hard time adjusting to the DHHS now and not DHS and things like that. There is a transfer that needs to be allowed, but it is strictly a technical amendment. I want to thank the people who helped all of us put this supplemental budget together. Even though it is just a supplemental budget, a "fix it" budget, what has still been quite a task this time and in the times past. I am really glad that we could pull together as Democrats and Republicans and Independents and Greens to pull off a budget that is not contentious. Certainly it is not everything that everybody wants, but when you put the budget together like this everybody gets something and some people get things that they don't want. It is compromise and this is the way that a budget should be put together in this body and I am pleased that we are able to do it this time and I commend everyone in leadership who greatly helped and the rest of our committee and the members both Democrat and Republican. Their leadership, our leadership and some of the people who were around to help us nights and weekends we appreciate your help and ask for your support. Thank you, Mr. Speaker.

House Amendment "D" (H-901) to Committee Amendment "A" (H-878) was **ADOPTED**.

Representative **KAELIN** of Winterport **PRESENTED House Amendment "A" (H-893) to Committee Amendment "A" (H-878)**, which was **READ** by the Clerk.

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

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, I would like to echo the words of commendation that the good Representative from Portland just stated to us. I am very happy to be able to approve and support this bipartisan budget and I think that it is what the people of the State of Maine want us to do and I am looking forward to doing that later this evening with all of you. I also wanted to thank the committee and our own members on the

Marine Resources Committee for a section of this budget that is on page 87 concerning the bio-toxin monitoring and public health growing area programs that will benefit our shellfish industries statewide and those are extremely important dollars to preserve in this budget. I am bringing an amendment to take a portion of them because I have been here four years now and know how successful these budget amendments are. I know that my good seatmate, the Representative from Waterford will indefinitely postpone this amendment in just a few minutes and I expect it to go down in flames, but I think it embodies a very important issue, one that I have been working on for the last three years since before we were redistricted and it speaks to an issue in a town that I used to represent that the good Representative from Frankfort, Representative Lindell now represents.

What this amendment would do is resurrect a bill that is on the Appropriations Table that is the result of this Legislature sweeping clean a marine environmental trust fund of its money, \$53,000 and change, three years ago when we had the \$9 million budget shortfall. When the Maine Science and Technology Foundation was abolished, this fund was not protected and it was swept and disappeared. These moneys came from an environmental settlement, in fact two environmental settlements, one where sulfuric acid was spilled in Stockton Harbor and the Conservation Law Foundation and other people involved in that settlement agreed that those monies should go into this Marine Environmental Trust Fund and the Town of Stockton Springs had been engaged in a project to restore its clam flats and had created a proposal that they sent up to the state and when the proposal got here the money was gone. What we have been trying to do is restore that fund. What this amendment would do is take a portion of the shellfish monies establish that funding in the Maine DMR and make sure that Stockton Springs has the money for their clam program.

As I said, I expect this is not going to be successful tonight, but I wanted to highlight this issue for this Legislature because it is \$53,000. It's a one time fix and I hope that it is something that we can find the ability to do before we leave later this month or next month if we can't do it tonight. Thank you, Mr. Speaker.

Representative **MILLETT** of Waterford moved that **House Amendment "A" (H-893) to Committee Amendment "A" (H-878)** be **INDEFINITELY POSTPONED**.

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do this without any degree of pleasure and yet I do, out of commitment to the process that we went through and the spirit that lead us to a two thirds expectation on this budget tonight and further, out of respect for my seatmate who has a legitimate issue reflected in this bill and has persuaded me, not only on this occasion, but last year that an injustice was done to a fund that affects one of his former towns and that bill lays on the Appropriations table still and could be dealt with before we leave here and I hope we do that.

I commend him also for being the champion of the account from which he went to take monies to do that. The Representative from Winterport has been a champion of getting positions restored to do the clam-flat monitoring and we fought very hard to get that done and he turns around and attempts to fund the bill without actually creating a problem within the budget, so I admire him for doing that, but I do feel that the agreement that we had throughout the working process was to attempt to work this bill without making it a mini Appropriations table bill. In other words, to not allow it to become a resting place for Christmas tree items that people had within the committee or

knew of outside of the committee and we stayed the course on that and, therefore, I would ask your support for my Indefinite Postponement motion.

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 rise in opposition to this motion to Indefinitely Postpone this amendment. I, too, believe that the spirit of this budget needs to be honored, but this is a grave injustice that needs to be taken care of and by indefinitely postponing it once again we are leaving this matter to be resolved at a later date.

If you will bear with me for just a second, Mr. Speaker, I would like to tell a little fantasy story if I may? It is about the people of Stockton. These are diligent people and they work hard. Again, I am telling you a fantasy story if I may, bear with me. In this magic land, they grow magic pumpkins. These magic pumpkins require fertile soil to grow in. Well, the alchemist; the wizard gack who lives out in the hinterlands nearby is casting spells and creating great wealth in undertaking his wizardry and employs many local people as well. One day a spell went awry and it ruined the land upon which these pumpkins grow. Well, the people took him to the high council and they won a judgment. In that judgment, 50,000 gold pieces were set-aside in the village strong box to be used at a later time to restore the pumpkin patches. This may sound like a fantasy story, but, in fact, if we just change a few facts this is what happened. Now the people of Stockton are, indeed the people of Stockton Springs and the alchemist is the GAC Chemical Company, a well-run company and they made an error and they paid for that error. They set aside money in a trust fund to restore, not a pumpkin patch, but the clam flats in Stockton Springs Harbor. That money was there and when the people went to the strong box, to the trust fund, it just so happened that a gang of invading marauders came. They didn't come through in the light of day and pillage the town; they came through in the dark of night and raided this strong box. Now we all know who the invading marauders are so I won't go any further, but the fact of the matter is that a terrible injustice was done and we have a responsibility here to restore those funds to that trust so that the people of Stockton Springs can use that money to restore their clam flats. Thank you Mr. Speaker.

Representative TARDY of Newport REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "A" (H-893) to Committee Amendment "A" (H-878).

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 "A" (H-893) to Committee Amendment "A" (H-878). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 405

YEA - Adams, Austin, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Cain, Campbell, Canavan, Carr, Churchill, Clark, Collins, Craven, Crosby, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Joy, Koffman, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, Miller, Millett, Mills, Moody, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Richardson D, Richardson E,

Richardson W, Rines, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Tardy, Thomas, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Bryant-Deschenes, Cebra, Clough, Cressey, Crosthwaite, Davis K, Duprey, Emery, Fitts, Fletcher, Flood, Glynn, Hall, Jacobsen, Jodrey, Kaelin, Lewin, Lindell, McKenney, McLeod, Moulton, Plummer, Richardson M, Robinson, Rosen, Schatz, Seavey, Trahan, Vaughan.

ABSENT - Berube, Bierman, Bishop, Burns, Greeley, Hotham, Lansley, Merrill, Moore G, Ott, Percy, Rector, Sherman, Stedman, Sykes.

Yes, 105; No, 31; Absent, 15; Excused, 0.

105 having voted in the affirmative and 31 voted in the negative, with 15 being absent, and accordingly House Amendment "A" (H-893) to Committee Amendment "A" (H-878) was INDEFINITELY POSTPONED.

Representative BEAUDETTE of Biddeford PRESENTED House Amendment "B" (H-898) to Committee Amendment "A" (H-878), which was READ by the Clerk.

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

Representative BEAUDETTE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My amendment proposes to recapitalize the Maine Downtown Center in the amount of \$150,000. There was a bill presented earlier in the session to recapitalize at the amount of \$300,000, but unfortunately that did not make its way into the supplemental budget. I have reduced the amount to \$150,000. As I understand it there is a strong possibility that at the end of the fiscal year we will have a surplus of approximately \$750,000. My hope is that with passage of this amendment the \$150,000 for this fund will be taken out of that \$750,000. This program is proven to be an effective tool in promoting downtown revitalization and it has been very effective in the cities of Bath, Gardiner, Saco and Waterville. The City of Biddeford is currently entertaining, or I should say that they have actually filed their application to become a Main Street Maine Community and I would hope that you could find a way to support this amendment and I thank you very much.

Representative BRANNIGAN of Portland moved that House Amendment "B" (H-898) to Committee Amendment "A" (H-878) 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. As the proponent mentioned he talked about the end of the session. That is a time to consider this again. This is on the table I believe and this was considered by our committee, but this was one of the many things that people need or want and we wish that we could have, but it is one of the things that is not attached to the budget. Thank you, Mr. Speaker.

Representative BEAUDETTE of Biddeford REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "B" (H-898) to Committee Amendment "A" (H-878).

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 "B" (H-898) to Committee Amendment "A" (H-878). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 406

YEA - Annis, Ash, Austin, Babbidge, Barstow, Bierman, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Clough, Collins, Craven, Cressey, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgcomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Goldman, Grose, Hall, Hamper, Hanley B, Harlow, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lerman, Lewin, Lundeen, Makas, Marean, Marley, Mazurek, McFadden, McKane, McKenney, McLeod, Miller, Mills, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pineau, Pingree, Pinkham, Piotti, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Sampson, Saviello, Schatz, Shields, Simpson, Smith W, Tardy, Thomas, Thompson, Trahan, Tuttle, Vaughan, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Beaudette, Cebra, Crosby, Crosthwaite, Davis K, Emery, Glynn, Hanley S, Hogan, Lindell, Marraché, McCormick, Millett, Moody, Moulton, Percy, Pilon, Robinson, Rosen, Seavey, Smith N, Twomey, Valentino, Watson.

ABSENT - Berube, Bishop, Greeley, Hotham, Lansley, Merrill, Moore G, Ott, Perry, Rector, Sherman, Stedman, Sykes.

Yes, 113; No, 25; Absent, 13; Excused, 0.

113 having voted in the affirmative and 25 voted in the negative, with 13 being absent, and accordingly **House Amendment "B" (H-898) to Committee Amendment "A" (H-878) was INDEFINITELY POSTPONED.**

Representative **BEAUDETTE** of Biddeford **PRESENTED House Amendment "C" (H-899) to Committee Amendment "A" (H-878)**, which was **READ** by the Clerk.

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

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have submitted this amendment because I believe that there is an inequity within the community college system. What this amendment would do is pay off the mortgage on the York County Community College in the amount of approximately \$3.6 million. By paying this \$3.6 million and paying off the mortgage in the long term, we would realize a savings of approximately \$1.8 million in interest that would not be paid. It also would address an inequity in that, at York County Community College, because there is a mortgage fee associated with the tuition that is paid by students there, they pay the highest tuition of any community college in the state. Conversely and, what I imagine would come as a surprise to some folks, the students at York County Community College have the lowest average family income of any of the community college systems. That is because the students that predominately attend York County Community College come from the interior towns, Newfield, Shapleigh, Acton, Lebanon, Parsonsfield and places like that. So I would appreciate your support to take care of this inequity and would thank you very much for your support of this amendment.

Representative **BRANNIGAN** of Portland moved that **House Amendment "C" (H-899) to Committee Amendment "A" (H-878) be INDEFINITELY POSTPONED.**

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. Some of this \$3.5 million piece was considered in our deliberations but was seen as something that we could not include, as many, many other things

could not be included. I can't say that we will have a lot to work with at the end of the session, but it is one of those things that will possibly be assisted in some way. Thank you, Mr. Speaker.

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is time to bring a little bacon home to York County. It is time to be fair. It is time to have the same opportunities in the York area because it is so unfair. Now it is just a matter of priorities, it is just a matter of priorities. You want to put money into research and development and you want to put money for savings offsets in Dirigo and it is just a matter of what your priorities are. Ours happen to be education and we are the lowest income and these people need help and it is time to do that now. Thank you.

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

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We always talk about unemployment. The unemployment in that area is between 7,000 and 9,000 people. That's a lot of people. Look at the report from January on Maine labor. There are between 7,000 and 9,000 people out of work. Many of these people need to go to that community college. If anything we need to put more money in there. Not only to pay off the mortgage to reduce tuition that averages \$900 more than any other community college. You might think that southern Maine is a pot of gold, but you should ask these people if it is. We have the highest number of people unemployed, maybe not the highest percentage, but the highest number. We need this community college and we need the tuition reduced and the only way that we can do that is to pay off that mortgage. Thank you.

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

Representative **MOULTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion to indefinitely postpone. York County Community College is a very important godsend to York County. It has enabled a large number of young adults to acquire the skills necessary to keep up with the demands of a very high expense area in which to live. It is a very important priority for York County legislators and that is the reason why this amendment has been proffered. It is critical that our young people have those skills that will enable them to make a livable wage so I would encourage you to vote against the motion to indefinitely postpone.

Representative **BEAUDETTE** of Biddeford **REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "C" (H-899) to Committee Amendment "A" (H-878).**

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 House Amendment "C" (H-899) to Committee Amendment "A" (H-878). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 407

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Bierman, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Cain, Canavan, Carr, Churchill, Clark, Craven, Cressey, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgcomb, Faircloth, Finch, Fischer, Fisher, Fletcher, Gerzofsky, Goldman, Grose, Hamper, Hanley B, Hanley S, Hutton, Jennings, Kaelin, Koffman, Lerman,

Lundeen, Makas, Marraché, Mazurek, McKane, McKenney, McLeod, Miller, Millett, Mills, Moody, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Perry, Pineau, Pingree, Pinkham, Piotti, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Tardy, Thomas, Thompson, Trahan, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

NAY - Beaudette, Brown R, Bryant-Deschenes, Burns, Campbell, Cebra, Clough, Collins, Crosby, Crosthwaite, Davis K, Emery, Farrington, Fitts, Flood, Glynn, Hall, Harlow, Hogan, Jackson, Jacobsen, Jodrey, Joy, Lewin, Lindell, Marean, Marley, McCormick, McFadden, Moulton, Pilon, Rines, Robinson, Rosen, Schatz, Seavey, Tuttle, Twomey, Valentino, Vaughan, Wheeler.

ABSENT - Berube, Bishop, Greeley, Hotham, Lansley, Merrill, Moore G, Ott, Rector, Sherman, Stedman, Sykes.

Yes, 98; No, 41; Absent, 12; Excused, 0.

98 having voted in the affirmative and 41 voted in the negative, with 12 being absent, and accordingly **House Amendment "C" (H-899) to Committee Amendment "A" (H-878) was INDEFINITELY POSTPONED.**

Representative **SOCKALEXIS** of Penobscot Nation **PRESENTED House Amendment "E" (H-902) to Committee Amendment "A" (H-878)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from the Penobscot Nation, Representative Sockalexis.

Representative **SOCKALEXIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of my amendment and I want to speak to my amendment, to the document that was handed out yesterday or the day before, the Maine Supplemental Budget 2006/2007 Overview and it said that the budget represents Maine's state investment in Maine's people and the economy. It says that the state is expecting a healthy budget surplus estimated at over \$150 million as the result of a strong economy and this budget reflects democratic values and Maine values and in this it says how this budget builds on a Democratic agenda through jobs, jobs and jobs and investing in people, innovation and Maine small business. My amendment proposes funding of \$75,000 to support economic development for the Penobscot Indian Nation and if additional funds are available, \$300,000 to support economic development for other Maine tribal communities.

The Penobscot Indian Nation embarked on an economic and business strategy in 2003 because of the loss of the casino revenues and we worked very closely with the Chief Executive to see what he could do to help us in developing businesses. He threw several bones in our favor and these bones resulted in economic ventures, and, as a result of going into these businesses we found that we needed money to do feasibility studies to bring these projects to a tipping point. It is no good to have the Chief Executive's Office submit businesses when we need money to get them to the point of making them economically viable.

I feel that this budgetary process had left out a significant segment of Maine society, the Maine Indian people. I ask for your support for this budget amendment and I ask for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "E" (H-902) to Committee Amendment "A" (H-878).**

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 "E" (H-902) to Committee Amendment "A" (H-878) 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. Certainly we were very conscious of economic development at the time that we put this budget together. There are bills on the table, which we hope to be able to fund, that will help economic development. This is certainly one that will contend well. However, this is one that we could not have in the budget at this time and I hope that you will support Indefinite Postponement. Thank you, Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-902) to Committee Amendment "A" (H-878).**

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 the Penobscot Nation, Representative Sockalexis.

Representative **SOCKALEXIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to make one more comment about the jobs, jobs, jobs. The Penobscot Nation, under its own initiation and as a result of the Chief Executive's support, now have a partner in Trans-Canada, one of the worlds largest wind power, oil and gas companies in the world. We were partners with them for a \$100 million wind project on our lands and all the streams. Jobs, jobs, jobs, 110 to a 2120 jobs would be created during the construction phase with 30 to 40 full time jobs and for every 10 megawatts of power there is \$1 million dollar generated for the rural economy in Franklin County once this project is on board. We ask for more support to continue these projects. Jobs, jobs, jobs. With the MEPS program now we are negotiating with the precision and manufacturing parts company in Lakewood, Florida which plans to relocate to the Penobscot Indian Reservation. These are 70 highly qualified positions and good paying jobs with contracts to make parts for submarines and security ships that cannot be outsourced to foreign countries. Jobs, jobs, jobs. We created the Preonix Pharmacy with 17 highly qualified jobs in the beginning. We mortgaged a \$2 million subdivision in Stuben, Maine and now we have licensed the Preonix business, which has now been in business for six months in eight other states. These are the result of our initiative and we do need that support. I am sorry, but can you give this consideration if there is a small supplemental budget? Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-902) to Committee Amendment "A" (H-878) All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 408

YEA - Ash, Austin, Babbidge, Barstow, Beaudette, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Cain, Canavan, Carr, Churchill, Clough, Collins, Craven, Cummings, Curley, Curtis, Davis G, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Gerzofsky, Goldman, Grose, Hall, Hamper, Hanley B, Hogan, Jennings, Jodrey, Koffman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McKenney, Millett, Mills, Nass, Norton, Nutting, O'Brien, Patrick, Percy, Pineau, Pingree, Piotti, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Saviello, Seavey, Shields, Simpson, Smith N, Smith W, Tardy, Thomas, Thompson, Tuttle, Valentino, Watson, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Bierman, Blanchard, Brown R, Bryant-Deschenes, Burns, Campbell, Cebra, Clark, Cressey, Crosby, Crosthwaite, Daigle, Davis K, Driscoll, Dugay, Eder, Edgecomb, Emery, Fletcher, Flood, Glynn, Harlow, Hutton, Jackson, Jacobsen, Joy, Kaelin, Lewin, Lindell, McFadden, McKane, McLeod, Miller, Moody, Moulton, Muse, Paradis, Perry, Pilon,

Pinkham, Rines, Robinson, Rosen, Schatz, Trahan, Twomey, Vaughan, Walcott, Webster, Wheeler.

ABSENT - Berube, Bishop, Greeley, Hanley S, Hotham, Lansley, Lerman, Merrill, Moore G, Ott, Rector, Sampson, Sherman, Stedman, Sykes.

Yes, 84; No, 52; Absent, 15; Excused, 0.

84 having voted in the affirmative and 52 voted in the negative, with 15 being absent, and accordingly **House Amendment "E" (H-902) to Committee Amendment "A" (H-878)** was **INDEFINITELY POSTPONED**.

Representative **SOCKALEXIS** of Penobscot Nation **PRESENTED House Amendment "F" (H-903) to Committee Amendment "A" (H-878)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from the Penobscot Nation, Representative Sockalexis.

Representative **SOCKALEXIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to ask for your support in favor of this bill and for consideration in the supplemental budget as well. This \$96,000 is to support the continuation of the teaching and preservation of the Penobscot Indian language. This will also support an after school program so that the children will be involved in an immersion program and in conversational speech. This is critical because right now the tribe has a limited number of native speakers and they are working very hard to teach the young people this before our language gets lost. I thank you.

Representative **BRANNIGAN** of Portland moved that **House Amendment "F" (H-903) to Committee Amendment "A" (H-878)** 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. Again, this is a very noteworthy piece, but, again, it is one of those kinds of things that we had all decided we would not attach to the budget. I believe that it has some opportunity for future funding before this session is over, but it is not something that we could include.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE**

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 "F" (H-903) to Committee Amendment "A" (H-878). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 409

YEA - Ash, Austin, Babbidge, Barstow, Beaudette, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Cain, Carr, Churchill, Clough, Collins, Craven, Cressey, Cummings, Curley, Curtis, Davis G, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Flood, Gerzofsky, Grose, Hall, Hamper, Hanley B, Hanley S, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McKane, McKenney, Millett, Mills, Moody, Nass, Norton, Nutting, O'Brien, Patrick, Percy, Pilon, Pineau, Pingree, Piotti, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Saviello, Seavey, Shields, Smith N, Smith W, Tardy, Thomas, Thompson, Valentino, Watson, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Bierman, Blanchard, Bryant-Deschenes, Burns, Campbell, Cebra, Clark, Crosby, Crosthwaite, Daigle, Davis K, Eder, Edgecomb, Emery, Fletcher, Glynn, Goldman, Harlow, Hogan, Hutton, Jacobsen, Kaelin, Lewin, Lindell, McFadden, McLeod, Miller, Moulton, Muse, Paradis,

Perry, Pinkham, Robinson, Rosen, Schatz, Simpson, Trahan, Tuttle, Twomey, Vaughan, Walcott, Webster, Wheeler.

ABSENT - Berube, Bishop, Canavan, Dugay, Greeley, Hotham, Jodrey, Joy, Lansley, Merrill, Moore G, Ott, Rector, Rines, Sampson, Sherman, Stedman, Sykes.

Yes, 88; No, 45; Absent, 18; Excused, 0.

88 having voted in the affirmative and 45 voted in the negative, with 18 being absent, and accordingly **House Amendment "F" (H-903) to Committee Amendment "A" (H-878)** was **INDEFINITELY POSTPONED**.

Representative **EMERY** of Cutler **PRESENTED House Amendment "G" (H-906) to Committee Amendment "A" (H-878)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Emery, Representative Emery.

Representative **EMERY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment transfers funds out of the Maine Budget Stabilization Fund to fund the recommendations of the Governor's appointed Economic Task Force for Washington County, a task force, which was chaired by the good Representative from Cherryfield and also involved membership from the entire Washington County delegation. The amount of money is for \$1.365 million and the money will be appropriated as follows: Three hundred and fifty thousand dollars for the Marine Technology Center at the Washington County Community College, otherwise known as the boat school, \$15,000 for the Downeast Institute for Applied Marine Research and Education. It will appropriate \$300,000 for operational support of the Downeast Heritage Museum in Calais. It will appropriate \$100,000 for the Incubator Without Walls Entrepreneurial Workshop in Washington County and it will appropriate \$500,000 for the endowment of the Sunrise County Council and an additional \$100,000 in one-time funds for the operation of the Council.

Just for everyone's benefit, this task force, as I indicated, was a governor appointed task force. This group worked for seven months in Washington County throughout the fall and winter months and early this spring and came back with recommendations to improve the economic situation in Washington County and, to my disappointment, during this supplemental budget process none of the recommendations were included in this budget package. So that is the basis for this amendment and I ask for the entire body's support. Thank you, Mr. Speaker.

Representative **BRANNIGAN** of Portland moved that **House Amendment "G" (H-906) to Committee Amendment "A" (H-878)** be **INDEFINITELY POSTPONED**.

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. There are several reasons why I would oppose this amendment. For one, we spent two hours this afternoon in a hearing on a bill that deals with one of these elements. Other elements, we decided would not be included in the budget, but may be cared for in the future and one of the major pieces of our budget deliberations was that we would leave \$100 million in our reserves. This would reduce that below the \$100 million that we made absolutely sure that we had in hand. 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. I want to speak about this. The one bill that was about the boat school was heard today. The other parts of this request are from a bill that

came through as a recommendation from the economic task force that has been working and that was appointed by the Chief Executive and most of these requests are one time requests and this is really to help one of the poorest counties in this state that has consistently had double the unemployment rate of the state and the lowest average family income in the state on a regular basis. The recommendations of the task force did not ask for large amounts. We asked for one time funding on several things to give us the ability to do the economic development and to allow Washington County to pull itself up by its bootstraps. I think I have said this before and I said it when we were arguing for a casino and I am going to say it again because until something happens for Washington County you are going to hear me. The things that are one time funding are the Incubator Without Walls, the Sunrise Economic Council is a request for the other half of an endowment, which this county has managed to raise \$500,000 in order to get going. We are asking for the other half, one time, allow us and this organization to work at economic development within Washington County.

The Heritage Museum is something that is a linchpin around which the program of FERMATA that the Chief Executive had brought forward, and Washington County is a pilot project for, is in the process of possible foreclosure because the federal government did not come through with the \$1 million running funds when we were halfway through the building project. There was no way to turn around. We have been running on fumes and we are at a point at which this either goes or it doesn't. We are asking for \$300,000 out of this budget. I am going to ask that you vote against Indefinite Postponement and give Washington County a chance to pull itself up and if this does not happen then I am going to ask the Appropriations Committee to seriously consider what is on the table to follow up and give us something please. Thank you.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "G" (H-906) to Committee Amendment "A" (H-878)**.

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 "G" (H-906) to Committee Amendment "A" (H-878). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 410

YEA - Adams, Ash, Austin, Babbidge, Barstow, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Cain, Canavan, Churchill, Clark, Craven, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Jackson, Jennings, Jodrey, Koffman, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McKenney, Miller, Millett, Mills, Moody, Muse, Nass, Norton, Nutting, O'Brien, Patrick, Percy, Pineau, Pingree, Pinkham, Piotti, Plummer, Richardson D, Richardson E, Richardson W, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Tardy, Thomas, Thompson, Tuttle, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Beaudette, Bierman, Blanchette, Brown R, Bryant-Deschenes, Campbell, Carr, Cebra, Clough, Collins, Cressey, Crosby, Crosthwaite, Davis K, Dugay, Eder, Edgcomb, Emery, Fitts, Fletcher, Flood, Glynn, Harlow, Hutton, Jacobsen, Joy, Kaelin, Lansley, Lewin, Lindell, McCormick, McFadden, McKane, McLeod, Moulton, Paradis, Perry, Pilon, Richardson M,

Robinson, Rosen, Schatz, Seavey, Trahan, Twomey, Valentino, Vaughan.

ABSENT - Berube, Bishop, Burns, Greeley, Hotham, Merrill, Moore G, Ott, Rector, Rines, Sherman, Stedman, Sykes.

Yes, 90; No, 48; Absent, 13; Excused, 0.

90 having voted in the affirmative and 48 voted in the negative, with 13 being absent, and accordingly **House Amendment "G" (H-906) to Committee Amendment "A" (H-878) was INDEFINITELY POSTPONED.**

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. Unlike my colleagues I will not be offering a budget amendment this evening, but I do want to raise a concern of public policy that a lot of us are going to be getting telephone calls on over the summer and I wanted to bring it to your attention.

This budget that we are currently operating under, the Biennial Budget, currently has in it this law affecting a brand new kind of healthcare for MaineCare called a managed care program and its addressed in Part ZZZ of the budget. The decision to go to managed care here in the State of Maine and run the Medicaid system like an HMO is something that never received a public hearing in our state; this was never a bill that went before the Health and Human Services Committee and the Chief Executive has put in the budget \$10 million worth of savings by going to managed care. You may be asking yourselves why this is important, well the decision to go to managed care and effectively sell off a piece of the Medicaid business administration carries with it a change in service delivery to your constituents. What is going to happen is that under a managed care system very similar to an HMO program, you have decapitated services. There is going to be a decision made by a company to determine how many services are necessary in order to prepare somebody and help them with an ailment. You are going to see a reduction of services. You are going to see \$10 million worth of savings in the system through cuts in service delivery, as put in the budget.

Now, in the budget that is before us in Part ZZZ there is a recognition that there is no way that they are going to make the timetable deadline of July 1 to implement the Medicaid Service Program and they are extending that to January 1st. So what is going to happen is that between when we adjourn in a couple of weeks and when the next Legislature comes in this full model of managed care will be implemented. It has not had the benefit of a public hearing and it doesn't have input and, in fact, the RFP to go to managed care hasn't even gone out to bid yet. I raise this issue because this is a serious public policy concern of setting such a broad public policy decision in the budget as opposed to going through the policy committee and when we did it last time with the Department of Health and Human Services we did that with the non-categoricals.

The non-categorical service delivery, which is also in the supplemental budget, has been wracked with problems. We had people that were mentally ill that were going through treatment and didn't renew on time. They are managed care and they went to the end of the waiting list and as a result they are going to be a year or two years without services. There are some adjustments to that policy that we took up in an emergency bill and some of them that are in this budget, but these are the kinds of problems that happen when we do public policy through a budget and it is something that should really draw a lot of cause and concern for a lot of us because when you get calls this summer from your constituents and you get them from providers and they say, "Why did you vote to implement managed care?" All you can say is, "Well, it was in the budget." Thank you.

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

Representative PINGREE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to give a brief reminder on some of the topics that the good Representative from South Portland just addressed. The managed care initiative for mental health, which he was referring to, was actually passed in the major budget passed last year. The Health and Human Services Committee reviewed this option extensively. We heard public testimony and it was part of a savings initiative that concerned a lot of us. But, it's about figuring out how to control managed healthcare costs in the Medicaid program. We spend a great deal for very needing people and it is incredibly important, but it's a system that is not very well managed. A lot of other states have undertaken this kind of management structure for Medicaid and mental health and it was actually somewhat endorsed by the Mental Health Association when we were reviewing the budget last year. There was a change that happened at the final hours before the budget closed, which increased the savings from approximately \$7 million to \$8 million to \$10 million, which concerned providers and continues to concern me and others, but I believe that the move to managed care did not happen in the dark of night. It had a public hearing and it is an option that we have considered pretty extensively.

Part ZZZ of the budget I was not directly involved with; it was an amendment put on by the Appropriations Committee that, I think, came from the mental health providers. It continues to set the parameters for which, under managed care will go into place. I think none of us wants this to go into place in a hasty fashion. We certainly have seen what happens in the Department of Health and Human Services when things are prematurely adopted and I know that Representative Lerman from Augusta and others worked on this with the providers to try and ensure that this did not go into effect too early. So, I just wanted to give you that history. Thank you Mr. Speaker.

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

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This will be the last time that I speak about budgets and I am the conscience of the Maine House – so I have been told by my friends. Therefore, I will tell you that the supplemental budget reflects a lot of compromises. A lot of compromises that I do not like; a lot of compromises that I don't think are Democratic principles. The health savings account is not something that I have ever supported.

Are you ok?

That's too bad because it takes away from the sincerity that I am trying to convey here. This is very serious. This is not a joke. This is about a supplemental budget that does not represent what I think is a Democratic budget, but we have no other way to handle it because we are not in the Super Majority and so we have to compromise and that is something that I don't like to do, as many of you know, when it is things that I believe in. The health savings account of \$200,000 is not something that I have ever supported because the people that I represent have a hard time having a saving account period, never mind talking about a health savings account for their healthcare. You are pitting the poor against those who can afford it. It is totally not something that I support. But, let me tell you what I do support and let me tell you why I support it and what is really Democratic about this.

Because of George Bush's debacle on privatizing Medicare, my seniors are going to go without or they would have gone

without if we hadn't picked up the tab of \$6.1 million and, believe me, I tell them that at every opportunity. Six point one million dollars that would have made these people fall through the cracks. They wouldn't have gotten their Medicare and we still owe the federal government \$19.1 million for the claw-back because they picked up our drug costs. So who is really carrying the freight here? Who is really stepping up to the plate? Who is saving the seniors because of this debacle? This is really a Democratic budget because this Chief Executive – believe you me I have let him have it on every occasion when I didn't agree with him – needs to get all the credit he deserves because without him stepping up to the plate, these people wouldn't have what they need tonight.

Let me tell you about those seniors. One lady that I just spoke to last week, who is living in her little apartment that is nothing to write home about and who is living on fixed income and can barely see, cannot afford glasses, \$200 for a pair of glasses, and is living in silence and not complaining. Those are the people this budget is going to help. This is a Democratic budget because we are picking up the pieces of peoples lives that otherwise wouldn't have been picked up. This president privatized Medicare and he doesn't care who he hurts and John Baldacci, Chief Executive of the State of Maine, is saving them tonight. So this is a Democratic budget and for this, Mr. Speaker, I will be supporting the budget no matter how much I don't like other things, no matter how much Washington County is begging and Penobscot County is begging. York County Community College needs help. It makes you wonder where the money is going. It is a matter of priorities and our priorities are our seniors and for this, I am proud to say, this is a Democratic budget. Thank you.

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 appreciate the support from the conscience of the House, but let me say that this is a combined budget. This is a Republican budget and it is a Democratic budget. This is a budget that we all came together to put together and I appreciate everyone working on the drug piece and on many other pieces of the budget. When the vote is taken Mr. Speaker I request a roll call.

Representative BRANNIGAN of Portland **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-878) as Amended by House Amendment "D" (H-901)**.

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 take it as an insult from the colleague across the aisle with her Democratic budget. This is a budget that we passed and we worked our tails off on both sides of the aisle. She attacked the Chief Executive and now she is preying on and attacking the President of the United States and I think that she is disgusting.

The SPEAKER: The chair reminds the body that we cannot take what people have said and make it personal here and I will admonish everyone in the room that we will adhere to the highest decorum and the highest degree of civility and those issues and making things personal will not be tolerated in the House. We need to be respectful of each other and respectful of the titles that men and women hold.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wish that I could support this budget; my problem is that philosophically I am completely opposed to the health savings accounts. It is \$325,000 into our budget that we will be spending this year and what is going to happen in the future?

In our President's budget, the estimates are \$41 billion worth of debt because of health savings accounts. I am not blaming him or anybody else, but that is the result when you spend money. As Everett Dirksen once said, "A million here, a million dollars there, before long you are talking about real money." We are talking about real money here I think.

Health savings accounts: Generally, they are tax-free savings accounts combined with high deductible insurance policies that people obtain through their employers or independently from insurance companies. Most people are very passionate for them or against them and I can understand both sides very well. The only problem that I have with the health savings accounts is when you start giving tax deductions and the reason for that is that the health savings account will do the same thing for you whether you get the tax savings or not. It will cut your cost of insurance.

According to the Commonwealth Fund, health savings accounts are not likely to be important contributors to expanding coverage among uninsured people because most uninsured Americans do not face high enough marginal tax rates to benefit substantially from tax deductibility of HAS contributions. Another study by the center on budget and policy priorities finds that the number of people who would lose coverage due to employers dropping health insurance or reducing them. HSAs are likely to increase the numbers of uninsured. That is, again, according to the Commonwealth Fund. Anybody can argue it either way if you want to.

My problem is, again, that I think it is 41 percent of American's don't pay tax. The problem with that is that if they want HSA they are not going to get any tax advantage and it is not going to help them at all. The argument is always, "Well, what about the middle income people? What are we doing for them?" Middle income is, by definition, whatever you want it to be. Under \$50,000 it won't help you a bit. It will hurt you.

HSAs, as I said earlier, could cost the taxpayers \$41 billion over the next ten years. We have to pay that somehow. Now, the State of Maine will also lose money as the result of HSAs. Now, when you pay out a tax benefit to somebody then somebody else has to pay for it and that is what bothers me the most. The \$300,000 plus could help with our community colleges, it could help with Aroostook County, it could help with our Native Americans and I would hope that somehow we can get that out of the budget. I will not support any budget that has that in it. Thank you very much ladies and gentlemen of the House and Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-878) as Amended by House Amendment "D" (H-901). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 411

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Cain, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, 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, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Hutton, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lansley, Lerman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Shields, Simpson, Smith N, Smith W, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Blanchette, Canavan, Harlow, Jackson, Joy, Lewin, Sampson, Walcott.

ABSENT - Berube, Bishop, Burns, Greeley, Hotham, Merrill, Moore G, Ott, Rector, Sherman, Stedman, Sykes.

Yes, 131; No, 8; Absent, 12; Excused, 0.

131 having voted in the affirmative and 8 voted in the negative, with 12 being absent, and accordingly **Committee Amendment "A" (H-878) as Amended by House Amendment "D" (H-901)** 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" (H-878) as Amended by House Amendment "D" (H-901)** thereto and sent for concurrence.

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

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

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In reference to roll call number 404 on LD 463 I voted no and I had intended to vote yes.

On motion of Representative **RICHARDSON** of Greenville, the House adjourned at 6:39 p.m., until 9:00 a.m., Wednesday, March 29, 2006 in honor and lasting tribute to George "Skip" Fairfield of Guilford.