

MAINE STATE LEGISLATURE

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

Volume II

First Special Session

May 26, 2005 – June 17, 2005

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January 4, 2006 - April 6, 2006

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
30th Legislative Day
Wednesday, March 29, 2006

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

Prayer by Father Raymond Lagace, OFM, Catholic Staff Chaplain, Veteran's Hospital, Togus.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.C. 564)

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

March 28, 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 nomination:

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Christopher Bell of Caribou for appointment to the Maine Educational Loan Authority.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Mountain Valley High School Boys Basketball Team, of Rumford, on its winning the 2006 Class B Western Regional Championship. This is the team's second title in 4 years. We extend our congratulations to the team on its achievement;

(SLS 986)

On **OBJECTION** of Representative PATRICK of Rumford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

the Mountain Valley High School Wrestling Team, on its winning the 2006 Class B Wrestling Championship. We extend our congratulations to the team on this accomplishment;

(SLS 992)

On **OBJECTION** of Representative PATRICK of Rumford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Dr. Paul W. Kinnear, of Scarborough, who is the recipient of the 2005 Owner of the Year Award presented by the Maine Standardbred Breeders and Owners Association. We extend our congratulations to Dr. Kinnear on his receiving this award;

(HLS 1764)

Presented by Representative MOORE of Standish.

Cosponsored by Senator BROMLEY of Cumberland, Representative CURLEY of Scarborough, Representative CLOUGH of Scarborough, Senator BARTLETT of Cumberland.

On **OBJECTION** of Representative MOORE of Standish, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is a great pleasure to have a number of representatives of the Maine harness racing industry here today and in our gallery. They will be recognized at a later time. The folks who are on our sentiment list are not here because they are busy being engaged in the activities related to the important harness racing industry which has now had an injection of energy and an injection of promise thanks to many members of this House and these members are here today to thank you for the support that many of you have given to Maine's harness racing industry.

It is the spring and babies are landing on the ground and our hearts are full of hope and much of that hope is due to the hard work and the efforts of the ladies and gentlemen in this chamber. On behalf of these folks I thank you and recognize these individuals today. Thank you very much.

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

Recognizing:

Sandra Hall, of Scarborough, who is the recipient of the 2005 Horse Breeder (Avid) of the Year Award presented by the Maine Standardbred Breeders and Owners Association. We extend our congratulations to Ms. Hall on her receiving this award;

(HLS 1765)

Presented by Representative MOORE of Standish.

Cosponsored by Senator BROMLEY of Cumberland, Representative CURLEY of Scarborough, Representative CLOUGH of Scarborough, Senator BARTLETT of Cumberland.

On **OBJECTION** of Representative MOORE of Standish, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Everything that I spoke about regarding the other individuals earlier in the day applies here as well. It is a chance for us to say thank you to the Legislature and we do so now. Thank you.

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

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

Recognizing:

Richard C. Hartley, of Bangor, who is the recipient of the 2005 Breeder of the Year (Pacers) Award presented by the Maine Standardbred Breeders and Owners Association. We extend our congratulations to Mr. Hartley on his receiving this award;

(HLS 1766)

Presented by Representative MOORE of Standish. Cosponsored by Senator PERRY of Penobscot, Representative NORTON of Bangor, Representative BLANCHETTE of Bangor, Representative FAIRCLOTH of Bangor, Representative DUNN of Bangor.

On **OBJECTION** of Representative MOORE of Standish, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Richard Hartley has a large number of mares that are now having foals and the foals that he is raising now are all sold. The foals that he is anticipating in the years ahead are now sold thanks to the influence of this body. Thank you.

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

Recognizing:

Valerie Grondin, of Standish, who is the recipient of the 2005 Horse Trainer of the Year Award presented by the Maine Standardbred Breeders and Owners Association. We extend our congratulations to Ms. Grondin on her receiving this award;

(HLS 1767)

Presented by Representative MOORE of Standish. Cosponsored by Senator DIAMOND of Cumberland, Representative ROBINSON of Raymond.

On **OBJECTION** of Representative MOORE of Standish, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Valerie Grunden is a young Mainer. She is a champion trainer in our industry and she is able to stay and work in her home state and be not a rising star, but a star within the harness racing industry. She is a success story: a young lady who is able to stay in Maine, to work in Maine in large measure because of the actions of this body. She thanks you and I do as well.

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

Recognizing:

Ival "Bud" R. Cianchette, of Falmouth, who is the recipient of the Special Commitment Award presented by the Maine Standardbred Breeders and Owners Association. Mr. Cianchette is past president of Bangor Historic Track, Inc., the investors group that operated the Bangor raceway. He has owned Standardbreds since 1970 and operated a breeding farm in Pittsfield from 1973 to 1990. He bred and raced Chinbro Knoxvel, the first 2-minute 2-year-old in Maine and winner of the 2-year-old colt division of the Royal Stallion Stake in 1988. He was a member of the Maine Harness Horsemen's Association,

president of the Maine Standardbred Breeders and Owners Association, member and director of the Massachusetts Standardbred Owners Association, member and director of the Downeast Harness Horsemen's Association and chair of the State Harness Racing Commission. During his time as chair of the State Harness Racing Commission, he was instrumental in developing the Maine Standardbred Breeders Stake. He received the Maine Harness Horsemen's Association Distinguished Citizen Award in 1980 and the Maine's Distinguished Citizen Award in 1988 and was named Maine Business Leader of the Year by the Maine Chamber of Commerce and Industry in 1990. We extend our congratulations to Mr. Cianchette on his accomplishments;

(HLS 1771)

Presented by Representative MOORE of Standish. Cosponsored by Senator TURNER of Cumberland, Representative DAVIS of Falmouth, Representative BRAUTIGAM of Falmouth, Representative FITTS of Pittsfield.

On **OBJECTION** of Representative TARDY of Newport, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Strengthen the State Purchasing Code of Conduct Laws"

(S.P. 686) (L.D. 1769)

Signed:

Senator:

ANDREWS of York

Representatives:

McfADDEN of Dennysville

MOULTON of York

CROSTHWAITE of Ellsworth

BISHOP of Boothbay

BROWNE of Vassalboro

MUSE of Fryeburg

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-499)** on same Bill.

Signed:

Senators:

SCHNEIDER of Penobscot

ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham

HARLOW of Portland

BLANCHARD of Old Town

SCHATZ of Blue Hill

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-499).**

READ.

Representative BARSTOW of Gorham moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

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

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

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would ask anybody on the committee to maybe get up and explain what this bill is doing so that we might know what we are doing before we vote. Thank you Mr. Speaker.

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the question from the good Representative from Sanford. What this bill does is make revisions to the process for filing a complaint and dealing with complaints where the state purchasing code of conduct laws that have been very successful and have been a model for several years. If you look in the bill it changes the process for filing an affidavit and a complaint. It also sets up a commission to work with the state-purchasing agent in order to deal with these complaints in a justified and fair manner.

The amendment to the bill that the committee made on this report would change the process for the reporting from monthly reports to what are a couple of reports a year. The committee found that with all of the reports that we get from all of the other state agencies that are under our jurisdiction, we found it to have quarterly reports or reports of less frequency than every month to get a good understanding and have oversight over this issue. So, with that I do hope that we do accept these changes here in the House today. Thank you 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. I rise in opposition to the motion for the **Minority Ought to Pass as Amended Report**. The esteemed Representative from Gorham has mentioned the committee; however, a majority of the committee thought this bill **Ought Not to Pass** with respect to the amendments that have been proffered in this legislation. The state-purchasing agent is responsible annually for roughly \$600,000 worth of purchasing for textiles, clothing and footwear out of a total outlay of purchasing by the state-purchasing agent of roughly \$600 million. The majority of the committee members found the amendment extremely cumbersome upon the state-purchasing agent and, as such, would require an elaborate amount of work for a minor amount of her total responsibilities. So Mr. Speaker and ladies and gentlemen of the house I would encourage you to vote against the **Minority Report**. We have a law on the books. Let's let it work. It is sufficient to handle the authorizing legislation passed several years ago. We don't need to add to the burden of the state-purchasing agent with regard to the code of purchasing conduct. Thank you, Mr. Speaker.

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

Representative **BISHOP**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I certainly

appreciate the question and I appreciate both of the answers and I just wish to amplify it just a bit. This is basically a sweatshop bill and I think that we all recognize that we abhor the practices that are contra indicated by this bill. None of us is in favor of holding down people who are working so hard to make a living and none of us wishes to be the beneficiary of the sweat from somebody else's brow that is brow beaten. We all recognize that and most of the committee members went and interviewed people who came from the Philippines, and from Nicaragua and they talked about the difficulties they were having in establishing unions to protect themselves and here we sit in the great United States of America where, far be it for me to say, but I believe that the unions have certainly shown the way in the past of how to organize and lift, not only the spirit, but also the way of living for all of us. This bill, unfortunately, directed to help these people is lacking. It is lacking for a couple of reasons and one of them is that, as was pointed out, over \$600 million by the state-purchasing agent and yet a mere \$600,000 of that is directed at the purchasing that we are trying to address in this bill and not only that, we wonder where she would have the resources and the time available to even begin to understand what the problems are and where they exist. So this bill simply is just not the correct way to address that. There is legislation that does address that problem and that is why the majority of the committee recommended that this bill **Ought Not to Pass**. Thank you very much.

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. I would like to thank my committee colleagues, the good Representative from Boothbay and the good Representative from York for their comments. I do want to clarify though, for the body's understanding, that during the bill that was presented the second person to testify in the public hearing in favor of this bill was Betty Lamoreau who is the state-purchasing agent and would be the one overseeing these new responsibilities. It was her feeling that this could be taken on by her office and by her personally and I think that these are very minor changes to add equity to the complaint and hearing process rather than through the implementation of the law that has already occurred here in this body and a law that has been on the books for several years. I do hope, again, that my colleagues will follow me and vote in favor of this report that is before us because I do feel, and I hope that many of you feel, that government has a social responsibility as much as we do a fiscal responsibility in delivering the services that Mainers deserve. This is something that we have found to be within our fiscal means and also socially positive. 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. We live in a state where many of us say to our constituents and others that we are in favor of small business. At the same time, when we consider these measures it leaves one to wonder whether or not we are setting up a regulatory environment, such that we discourage those very same small businesses from participating in what would ordinarily be a process whereby they can conduct business with the state and be able to derive a profit there from. In somewhat, this agreement with our esteemed colleague from Gorham, the provision would set up inspection by a third party which, if this state participated with others in the process, would establish a very elaborate mechanism whereby inspectors would go to far away places. For a small state like Maine, with a moderate amount of state purchasing for the items I identified

earlier, I will reiterate that it seems to be too elaborate a procedure for our usual course of doing business through the state government. Therefore, Mr. Speaker and ladies and gentlemen of the House I would encourage you to vote against the pending motion. Thank you Mr. Speaker.

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

Representative BISHOP: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm not going to go much further except to say that, as I said before, we are all sentimentally behind the feelings that this bill puts forth, but, in reality, this bill is not the way to address those problems and I think that the good Representative from York has pointed out a lot of the reasons why we should be voting against this bill and yet, at the same time, hold on to those feelings and hold on to those thoughts and when the right bill comes along we can express ourselves as we should in that bill. Thank you Mr. Speaker.

Doctor of the day, Thomas DeLuca, D.O., Rumford.

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

Representative SMITH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak briefly in support of the pending motion. There was a statement earlier in this debate about how this bill would actually hurt Maine's small businesses and I am actually at a loss. I don't know of any small businesses in Maine that are currently using sweatshop labor in Bangladesh. The large multinational corporations from outside this state and, frankly, from outside this country, exploit cheap labor and then promulgate cheap products that undercut Maine's small businesses. I see this pending bill as very legitimate support of Maine's small businesses. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Robinson.

Representative ROBINSON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would encourage all of you who are thinking about voting for this Ought Not to Pass motion to look at the labels inside your coat and I would wager that the majority of you are wearing items that are not made in the United States by a company that was in business 150 years manufacturing textiles. The vast majority of our items went to the Caribbean basin, to below the border in Mexico and Honduras and the vast majority of textile items are made outside our country, so I would encourage all of you to look at the label inside your coat and before you ask government to make that choice that you have not made yourselves please think about that before you vote. Thank you.

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. My coat was made here. My skirt was made here. Everything that I have on was made in the USA. I make sure of that. I do not buy Transpass because I want those people to keep a job. Everything I do I make sure that it helps Maine people. Go to the Maine Mall, go to Disney Land do you know what they pay their employees? That is slave labor. I will not buy those kinds of products. My money that I earn stays here and I make sure that back home I also go and promote local businesses so I do support this. I think this is walking the walk and talking the talk and this is the way we do it. Thank you.

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

ROLL CALL NO. 412

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

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

ABSENT - Berube, Daigle, Dugay, Dunn, Emery, Goldman, Greeley, Hotham, Merrill, Ott, Rines, Sherman, Stedman.

Yes, 75; No, 63; Absent, 13; Excused, 0.

75 having voted in the affirmative and 63 voted in the negative, with 13 being absent, and accordingly the Minority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-499)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 30, 2006.

Eight Members of the Committee on **STATE AND LOCAL GOVERNMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-896)** on Bill "An Act To Increase the Salary of the Governor" (H.P. 1349) (L.D. 1908)

Signed:

Senator:

ANDREWS of York

Representatives:

McFADDEN of Dennysville

MOULTON of York

HARLOW of Portland

BISHOP of Boothbay

CROSTHWAITE of Ellsworth

BROWNE of Vassalboro

MUSE of Fryeburg

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-897)** on same Bill.

Signed:

Senators:

SCHNEIDER of Penobscot

ROTUNDO of Androscoggin

Representatives:
BARSTOW of Gorham
SCHATZ of Blue Hill

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:
Representative:
BLANCHARD of Old Town

READ.

Representative BARSTOW of Gorham moved that the House **ACCEPT** Report "B" **Ought to Pass as Amended.**

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

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

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

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

The SPEAKER: The Representative may pose his question.

Representative TARDY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. My question is this, does this report essentially allow for an increase in legislators' pay?

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

Representative BARSTOW: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I thank the good Representative from Newport for his question. Report "B" would reestablish the State Compensation Commission, which is the commission that last raised the Chief Executive's salary back in 1986. We have amended the provision through this report, for those that are on this report from the committee, to include the review of legislative salaries as well as constitutional officers. In the past two years our committee has voted down legislation that would look at legislative salaries and with this bill coming forward and with the public will being behind wanting to examine an increase in the Chief Executive's salary this report reflects our feeling that we should review all of these aspects. Thank you Mr. Speaker.

Representative TRAHAN of Waldoboro moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

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

Representative TRAHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I know this motion is controversial, but I think it is important that we make this motion and support it for a couple of reasons. First, having watched the very tough things and the very tough decisions that we have made in the last two years and the cuts that we have made to some very, very important programs that serve our constituents, some of the most vulnerable constituents I might add. A lot of the taxes and fees that we have raised on our constituents and the pressures that we have put upon their families I think is a very bad bill to pass at this time. Given the position that has been taken publicly by our Chief Executive on this bill, I think that we would be wasting a great deal of our time debating this. Let's just get rid of it and do the right thing for our constituents. Right now is not the time to do this. There may be

a point in the future when this is supported, but not right now. When the vote is taken Mr. Speaker, I request a roll call.

Representative TRAHAN of Waldoboro **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative MOORE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with one thing that the good Representative from Waldoboro said. Today let us do the right thing. Let us do our job. Let's not step back. Let's not shrink off. Let's not hide behind a commission. Let's not hide behind another indefinite tabling of papers. Let's stand up and do the job that people sent us here to do. Yes it's controversial and yes it raises a lot of hackles and all that, but we are elected to do what our constituents want. Our constituents want a well paid or adequately paid Chief Executive. They don't want us here hiding behind commissions, hiding behind these tabling motions or whatever you call them.

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

Representative BARSTOW: Mr. Speaker, point of order.

The SPEAKER: The Representative may proceed.

Representative BARSTOW: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that we are debating the motion of Indefinite Postponement and not the accompanying papers of this bill.

On **POINT OF ORDER**, Representative BARSTOW of Gorham asked the Chair if the remarks of Representative MOORE of Standish were germane to the pending question.

The SPEAKER: The answer is in the affirmative that we are, but he has a right to be talking about the pros or cons as to why we either should or should not indefinitely postpone. He can discuss the merits of why this bill either should survive or the merits as to why it ought to be indefinitely postponed. The Representative may proceed.

The Chair advised Representative BARSTOW of Gorham that Representative MOORE of Standish remarks were germane to the pending question.

Representative MOORE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you for your ruling Mr. Speaker, I appreciate it. It is time for this matter to be fully aired before the citizens of our state. It is not time to send it away. The education process or whatever you want to call it has been done through the media, through meetings of this committee. Ingenious solutions to this problem have been developed by the committee. They have been aired at caucuses. It is not time to tuck it off, send it away and shrink back. Let the vote fall where it may. I urge the members here, as they vote on Representative Trahan's motion to Indefinitely Postpone to defeat it and do our job. The governor has threatened to veto this bill, indeed I urge him to do his job if he sees that as he must, but let us have that opportunity. Ladies and gentlemen of the House I urge you to defeat this motion from Representative Trahan and to bring this matter to a full airing before our body.

The SPEAKER: It is not germane to the argument to talk about what, potentially; the Chief Executive may do with a particular bill. That would not be appropriate discussion before the body under the motion that is currently in place.

The Chair reminded all members that it was inappropriate to debate what the Chief Executive would do.

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 the motion to indefinitely postpone this bill. This is a controversial piece of legislation. It comes with several committee reports, all of which need a full and fair hearing. Let us not shirk our responsibility. Let us not put this off. Let us defeat this motion and go on to do the business that we have been elected to do in this chamber. 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. I would like to just share with this body that when I was invited to the Blaine House with our delegation to go have lunch with the Chief Executive he said that he would like to lobby against his pay raise, but I don't think he would be vetoing and I don't know that. I can't speak to what he can do on this. This that is before us right now is a study about everyone's pay and I think that that is something that needs to go forward so I will be supporting this. Thank you.

The SPEAKER: Again, what the Chief Executive may or may not do is not germane here on this particular motion.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Looking at the amendment the question that was raised earlier about whether or not...

The SPEAKER: Will the Representative please defer for a minute. The question of the amendment is not properly before us at this point for purposes of discussion. The question is, are we to indefinitely postpone or not indefinitely postpone this entire bill and all of its accompanying papers. That is the question before us. The Representative may proceed.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am rising to speak in opposition to the pending motion having reviewed – boy, this is hard.

The SPEAKER: Let me help you for just a moment. If there is a reason this bill should not be indefinitely postponed. If there is some discussion that you would like to have that this bill should not be indefinitely postponed.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would encourage members of the body to actually read the item that we are considering indefinitely postponing. In doing so you will find that, there is no new language to increase legislators' salary. The new language is only to add consideration of the compensation for the Chief Executive to the existing language. Thank you very much.

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

ROLL CALL NO. 413

YEA - Adams, Ash, Carr, Churchill, Crosby, Davis G, Finch, Fisher, Glynn, Hall, Jennings, Joy, Lansley, McLeod, Moody, Plummer, Richardson E, Richardson M, Saviello, Shields, Thomas, Trahan.

NAY - Annis, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Cebra, Clark, Clough, Collins, Craven, Cressey, Crosthwaite, Cummings, Curley, Curtis,

Davis K, Driscoll, Duchesne, Dudley, Duplessie, Duprey, Eberle, Eder, Edgecomb, Faircloth, Farrington, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Grose, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jodrey, Kaelin, Lerman, Lindell, Lundeen, Makas, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, Miller, Millett, Mills, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson W, Robinson, Rosen, Sampson, Schatz, Seavey, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Berube, Daigle, Dugay, Dunn, Emery, Goldman, Greeley, Hotham, Koffman, Lewin, Marley, Merrill, Ott, Rines, Sherman, Stedman.

Yes, 22; No, 113; Absent, 16; Excused, 0.

22 having voted in the affirmative and 113 voted in the negative, with 16 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The amendment that has been attached to the Chief Executive's pay raise bill is totally unnecessary. The amendment "B" that the Representative from Gorham is referring to would, indeed, create a commission to do the job that we are sent here to do. I would suggest that creating a commission is totally unnecessary. It is expensive. It takes the responsibility away from the committee that did such a fine job crafting a solution to this problem, a serious problem. It takes that away from that committee and gives it to a commission that will meet - God only knows how often and how long and where and when and who will be on it and all of that. It will also provide, not specifically, but it will provide the opportunity for legislative pay increases. This was never my intention. It was never the intention of the folks that encouraged an adequate pay raise for the governor to provide any opportunity for legislative pay increases at all, for no discussion about them. It muddies the water. It's inappropriate. I suggest that it is time for us to do the right thing.

Our Chief Executive is the lowest paid chief executive in the nation. Everyone knows that by now I am sure. This amendment strips away the responsibility that we have to provide an opportunity for folks in Maine who now don't have a chance to run for the Chief Executive position because they are not fabulously wealthy people, they are not politically entrenched via pensions and PACs and all that stuff. Normal people cannot afford to run for governor because, indeed, who could do it – raise a family and continue their mortgages, continue their car payments, continue setting money aside for their children's education. Who could possibly afford to do that on \$70,000 a year? I don't think anyone sensible that would want to be governor would do that or could do that.

Appointing a commission is a shady way of getting around our responsibilities. It provides cover. That is all that it does. It provides cover for an opportunity for the Legislature to have a commission suggest that it raise its own pay. That was never the intention, never the intention for this Legislature to have a chance to raise its own pay or to even discuss that. During the course of this conversation, we have all been having about the Chief Executive's pay I was contacted by the last gentleman who served as the Chairman of the last state compensation committee, Bob Dunphy from York, Maine. He contacted me repeatedly and said to me that the Legislature has to do its job

and give the governor a sensible salary. You do not need, and I have a letter here that I think you got on the blue sheet, from Bob Dunphy. "We put the state at risk by not offering the appropriate salary for the governor." Whoever it might be. "At risk." We don't need to do that. I suggest that we put the Legislature further at risk by not meeting our responsibilities and by shoving this over to some commission to do the job that we are sent here to do.

Lots of folks in my town already wonder what we do up here. They wonder why we do not do our job. They wonder why bills that are controversial get sent to some indefinite table – 1717 comes to mind right off quick – and not dealt with. People wonder why we don't deal head on and face on with difficult problems. Yeah this is a political problem, but it doesn't affect Chief Executive or whatever he might plan to do. There is no bearing on him whatsoever. Nonetheless, when the thoughts began to, I'm not supposed to refer to the potential actions of the Chief Executive, but in a press release via his office it was stated that he was going to veto this. He said that he was going to do it. That had an effect so why can't we talk about it? I'm not trying to go off track, but the idea is that when that surfaced all of a sudden the chairman of the committee had to go meet with the Governor and when she came out she changed her mind. She was all for this until Senator Schneider went down and met with the Chief Executive and then she came out and said, "Well, I think that a commission is a good idea. Let's have a commission. Let's put it over here." Let's include the Legislature. Let's get them a raise too. She never said that, but that is the inference. Putting this off to a commission is totally unnecessary and it smacks of cowardness. The study that this commission would do has already been done by the committee of responsibility. It has already been done by the people of Maine. They have made up their minds. Every major newspaper has changed its mind on this issue. Every major newspaper has gone from, "No, don't give the governor a raise." To, "Yes." It's responsible for the legislature to do this. It is irresponsible according to every major newspaper for us not to do it because we are limiting the pool of talent that we need to run our state. How many people here are not going to get reelected because some future governor gets a raise? Come on. Not one of us. Not one of us. I think that some of us won't get reelected if we cower down every time that a difficult issue comes up and we say, "Let's have a committee look at that. Let's form a commission and have them give us a recommendation. That is baloney. Let's send this item over to some indefinite table and let it languish over there because it is too hot a topic to deal with."

The study has been done by the people of Maine and the verdict is in. We don't pay our governor enough and we don't need a commission to decide that. It has been decided in the court of public opinion. We don't need another reason to come across as ducking our responsibilities and that is what this commission would provide. I urge the Legislature to vote against creating this commission and to endorse the bill, as it was originally approved by the committee before the ominous threat, was issued via the newspaper from the front office. Thank you Mr. Speaker.

Representative CROTHWAITE of Ellsworth **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 Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am grateful to the State and Local Government Committee for two things, first, they do such a wonderful job they seldom send us anything

controversial and second, that they gave us a range of choices. I myself am troubled by the idea of one branch of government setting the salary for another branch of government. I think the commission is the way to go because of that. Can you imagine the debate we would be having if the title of this bill were, "An Act to Decrease the Salary of the Governor"? I can imagine in my future career an opportunity where one body is controlled by one party and the Chief Executive is controlled by the other and this bill coming up to punish a gentleman that we don't agree with. I think it is a much better precedent that we do set some kind of a commission that looks not just at salary, but at the entire range of compensation that goes with it. What you get when you get the Blaine House, what benefits you have. I think that that is the purview of what a commission could do and that is a whole lot better approach than us voting on them and therefore I would support the motion to pass Committee Amendment "B". Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think that it is important, in the context of this debate, and the very difficult decisions that a future gubernatorial candidate might have to make in regards the salary and putting his children through college, that we live in a state where the median income is \$39,000 a year. The tough decisions that the people of this state have to make are being made on a daily basis by the working people of this state and I suggest that there is a sufficient pool of those people out there that would be willing to run for that office and ought to be encouraged to run for that office, even at the meager salary, by comparison to corporate salaries, of \$70,000 a year on top of the Blaine House, on top of all the other benefits that the Chief Executive Officer of the State of Maine is entitled to. Thank you men and women of the House and thank you Mr. Speaker.

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

Representative **LINDELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am voting against this motion to accept this tiny Minority Report out of the committee. This is a stealth attempt to raise our own salaries folks. This is an effort to raise our own salaries, not just the salary of a future Chief Executive. Let's vote this down folks. Thank you very much.

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

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You have got to love term limits, because they seem to take the history away from this building more and more and more, but I can remember as a staffer over a dozen years ago that we had a similar bill. I used to like to tell my Senators when I worked down there that the reason we got paid so much more than they did was because we were worth it. Now some of them didn't like it and so they thought they should have a pay raise and the Legislature sent it out to do the same thing that we want to do. They sent it out to have other people to look at it, not let the Governor look at it, not let us look at it, but let a commission look at it. They got a pay raise back then after the commission thought so and brought it back in and explained it to them and they explained to the people why they needed a pay raise. I remember when they used to get paid about \$5,000 to serve in here and I thought that they were overpaid then, but as you all know, we are getting quite a bit more now, so I think sending this out to a commission and letting the commission study it and come back to report to us is the right

way to do it. It is the way we have done it in the past. This isn't the first time around as most things aren't and I hope that you would vote that way. Thank you very much.

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. Going on the talk of the commission that is in Report "B" I do want to clarify that currently in statute this compensation commission is established. They also have, under their jurisdiction, legislator's pay including salaries, meals, housing, travel, mileage and all other expenses and allowances. Further, we are talking about, and I look at this editorial that I have on my desk, which has the headline that the pay hike for the next governor shouldn't fall victim to politics.

When you look at this commission it is a bipartisan commission with two members from one party and two members from the other and the chairperson, which is the fifth member is elected by the Legislature. If we truly want to take the politics out of this as we have stood here and discussed this issue on the floor I would hope that we would go with this compromise amendment and we would give this a public vetting as the good Representative from Standish has asked us to do and allow this commission to do its work as stated in statute. Further, I think that we can all agree, regardless of our ideology or where we sit in this chamber, that a characteristic of good leadership is the delegation of authority and responsibilities. This commission is poised and ready to take on this responsibility for us and to carry it out for the good people of Maine. I hope that you do support Report B. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore who wishes to address the House a third time.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Representative from Gorham has spoke about the conditions of leadership and delegation of responsibility and so forth. The people of the state and of our various towns have delegated responsibilities to us. We are here to make decisions. Those decisions are directed, in large part, by the Constitution of the State of Maine. Among our responsibilities is setting the salary of the Governor. It is our responsibility to do so. So, indeed we are meeting our responsibilities when we make decisions about the Governor's salary and don't deflect it off to another committee. We are doing so and not commingling the emergency, as many people see it of the Governor's salary as the Legislative Council saw it, which was as an emergency measure to bring forward. Not commingling conversations of that with discussions about raising the Legislature's salary by a commission. It is a whole different deal and it shouldn't be commingled. In my opinion this Legislature doesn't need a raise. It doesn't even need to be discussed, but the Governor is underpaid. Please let us deal with that topic, not a commission. Thank you Mr. Speaker.

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

ROLL CALL NO. 414

YEA - Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Duchesne, Dudley, Duplessie, Eberle, Eder, Farrington, Fisher, Gerzofsky, Hanley S, Hogan, Hutton, Jackson, Jennings, Joy, Koffman, Lerman, Lundeen, Marley, Marraché, Mazurek, McKane, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Richardson E, Schatz, Simpson, Smith N, Smith W,

Thompson, Tuttle, Twomey, Valentino, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brautigam, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Davis G, Davis K, Driscoll, Duprey, Edgecomb, Faircloth, Finch, Fischer, Fitts, Fletcher, Flood, Glynn, Greeley, Grose, Hall, Hamper, Hanley B, Harlow, Jacobsen, Jodrey, Kaelin, Lansley, Lindell, Makas, Marean, McCormick, McFadden, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Pinkham, Plummer, Rector, Richardson D, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Seavey, Shields, Sykes, Tardy, Thomas, Trahan, Vaughan, Walcott.

ABSENT - Daigle, Dugay, Dunn, Emery, Goldman, Hotham, Lewin, Ott, Rines, Sherman, Stedman.

Yes, 64; No, 76; Absent, 11; Excused, 0.

64 having voted in the affirmative and 76 voted in the negative, with 11 being absent, and accordingly Report "B" **Ought to Pass as Amended was NOT ACCEPTED.**

Subsequently, Representative **BARSTOW** of Gorham moved that the House **ACCEPT** Report "C" **Ought Not to Pass.**

Representative **CUMMINGS** of Portland **REQUESTED** a roll call on the motion to **ACCEPT** Report "C" **Ought Not to Pass.**

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

The Chair reminded all members that it was inappropriate to debate the motives of the other body or the Chief Executive in topics before the House.

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

ROLL CALL NO. 415

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

NAY - Beaudette, Bierman, Bishop, Bowles, Brautigam, Crosby, Crosthwaite, Harlow, McFadden, McKane, Moore G, Moulton, Muse, Perry, Richardson W, Seavey, Woodbury.

ABSENT - Daigle, Dugay, Emery, Goldman, Hotham, Lewin, Ott, Rines, Sherman, Smith N, Stedman.

Yes, 123; No, 17; Absent, 11; Excused, 0.

123 having voted in the affirmative and 17 voted in the negative, with 11 being absent, and accordingly Report "C" **Ought Not to Pass was ACCEPTED** and sent for concurrence.

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

(S.P. 782) (L.D. 2033)
(C. "A" S-513)

CONSENT CALENDAR

First Day

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

(H.P. 1464) (L.D. 2069) Resolve, Regarding Legislative Review of the Final Repeal of Portions of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 468) (L.D. 635) Bill "An Act To Amend the Maine Sanitary District Enabling Act" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-908)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 676) (L.D. 1759) Bill "An Act To Strengthen Maine's Timber Theft Laws" (C. "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) (C. "A" S-519)

(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" (C. "A" H-885)

(H.P. 1282) (L.D. 1842) Bill "An Act To Amend the Laws Governing Living Wills of Terminally Ill Persons" (C. "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) (C. "A" H-883)

(H.P. 1395) (L.D. 1993) Bill "An Act To Make Public Information Regarding Financial Interests Affecting Legislative Testimony" (C. "A" H-904)

(H.P. 1436) (L.D. 2038) Bill "An Act To Protect the Privacy of Cellular Telephone Customers" (C. "A" H-892)

(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) (C. "A" H-905)

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. **ORDERED SENT FORTHWITH.**

BILLS IN THE SECOND READING

Senate as Amended

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Clarify Deadlines for Submitting Direct Initiatives to Municipal Officials for Signature Verification

Senate as Amended in Non-Concurrence

Bill "An Act Authorizing the Deorganization of Drew Plantation"

(S.P. 679) (L.D. 1762)
(C. "A" S-511)

House as Amended

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)
(C. "A" H-855)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and in non-concurrence and sent for concurrence and the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

Bill "An Act To Address Eating Disorders in Maine"

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

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

On motion of Representative PINGREE of North Haven, was **SET ASIDE.**

On further motion of the same Representative, **House Amendment "A" (H-900)** was **READ** by the Clerk.

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to briefly make sure that people are clear that this is a very, very minor technical amendment and it just has to do with the fact that we discussed the Maine Center for Disease Control and Prevention in the bill. While that is the name of the new Bureau of Health in the budget that account is still called the Bureau of Health so we are just correcting that. Thank you Mr. Speaker.

House Amendment "A" (H-900) was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-900)** and sent for concurrence.

Bill "An Act To Prevent Price Gouging"

(H.P. 1333) (L.D. 1892)

(H. "A" H-894 to C. "A" H-875)

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

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

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

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

ROLL CALL NO. 416

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby,

Crosthwaite, Cummings, Curley, Curtis, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Farrington, Finch, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lansley, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson W, Rosen, Sampson, Saviello, Schatz, Shields, Simpson, Smith W, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Kaelin, Lindell, McKenney, Moore G, Richardson M, Robinson, Sykes.

ABSENT - Canavan, Craven, Daigle, Dugay, Emery, Faircloth, Fisher, Goldman, Hotham, Lewin, Ott, Perry, Rines, Seavey, Sherman, Smith N, Stedman, Watson.

Yes, 126; No, 7; Absent, 18; Excused, 0.

126 having voted in the affirmative and 7 voted in the negative, with 18 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

Resolve, Directing the Department of Environmental Protection To Establish Standards for the Cleanup of Mold
(H.P. 1381) (L.D. 1971)
(C. "A" H-887)

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

On motion of Representative BOWLES of Sanford, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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

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

ROLL CALL NO. 417

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

NAY - NONE.

ABSENT - Barstow, Churchill, Daigle, Dugay, Duprey, Emery, Gerzofsky, Goldman, Hotham, Lerman, Moody, Rines, Sherman, Smith N, Stedman.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Resolve was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence

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)

(C. "A" H-877)

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

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

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "B" (H-750)** - Minority (6) **Ought Not to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Transfer Ownership of Certain Public Reserved Lands to the Town of Allagash

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

TABLED - February 16, 2006 (Till Later Today) by Representative PIOTTI of Unity.

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

Representative PIOTTI of Unity **WITHDREW** his motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

The Resolve was **READ ONCE**. **Committee Amendment "B" (H-750)** was **READ** by the Clerk.

Representative PIOTTI of Unity **PRESENTED** **House Amendment "A" (H-907)** to **Committee Amendment "B" (H-750)**, which was **READ** by the Clerk.

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

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment will allow the Town of Allagash to lease certain public lots from the state. This is a departure from the original bill, which involved transferring ownership of those lots to the Town of Allagash. This new version is more acceptable to many more people and the bill sponsor supports it and I hope that you will too. Finally, I want to point out that leasing of this sort is already allowed under statute. All that the amendment does is clarify and provide some assurances to the town of Allagash that this will indeed occur. Thank you very much.

House Amendment "A" (H-907) to Committee Amendment "B" (H-750) was ADOPTED.

Committee Amendment "B" (H-750) as Amended by House Amendment "A" (H-907) thereto was ADOPTED.

The Resolve was assigned for **SECOND READING** Thursday, March 30, 2006.

Bill "An Act To Allow Small Businesses To Participate in Liquor Sales"

(H.P. 1260) (L.D. 1820)
(C. "A" H-821)

TABLED - March 21, 2006 (Till Later Today) by Representative PATRICK of Rumford.

PENDING - **PASSAGE TO BE ENGROSSED.**

On motion of Representative VALENTINO of Saco, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-821) was ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-854) to Committee Amendment "A" (H-821) which was READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am offering House Amendment number 854 as a replacement for Committee Amendment 821. After Committee Amendment 821 was printed, I had a further discussion with Lieutenant Patrick Fleming of the Department of Public Safety who oversees the Agency Store license and he had a concern with the wording of the original committee amendment because he felt the word "shall" created a mandate. The sponsor and I have reworked the amendment to address Lieutenant Fleming's concerns and had Lieutenant Fleming review this amendment prior to its submission here today. The intent of the sponsor, who is the Representative from Farmington, was to help level the playing field for small business storeowners to obtain a liquor license. This bill allows the bureau, but does not mandate the bureau, to issue up to four licenses in towns with populations under 20,000 people. Currently three liquor store licenses are allowed for towns under 20,000 people. This bill adds to the criteria when selecting a location for a liquor store that the bureau may consider the convenience of a downtown location, adequate pedestrian access and smaller stores with space under 3,000 square feet. The current standards favor the large retail stores such as the Wal-Marts, Hannafords, Shaws and Rite Aids since they have more parking and large volumes. There will be several arguments presented to you hear today of why you should not do this and just to counter some of those arguments that you may here saying that LD 1820 may allow the licensing of more than 60 additional liquor stores that is true. But, right now, in those 60 towns, 30 of them don't have three liquor stores, so we are not going to have 60 liquor stores right away because 30 of those towns don't even have them. We could have 30 more stores right now as allowed by current law and it says that there is no demonstrated need for these additional liquor stores.

Legal and Vets had two bills before us last year asking us for this exact same thing. So, this is the third bill that we have heard in this two-year period of time. They also said that three agency liquor stores was wholly sufficient to meet the needs of that and what has changed? Well, what has changed is that we have found out that these three liquor licenses in the majority of towns

are all going to the Rite Aids, the Wal-Marts, the Hannafords and the Shaws. The intent of the sponsor of this bill was to help the small business owners fight against the large box stores to get a liquor license. LD 1820 is not the first step toward authorizing a liquor store on every corner. This is not Massachusetts scare tactics. We will not. If anything it says that we will not have 60, but we may have half a dozen that apply. And, it has not been introduced to accommodate the interest of a few liquor stores on it. It was introduced to address a constituent problem and to help small business. The most important point of the information given to you is that it says, "Authorizing the licensure and opening of additional agency liquor stores will cut the sales of existing agency liquor stores." Yes, that is the most important point. The expansion of the liquor stores is not going to expand drinking. It is not going to expand that. What was told to us in our committee was that, if anything, it may cut into the sales of other liquor stores that are in town, but it's not going to expand drinking. Also, right now under the current restrictions we have a population of fewer than 20,000 and they are allowed three stores, but if you are over 20,000 then you are allowed six stores. So, basically, a town that has a population of 19,000 can have three stores, but if they grow by another 2,000 people we are giving them another three stores to handle the extra 2,000 people that came into town. It is not fair just to have an arbitrary cut off like that. Let the market dictate this; we are not mandating public safety to issue that fourth license. We are only saying that if there is a need then do it. Just to get back also, LD 1820 is to favor the smaller stores and currently all of the criteria faces the bigger stores. You will also hear arguments that LD 1820 is bad for law enforcement. We had no testimony at all to this from Lieutenant Patrick Fleming that there would be a problem with law enforcement before our committee. They also are going to say that the easier it is to get alcohol the more people that are going to drink. A lot of the studies I cited refer those to bars. They include the bars and not just the liquor stores. These studies aren't tailored just to liquor stores, but it is the proliferation of the bars that are really causing a lot of the problem. What we are really talking about is just a handful of a few stores that will go on. We have had three bills on this, three different sponsors and three different areas of the state and I just wanted to say that, in closing, I appreciate your support on this bill to level the playing field for the small business storeowner to obtain the liquor store license. Thank you.

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. My question refers to 3,000 square feet. Does that 3,000 square feet mean the total dimensions of the building or does that mean 3,000 square feet for the sale of liquor and if it is 3,000 square feet for the building is that large enough to cut out a lot of retail stores?

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 Saco, Representative Valentino.

Representative **VALENTINO:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I agree with the Representative that the 3,000 square feet of retail space could have a huge warehouse behind it. That was not the intent on this amendment. The intent was for the entire square footage of the store. The intent is to help the small business owner, not to have somebody that has just a 3,000 square foot retail space with

10,000 square feet attached to it. The intent is to help the small store. Stores located on Main Street. The criteria right now is very subjective for the Department of Public Safety and parking is a huge element of that where a lot of people who are located downtown don't have parking facilities, but they do have smaller stores so the intent is for the entire square footage of 3,000.

Representative KAELIN of Winterport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-854) to Committee Amendment "A" (H-821)**.

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 Calais, Representative Perry.

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am actually going to present all of the arguments that the good Representative Valentino had presented. What we are doing statewide is town halls around underage drinking and in a survey – this is out of the Maine General Population Drug and Alcohol Use Survey – male respondents between the ages of 18 and 20, this is underage drinking, had the highest binge drinking rate which was 74.1 percent. We have an underage drinking problem. They don't go to the bars to get the alcohol. They either get it at home or where it is accessible, which is out of the store if they can get by without showing an ID or find a friend to buy it. It is around accessibility. We pay for this in law enforcement, in accidents, in health issues. Greater accessibility creates a greater problem. Alcohol is only one issue. We just recently realized as a state that we have more deaths from drugs than we do from car accidents. That is substance abuse and alcohol is one of them. I am going to ask that you defeat this motion.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to ask you to reject this amendment. I have talked extensively with the state police, which is in charge of the liquor enforcement throughout the state. It is not their job to stand there and tell the Legal and Veteran's Committee that they will not or cannot enforce liquor laws. Their job is to do that.

Two years ago, we abolished the liquor commission and we abolished the liquor inspectors that travel throughout the state enforcing the liquor laws. This has put a burden on the state police because we do not have that many that are not doing anything. It was proposed that the municipalities would pick up the slack and would do the on-site investigation or sting operations. It hasn't proven to be a fact because most municipalities have all they can do to patrol their streets and take care of their other problems without enforcing liquor laws. That is really not their job. What we have is an out of control drinking problem in this state by underage youth and I have to turn your minds back to the report in the Bangor Daily News and the Ellsworth American not that long ago where they received a grant. Hancock County received a grant to do a sting operation on underage drinking and purchasing and consumption of alcohol. Out of eight stores, small, less than 3,000 square footage of sellable retail space eight out of eight were cited for violations to the Maine liquor laws. Selling alcohol is an awesome responsibility. I have done it for years, but I have to tell you that I have also had to train for years to sell alcohol and you have one second, one second's time when that person walks up to your register to make a determination if that kid is 21 or if they are 16. You can line them up side by side and not many of you would be able to tell the difference. We don't need more liquor

stores. It is an absolute bad idea. It is not good for small business. It's going to cost them a ton of money when they get picked up, and they will eventually, for selling to underage consumers. I ask you to vote this down. Let's leave the liquor sales. I am not really comfortable with them being in all the big stores either, but I am comfortable with the fact that we have the ability to train our sales personnel adequately in the sale of alcoholic beverages.

The **SPEAKER**: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't usually get up to speak very often, but on this particular issue I think that I would like to say a few words. Number one is that we have to recognize the fact that Maine has a very serious drinking problem particularly with its kids. Underage drinking is a problem in almost every underage community in the state today. I am not just talking about high school kids. I am talking about junior high or middle school kids and even kids in the elementary schools who are now beginning to have a drink in the last month or so. I am talking about kids as young as the sixth grade. If you go into any school on a Monday morning and stand in the hallway and listen to the war stories on who got drunk or who got wasted and who got passed out. It is a common theme throughout almost every high school in the State of Maine. When a younger one starts to drink, then more than likely that person will end up having an alcoholic problem, as they get older. Drinking costs this state millions of dollars every year in hospital bills and lost time and it is the number one killer of our teenagers today in the State of Maine. It kills more kids than all of the other drugs combined.

Alcohol has become a glamour drug. Almost every T-shirt, billboard, TV ad makes it out to be a glamorous thing to do. I have never seen a TV ad showing a 300-pound person slobbering a beer down. It is not glamorous. You always see someone having a drink that is nice looking and is having a great time. It is too easy right now to get liquor in the State of Maine. This bill will simply make it a lot easier. I hope that you will oppose it and I hope that you will take a look at the drinking problem back in your hometown and do something about it. 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. Once upon a time, all of our towns had downtowns. Once upon a time, we did our shopping in the heart of our towns where small businesses flourished and were able to attract pedestrian traffic and vehicular traffic and were the gems of our counties, the shire towns of our counties. Small businesses thrived because there were no large businesses on the outskirts of town to draw away from them the needed market competition. Once upon a time many of those towns had package stores. I don't know where that name came from – packages. Some towns, if they so choose, were dry. In many of those towns like the town I grew up in was dry until I turned 21 and left town for a while. Some of those towns were dry and people of adult age and competent to imbibe would drive to neighboring towns, would drive to neighboring counties and would drive sometimes 20 and 30 miles away to obtain their desired liquor. Sometimes at times when they shouldn't be driving to obtain liquor. Once upon a time there were towns that weren't dry and they had liquor stores, they had state stores and those state liquor stores were situated, for the most part, downtown. Now we hear complaints about sprawl. Now we hear complaints about competition with big businesses. Now we hear

that the small businesses whom we applaud with resolves, such as the one sitting on the desk in the next room that says that 97 percent of our businesses are small businesses, are being strangled by large international chains. They cannot compete. They cannot survive and our downtowns cannot survive. We are being told today, by folks with all sincerity and good intentions that increasing the potential number of liquor or agency stores might increase access to liquor for the wrong people and I don't doubt the sincerity of those speakers. But I suggest that this bill, as amended, is not a mandate. This bill will discourage people from driving at inappropriate times because the statistics show that more than two thirds of the agency stores now licensed are those licensed on the outskirts of town or outside of downtown areas. Large corporate stores not locally owned for the most part. Stores which force people to drive to get their liquor, whether they should or shouldn't at that given time.

I don't encourage drinking per se, but I do think that our small businesses and those businesses located in downtown areas have a right to survive and have a right to thrive. This bill means that they are given a fair chance to diversify, perhaps in an area we prefer that they not diversify, but an area where they feel they must diversify in order to survive. The current geography of the agency stores now favors driving. When somebody has a party and they run out of booze they have to drive to get another bottle. I don't think that that is a good public policy. I think that it is a fair public policy to allow, as equal consideration and as equal factors, "The convenience of a downtown location, adequate pedestrian access and that the location is a retail space of under 3,000 square feet." This bill does not mandate additional liquor stores. It does not favor small businesses, but gives them the wherewithal to survive. It puts them on a level playing field and allows them to thrive. It gives them a chance for economic survival. I ask you to vote favorably on this motion to enact an amendment to allow small businesses to participate in liquor sales. Thank you.

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

Representative CLOUGH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First let me say that I will not repeat all of the arguments that have been made by the good Representative from Saco, Representative Valentino, but I agree with all of the points that have been made.

We have a small business in our town, in Scarborough, it is Oak Hill Beverage. The owner lives in Scarborough, his business is in Scarborough, he hires Scarborough employees and he pays Scarborough taxes on his home and on his business, his excise tax and provides a great service to the community. All of his customers are very loyal to him and would like to buy, in addition to the beers and wines and other beverages, beverages that are available at other stores in town. He applied for a license last year and was rejected and at the present time we have three stores in Scarborough. We have Shaw's, Hannaford and Rite Aid. Now I don't like to discriminate against any business and would not discriminate against the large business, but I think that we shouldn't discriminate against the small business people either. This business caters their inventory to fit the needs of their individual customers. I don't believe that happens in most of the large stores. They just pick those items that sell and turn over frequently and it's sometimes difficult to get some of the items that are more of a specialty.

I also don't think that it is fair to make a blanket indictment of all small store operators or the store operators of any store that it is too easy for them to take the one second that they have to size up a young person trying to purchase liquor and make a mistake. They are required by law to see the ID and if they do that then

they shouldn't have any problems, but I hope that you will support the amendment that is before us and pass this bill. Thank you.

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

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As chairman of the Legal and Veterans' Affairs Committee and a member of the committee for six years, I will be speaking basically to what I believe has been the sentiment of the majority of the committee for the last six years that I have been on it and I think that the good Representative from Sanford could probably say it has been the sentiment a lot longer than that because he has had a lot more tenure on the committee than I have.

I will try to give you a little bit of history. Since prohibition in the State of Maine, up until about 30 years ago we have had ninety liquor stores in the state of Maine and a group of people decided Maine ought to get out of the dog gone liquor business and so they finally started weaning things down and 25 years ago we got it down to 72 stores and two and half to three years ago we got it down to zero. They finally got rid of the liquor stores. Agency stores have taken their place. We now allow communities with a population under 20,000 to have three agency stores. This bill seeks to give a fourth on a voluntary basis. You don't have too, I agree with that. But over my six years on Legal and Veterans' Affairs we continually get bombarded with these bills year after year. The committee and this body has consistently rejected adding more and more liquor stores for many different reasons. One of the things is that we have always said in the committee, and I have always believed, that we really do not want to have a Massachusetts style liquor store on every corner. I have heard from some people that they want to have a free market and let everyone go, but this is not a free market item. The state controls the price of liquor and how many licenses can be given out. Basically, the stores only make an average of about 9 percent per bottle of liquor. I think you can get anywhere between 8-12 percent on a bottle of liquor, but I think that the statistics that I have gotten say that it averages around 9 percent for profit for the owners of the store. If, for example, you take a town that has three existing establishments that sell a combined \$939,000 worth of liquor, like a small town in Lincoln County that already has three established businesses, and two of the businesses are big boxes and one of them is a small establishment. I believe that the sales would adversely, if not severely hurt the small stores that are left. The big stores have thousands of items. They use a lot of other things besides liquor as loss leaders. They can absorb a small hit to their business and their income, but the other small business on the other hand would probably be financially devastated and I have actually talked to several stores personally just to make sure to do my homework. Basically, 25 small stores have told me that they would lose between 20 to 40 percent or would be devastated and go out of business.

Bayside Liquors on Bar Harbor, Belfast Variety in Belfast, Berry's Store in West Forks, the Big Apple store in South Paris, Phippsburg Center Store in Phippsburg, Bob's Service Center in Madawaska, Bow Street Market in Freeport, Day's Store in Belgrade, the Dipietro's in South Portland, Downeast Beverage in Portland, Garden Street Market, Kennebunk, Gas and Go Foods in Fort Kent, Hannigans' Island Market on Peak's Island, JD's Package Store in East Waterboro. I am not going to read the rest of them. These aren't big names. These aren't Hannaford's, these aren't Shaw's and these aren't Wal-Marts. These are small stores that get it. Their businesses are going to be devastated if we allow for and five or six different stores in the mix. Basically, the fourth store here is just a start of what I guess I would say is ,

I hate to use that old expression, the slippery slope, but it has been used so many times that I will also use it once myself so I can get in the record book.

There was testimony from several substance abuse groups that opposed 1820 as well as last year on LD 422 and LD 1007. There is a significant amount of research shown that alcohol related problems such as violent assaults, motor vehicle crashes and alcoholism increase with the amount of alcohol available in communities. The cost of alcohol related problems in Maine are already overwhelming our system and we cannot afford to add more stores. Currently, 69 towns of the 20,000-person population and under, as Representative Valentino from Saco has said, are eligible for licenses and 39 of them have used their license and 30 haven't. But, if you take that and add the 69 possible more stores that could be added there are another 99 licenses that would be available.

I am going to give you an instance. In my research one of the things that I did and anyone can do by calling Public Safety is to call and ask them when a license was available in your community how many licenses were available and how many applicants were there? In Farmington, the last two times there was a license available – there were two that were available – five stores wanted a license. In other towns, there were as many as seven stores that wanted licenses, some of them small stores and some of them big stores. So, if you don't think this is a slippery slope it is because if we allow four than what are we going to do with the fifth and with the sixth and with the seventh? This has consistently been something that keeps cropping up. As a matter of fact, I had a discussion with the good Senator from Farmington and he says that sooner or later there is going to be one on every corner so, my basic sentiment to him was that it is certainly not going to be by my vote.

Another aspect of what we don't understand is that a lot of people keep thinking that Hannaford and Wal-Mart and Shaws and the Rite Aids of the world have taken over the liquor industry in the State of Maine. That is a misnomer folks because there are 94 big boxes in the State of Maine and there are 223 or 228 small mom-and-pops stores so that means that for every big box there are at least two or possibly three mom-and-pops stores in the same community. Some communities have all big boxes and some of them have a variety and some of them have two or three small stores. It depends on the makeup of their community.

I was dead against it because I was adversely affected by a constituent myself in Rumford and come to find out I shouldn't have been too mad because we only have one liquor store when we could have three. I can go back to that constituent and say, "Well, if you really want a license you can probably get one." Well, it's up to him.

The mix-up that the state made when we sold the liquor stores folks was that part of the business was that we had to deliver 36.2 percent to Maine Beverage, the company that we delivered with. If we did not, things were going to happen adversely to the state. Well, because of the mix of 94 big boxes and 223 or 228 small stores we reached, last year, 36.2 and as a matter of fact we got to 37 percent and we got rebated backs another million so, even though I was adversely affected and I was really mad at the Department of Public Safety I said to myself, "Wow, the mix was right." It might not have been perfect and I will agree that this community is where I would like to see something different happen, but the proliferation of more and more liquor stores is not in the mix for me and what I would ask you to do is to please follow my light and vote Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As some of you may know, I have owned a store for 30 years in Old Orchard. Basically, my wife and I and a few other people have run the store and I can honestly tell you that I am very uncomfortable dealing with beer, let alone liquor and you would think that I would rise in support of small stores being able to sell liquor. I don't. You know, about the situation with small mom-and-pop stores somebody said to me one day, "I'll bet when Shaw's and those larger stores were able to open on Sundays that really hurt you." No, it didn't. It didn't hurt at all. What hurts is every filling station is a store now. Every filling station does exactly what we do. So it is not the competition that bothers me; it is the liquor. I do not feel comfortable at this stage of my life promoting liquor and I think that is all that I will say on the subject so thank you very much.

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

Representative **MOODY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I really want to express my gratitude to the good Representative from Rumford for bringing up a number of points that I wanted to make so I want to elaborate. I wanted to say that I don't know whether passage of this bill will increase the number of alcoholics. There are only two or three in my district anyways so it won't affect them very much. I am not one of them by the way. But, I would like to add another aspect to this thing. As I understand it, to be become an authorized dealer in this state requires a \$10,000 investment in inventory and a 9 percent margin figure is not the one that I understand, but it could very well be true. As I understand it, it was as low as 6 percent. This is not an attractive situation for any business and it is also going to detract from the margins that existing businesses now enjoy with these sales so I am going to vote against this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First of all we heard that this would be devastating to small stores for their sales so what the stores are basically saying is that if we allow this potential fourth license to be issued, at the discretion of Public Safety, it would devastate the sale so therefore drinking would go down. On the opposite side, we are hearing from the substance abuse agencies that if we put in these store sales are going to go up. So somebody is wrong, either the small stores are not going to be devastated by this or this is not going to be causing the increase. There is something wrong there on both sides. You can't have it both ways, that we are going to increase drinking and that we are going to be decreasing the sales. It is going to be the same amount that is coming back and forth on that.

Reading also from Chapter 13, under the Department of Public Safety, the Selection and Location of Agency Stores this is currently what is on the books now. It is so subjective to get a license. It says, "All agency stores must have adequate footage for the convenient sale of the merchandise." What is adequate footage? Who determines that? Another one, "The bureau may grant an agency store license to a store, which in its judgment has the most satisfactory structure, condition and facilities within the municipality." Who is judging who has the best structure? Very subjective. It also said, this is under their criteria of which there are 10, "The bureau shall consider any other appropriate factor or circumstance that it deems necessary." The pillar is that on one of them it says that, "Agency stores must have access to adequate parking facilities." Again, very subjective. The intent of the sponsor of this bill, and this is the Majority Report that came

out of committee, was to put in criteria to help the small businesses that are downtown and that don't have adequate parking facilities on it to help smaller businesses under the 3,000 square feet of the retail space on it. This was the intent of the committee and I want to remind everybody that before you is the Majority Report of the committee as amended and as approved by the majority of the committee and, therefore, I would ask that the Clerk read the Majority Report

Representative VALENTINO of Saco **REQUESTED** that the Clerk **READ** the Committee Report.

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

On motion of Representative CLARK of Millinocket, **TABLED** pending the motion of Representative VALENTINO of Saco to **ADOPT House Amendment "A" (H-854) to Committee Amendment "A" (H-821)** and later today assigned. (Roll Call Ordered)

The House recessed until 12:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

Bill "An Act To Allow Small Businesses To Participate in Liquor Sales"

(H.P. 1260) (L.D. 1820)
(C. "A" H-821)

Which was **TABLED** by Representative CLARK of Millinocket pending the motion of Representative VALENTINO of Saco to **ADOPT House Amendment "A" (H-854) to Committee Amendment "A" (H-821)**. (Roll Call Ordered)

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

Representative **BISHOP**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, I promise, cross my heart and hope to die to keep this very brief. The British Prime Minister Gladstone once said, "There are three kinds of lies; lies, damned lies and statistics." I don't have statistics for you here, but I do want to tell you a true and short story. Mention the name Boothbay Harbor and it conjures visions of a quaint, lovely fishing village on a beautiful bay with great restaurants and lots and lots of tourists. And, you all know that we would like to keep it that way. Our town has been a main destination for over 100 years. They come by boat, plane car and even train. We have lots of docks, we have a great harbor and we have wonderful protected anchorage. Our marine guests drop anchor and then they walk and walk and walk. Our guests who come by plane and train come because we have over 600 hotel rooms located within an easy walk. For our guests who arrive by car the very lack of parking encourages them to leave their cars and they too walk.

Here is the rub, or maybe I should be a little more specific and say here is the walk that is now in danger of becoming a walk too far. People on vacation expect to easily find the amenities that make time off enjoyable. Whether or not we agree, readily available alcohol is certainly one of these expectations. In the past, this service has been provided by a downtown store within a few minutes walk from anywhere in the harbor. Now, because of a recent action by the liquor authority,

we are in imminent danger of losing that conveniently located, downtown small business license to a Rite Aid located uphill, downhill, uphill again and as far away as 45 minutes and that is if you are young and healthy. Most of our tourists may be healthy, but they are certainly no longer young and that is a problem.

This bill would simply give our town and many others an option that would enable us to ensure that there is a liquor store within a convenient walking distance. While not an amenity we feature in our tourist brochures, it is certainly an amenity whose lack could weigh heavily on that important decision of whether or not to return to our beautiful quaint fishing village. Please help us keep our tourists and keep our town. Thank you and please vote for this bill.

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

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

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

Representative **ASH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I understand that this bill has a square footage limit of 3,000 square feet and I would like to know how that affects stores that are lower than 3,000 that are already in the package store business.

The **SPEAKER**: The Representative from Belfast, Representative Ash has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It doesn't. What this bill is going to do is just add on a potential fourth store in the communities that the Department of Public Safety feels have a need for one and it has no effect on the existing liquor licenses that are already out there. Any store that already has an existing license is not going to be affected by this.

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. Just briefly, with all respect to my seatmate from Boothbay I wanted to add to the list of small stores in Maine that oppose this bill that the good chair from Rumford spoke about earlier this afternoon. The Swanville Store in Swanville, Maine opposes this bill and for that reason I am going to be voting red. Thank you.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to touch upon one of the issues about the substance abuse versus the amount of profit and who is right and who is wrong. In a nutshell, if you have three agency stores in a community that accumulate \$90,000 worth of profit between the three of them and you add a fourth store it is a known fact that you are not going to sell more liquor. If don't sell more liquor and you got a fourth store somebody is going to be a loser. And, as I stated before, the big boxes, because they already have an advantage of drawing people there for groceries, are not going to lose very much. So who is going to be the loser? A small existing business is going to be a loser and, as I said, 25 small mom-and-pop stores gave testimony that they would be affected and I am not going to vote to affect existing businesses that are already profitable because I didn't hear any of them that said they are going out if we don't do anything. The deal with Boothbay is that it is also a license issue that somebody who bought a business did not have enough foresight to make sure that he applied for the license again. If Rite Aid gets the license, which is

possible, there is another license already available for Boothbay so that they can have three in Boothbay Harbor and I am glad that my daughter works down there in the summer because it is a beautiful place and I like to visit it. So, please vote red on this bill. Thank you.

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

Representative WEBSTER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will attempt to be brief. I am on the substance abuse services commission and I was placed there by the good Speaker to address the issues regarding substance abuse. As you know, I have spoken with you before regarding the amount of underage drinking. Eighty-eight million dollars in sales every year is consumed by underage drinkers. What does that have to do with this? Starbucks – I have done some research regarding a concept called cluster marketing – clusters their stores. Why do they do so? Because, even though, as my good colleague from Rumford says that it can have an adverse impact on stores, in the long run Starbucks has the financial capacity to absorb the losses during the initial startup phases. Even though they share a current market share and it has an adverse impact on them based upon cluster marketing theory what happens is that you ultimately create market awareness. It is a phenomenon. In other words, what happens is that you are creating critical mass that increases the interest and demand on your product. That is the last thing that we need in this state. Mr. Speaker, ladies and gentlemen of the House I am going to be voting against this although I have great respect for my colleagues who would like to help certain small businesses I think this is ultimately a bad idea for this state and I think that we will have to let the market take care of its issues. If it is too far to walk to get to a store I would suggest that that would allow new taxi companies to find profit from the tourists. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-854) to Committee Amendment "A" (H-821). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 418

YEA - Annis, Ash, Austin, Berube, Bierman, Bishop, Bliss, Bowen, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Crosby, Curley, Davis G, Davis K, Duchesne, Dudley, Duprey, Eberle, Eder, Edgecomb, Fischer, Fitts, Fletcher, Glynn, Hall, Hamper, Hanley B, Hanley S, Jacobsen, Jennings, Jodrey, Joy, Lansley, Lewin, Lindell, Lundeen, Marean, Marraché, McCormick, McFadden, McKane, McKenney, Mills, Moore G, Moulton, Muse, Nass, Nutting, Ott, Percy, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Robinson, Rosen, Sampson, Saviello, Shields, Simpson, Smith W, Sykes, Tardy, Thomas, Valentino, Vaughan, Watson, Woodbury.

NAY - Adams, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Brannigan, Brautigam, Bryant, Bryant-Deschenes, Burns, Cain, Canavan, Craven, Cressey, Crosthwaite, Cummings, Curtis, Driscoll, Dunn, Duplessie, Faircloth, Farrington, Finch, Fisher, Flood, Gerzofsky, Grose, Harlow, Hogan, Hutton, Jackson, Kaelin, Koffman, Lerman, Makas, Marley, Mazurek, McLeod, Merrill, Miller, Millett, Moody, Norton, O'Brien, Paradis, Patrick, Pilon, Pineau, Pingree, Richardson W, Schatz, Seavey, Smith N, Thompson, Trahan, Tuttle, Walcott, Webster, Wheeler, Mr. Speaker.

ABSENT - Daigle, Dugay, Emery, Goldman, Greeley, Hotham, Perry, Rines, Sherman, Stedman, Twomey.

Yes, 79; No, 61; Absent, 11; Excused, 0.

79 having voted in the affirmative and 61 voted in the negative, with 11 being absent, and accordingly **House Amendment "A" (H-854) to Committee Amendment "A" (H-821) was ADOPTED.**

Committee Amendment "A" (H-821) as Amended by House Amendment "A" (H-854) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-821) as Amended by House Amendment "A" (H-854) thereto** and sent for concurrence.

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

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

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment Recognizing Lee Ann McKay of Randolph

(HLS 1725)

TABLED - March 21, 2006 (Till Later Today) by Representative TRAHAN of Waldoboro.

PENDING - **PASSAGE.**

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

Representative TRAHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Later in the month of April we will be sine dieing for this Legislature. Many of us have been here a long time and we are termed out and we will be leaving this institution and for many it is a sad day. This same day will be the end of a wonderful professional career for Lee Ann McKay, my legislative aide for my eight years in the Legislature and a wonderful person. I wanted to tell you that this is only the second time that I have stood and spoke on a sentiment and I only do so when I think that it is extremely important and I think that that day is today.

I just want to tell you a few things about Lee Ann. When I first came to the Legislature, to the surprise of many of you I doubt, I was a little a high-strung and some folks liked me. The Representatives who sat next to me, Lois Snowe-Mello and some other folks in the chamber who are what I call high maintenance, were assigned to Lee Ann. She just handled all of us with grace. It shouldn't surprise any of us that have gotten to know her.

Lee Ann is a professional. She handles her work how all of us would want our legislative aides to handle our work. It wasn't long before I decided that calling Lee Ann an aide didn't do her justice. She's not an aide; she is a partner in the work that I have done here in the Legislature. She has seen me through some emotional times and taken me out in the back room and said, "Representative Trahan, take a deep breath your face is turning blue." She has known how to manage individual legislators. She has watched through the good times and the bad. She helped me through a horrible time for our family when we lost a loved one in Iraq and she would be one of my best friends.

Lee Ann is dedicated. She is dedicated not only to her job, but to her family, her husband Leonard, her three children Aliza, Taj and Santana who are now in California. She is going to uproot herself from the State of Maine and join her family in California. That is sad for me personally, but that is Lee Ann.

She wants to be with her family. I have met a few people in my life that I have grown to respect totally and trust with everything that I do. Lee Ann is one of them. I am going to miss her and I know that this institution is going to miss her and I know that my constituents are going to miss her.

I remember the second time that I was elected, Representative Bruno asked me, "Representative Trahan, which committee would you like? What would you like from your leadership?" I said, "I don't care about any of that. You just give me Lee Ann McKay as my aide and my constituents will be well served." Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Actually, I am probably going to get a little choked up because I consider her to be almost a daughter to me. When I came back to the Legislature after being termed out I was surprised to find that I was still going to have Lee Ann as my aide. Then, when I got talking to her, I found out that she had actually traded with another legislative aide to have me back as one of her legislators. I can't imagine anyone really wanting to do that, but she did, and I think that that's quite a tribute to me to be asked to be one of her legislators. I don't think that it is going to be very easy for me to try to break in another aide because no matter where I needed information from she tracked it down for me. I had her track down bills from Oregon, from Alabama and many other states too and she always managed to find the information. So, I am certainly going to miss her and I am sure that all of the rest of her legislators that she is an aide for are going to really miss her too. It is going to leave not only a hole in the legislative staff that is going to have to be filled, but it is also going to leave a hole in our hearts because we hold her very dear to us. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Berube.

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

The SPEAKER: The Representative may pose his question.

Representative **BERUBE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Although somewhat unusual I am wondering if the speaker would ask those Representatives that Lee Ann was an aide to, to please stand up?

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is with mixed emotions that I stand here today to speak of Lee Ann McKay's leaving. As leader of the House Republican Caucus we are losing a valuable employee, someone who has meant a great deal to our members, to the constituents of our members, someone who has been a friend to me personally and someone that I look forward to seeing each day. Unlike the Representative from Crystal, I don't think of Lee Ann as a daughter, maybe a younger sister, but not a daughter. But many of you know that I am one of the first people to arrive in the building each morning and I am usually here by seven or shortly thereafter and Lee Ann is almost always the first one to arrive at our office. She unfailingly greets me with a smile.

When I think of Lee Ann I think of a whirlwind because she is always in motion. She is scurrying here and there and doing things for our people and for me and she always does it with a smile on her face. She is dedicated and hard working, but that could probably apply to all of our partisan staff on both sides of the aisle. We are blessed to have wonderful people working here

in this Legislature, but what sets Lee Ann apart from our perspective is her willingness to always do more – to always perform that extra task and extra duty.

We know that she is moving to California to be close to her son and daughter, she is going to pursue one of her favorite pastimes, which is gardening, and she will be able to do it in the sun. On behalf of all of our members and also my ivy plant in my office, which she has nurtured from its infancy into something she actually had to repot a while ago, we are all going to miss her. The ivy plant is going with her however because if it is left with me it will surely die. So, Lee Ann, thank you for everything that you have done for all of us.

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

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am really going to miss Lee Ann and everything that Representative Trahan I could say, but I won't repeat all that, but Lee Ann is a superb human being and she is a great help. She is always cheerful and always gentle and I am going to miss her terribly. Thank you.

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

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to echo all of the comments of my colleagues about the outstanding service to the people of the State of Maine from Lee Ann McKay. She was an absolutely outstanding legislative aide. I have actually had Lee Ann as a legislative aide to work with since my arrival here in the State House and as you can see Lee Ann McKay had all of the high maintenance legislators. As someone to work, she did it with a terrific amount of style and pizzazz. I think that the things that I will remember most about my tenure here in the State House, in addition to the wonderful colleagues that I have served with is the wonderful staff that we have had around us that make us look great. Lee Ann McKay made us all look great and whenever a constituent was in need I felt no reason at all to be paused. I knew that in my absence, if they called at the State House the Lee Ann McKay would take care of them and make sure that they got what they needed, an outstanding public servant. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just got a phone call from a good friend who, in the past helped me deliver Passamaquoddy over to the Gambling Control Board. He was planning to come up this evening for a celebration or wake or whatever you want to call it, over at Delia's Restaurant at 5:30 and he is not going to be able to make it because one of the mares is just starting to give birth. He was planning to come up to the celebration tonight because he met Lee Ann one time. On her lunch break, she drove like lickety split across town to show us where the Public Safety office is and the baby that we had with us to show to the gambling control board was obnoxiously difficult to get back in the trailer. Lee Ann put her shoulder under his but and she shoved him in. That is Lee Ann.

My friend that just called said that you don't need to look for a name for Voodoo's Baby. It has got to be Voodoo's Lee Ann or something and you have got to put Lee Ann in there somehow and I said, "Why is that?" and he said, "Because she is the real deal." And, she is. She is the real deal. Thank you.

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

Representative MCKANE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is hard for me to believe that I am one of those high maintenance legislators, but I will take that. I just want to echo all of the sentiments said here today and that I am going to miss Lee Ann, but I think, most of all, or certainly to a great degree, my constituents are going to miss Lee Ann because I have not had a constituency issue that she hasn't been able to deal with in one way or the other by finding the issue and resolving it. That has just never ceased to amaze me in that respect. So, thank you again Lee Ann.

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

Representative VAUGHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a fellow high maintenance legislator, I also felt privileged to have Lee Ann as my legislative aide. She is the only one that I have had and I think that it is no secret that all of us certainly love and respect Lee Ann and wanted to make note that somebody is probably going to be sitting at her desk sometime in the future, but she cannot be replaced. Thank you.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative McCormick.

Representative MCCORMICK: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a quick addition to what has been said. I have known Lee Ann McKay for quite some time. I had her children in school when I was teaching in SAD 11 and I would just like to reaffirm what some of them have said. She has always told me that those other people were high maintenance.

Subsequently, this Expression of Legislative Sentiment was PASSED. Sent for concurrence.

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

Expression of Legislative Sentiment recognizing Cianchette, Ival "Bud" R., of Falmouth.

(HLS 1771)

Which was TABLED by Representative TARDY of Newport pending PASSAGE.

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

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

SENATE PAPERS

Resolve, To Reduce State Valuation as a Result of the Closure of Georgia-Pacific Facilities (EMERGENCY)

(S.P. 838) (L.D. 2096)

Came from the Senate, REFERRED to the Committee on TAXATION and ordered printed.

REFERRED to the Committee on TAXATION in concurrence.

Non-Concurrent Matter

Bill "An Act To Allow Smelt Dipping in Long Lake in Aroostook County"

(H.P. 1253) (L.D. 1813)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-806) in the House on March 14, 2006.

Came from the Senate PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-806) AS AMENDED BY SENATE AMENDMENT "A" (S-524) thereto in NON-CONCURRENCE.

On motion of Representative WATSON of Bath, the House voted to RECEDE AND CONCUR.

ENACTORS Acts

An Act To Increase the Minimum Wage

(H.P. 174) (L.D. 235)

(C. "A" H-725)

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.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the Joint Standing Committee on Agriculture, Conservation and Forestry on Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands

(S.P. 827) (L.D. 2095)

Reporting Ought to Pass pursuant to Joint Order 2006, S.P. 817.

Came from the Senate with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Report was READ and ACCEPTED. The Resolve READ ONCE and ASSIGNED FOR SECOND READING Thursday, March 30, 2006.

CONSENT CALENDAR First Day

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

(S.P. 570) (L.D. 1596) Bill "An Act Limiting Clean Election Candidates' Campaign Soliciting" Committee on LEGAL AND VETERANS AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (S-521)

(S.P. 680) (L.D. 1763) Bill "An Act To Ensure the Authority of 'Do Not Resuscitate' Orders in Advance Health-care Directives" (EMERGENCY) Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (S-522)

(H.P. 1461) (L.D. 2066) Resolve, Regarding Legislative Review of Portions of Chapter 1.03: Waters of Special Significance, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY) Committee on INLAND FISHERIES AND WILDLIFE reporting Ought to Pass

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

SENATE PAPERS
Non-Concurrent Matter

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located on State Highway 191 in East Machias; U.S. Route 1 in Thomaston; U.S. Route 2 in Skowhegan; Hospital Street in Augusta; and the Presumpscot River in Falmouth

(H.P. 1304) (L.D. 1864)

Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-772)** in the House on March 2, 2006.

Came from the Senate with the Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and the Resolve and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

On motion of Representative **BARSTOW** of Gorham, the House voted to **RECEDE AND CONCUR**.

ENACTORS
Emergency Mandate

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

(H.P. 1378) (L.D. 1968)
(H. "D" H-901 to C. "A" H-878)

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Tuesday morning I was at the Blaine House for our weekly legislative breakfast with our Chief Executive and he congratulated me and other members of leadership on the accomplishment of having arrived at this unanimous budget, unanimous as far as the committee was concerned. I said to him, if there is something for which we are to be congratulated it is having the good sense and the discipline to resist meddling in the Appropriations process and to allow the hard working and knowledgeable members of the committee to do their work until such time as they felt it was necessary to seek our input. That is mostly what we did do and the good people on the committee, the good House chair from Portland, Representative **Brannigan**, the Republican lead, the good Representative from Waterford, Representative **Millett** and the Senate chair and the Senate lead set a real example in how to negotiate fairly, honestly and with respect for one another and they are to be congratulated. Mr. Speaker I thank you and the Senate President for helping the negotiations remain friendly and positive and to be conducted in good faith. I hope that the lesson that we can all take from this budget, having arrived at a two-thirds agreement, is that this is the way budgets should be done, that we should always strive to arrive at a two-thirds budget. Not everybody is going to be happy and some people are going to always feel that they gave more than they got and some people will walk away feeling that they perhaps got a little bit more, but that is alright and it is a lot better for this institution and it is better for the people of Maine, when we arrive at a consensus in which we arrive at a budget that people feel is fair and that truly represents the interests of their constituents.

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

Representative **CUMMINGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to also extend my admiration to the members of Appropriations on both sides of the aisle. Not only did they have a strong budget agreement, but just at the time when they needed to come to leadership it was clear that they really had been able to work most of the tough issues out among themselves which is the way it should be and by the time that they got to leadership, thank God, they already had the right answer for us anyway.

I just want to say thank you to the other party and I want to say thank you particularly to Representative **Bowles** and Representative **Tardy** for working with us. I think it is an honest shake and fair way and I think this is something that both parties can be proud of and that the people of Maine can be proud of. We are putting a lot of money into schools, we made that commitment and we are following through. We are protecting people in this state – both parties are protecting – from an ill designed prescription drug program for the elderly. We are making sure that we are putting \$100 million away into our savings account and this is the first time in 6 years that we have been able to do that. We are making sure that people across the state are getting at least some of their transportation needs done and we are extending some of the back payments to hospitals and that is very important and we should be proud to vote for the budget for that and for the bipartisan cooperation.

I do want to be clear that there are members on my side, appropriately, who are concerned that the health savings accounts are not a good policy direction and are a masquerade for the deeper issue of those struggling to get health care. I want to be clear that the push off of bonding is a suboptimal way to go about doing business when we could of used that money to help pay back hospitals and extend to our colleges and universities payments that they desperately need. But, those are part of the negotiation process and we should not allow the perfect to become the enemy of the good and in politics good is sometimes hard to come by and that is what we have before us.

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House necessary, a total was taken. 136 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-520)** on Bill "An Act To Provide State Funding for the Fingerprinting of School Personnel"

(S.P. 662) (L.D. 1745)

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot
TURNER of Cumberland

Representatives:

DAVIS of Falmouth
FINCH of Fairfield
EDGEComb of Caribou
NORTON of Bangor

GOLDMAN of Cape Elizabeth
MAKAS of Lewiston
CAIN of Orono
MERRILL of Appleton

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

Signed:

Representatives:

STEDMAN of Hartland
LANSLEY of Sabattus

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-520).**

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-520)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, March 30, 2006.

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

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

Representative **BOWEN:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. With the passage of the budget I wanted to take just a second as a member of this body and as a member of the Appropriations Committee to express some gratitude that is overdue.

Before the Representative from Portland leaves the room if we could get him shuffled back around the corner there. Over the past few days since the budget was passed those of us on the committee have had many of you come up and thank us for the hard work we have done, but it needs to be noted for the record that this achievement, the passage of this budget, is due primarily to leadership of two members of this body and that is the Representative from Portland, Representative Brannigan and the Representative from Waterford, Representative Millett. I don't know that those of you outside of the budget process or outside this building can fully appreciate the challenge of leading this committee and of balancing the needs and wants and desires of all of us on the committee and all of you in this room and all of the lobby and the legislative leadership and everybody else. It is truly an astonishing achievement to knit all of those needs together into a coherent document and to do so day after day as the pressures mount late into the evening and as tempers begin to fray and the pressure mounts when many of us on the committee at any given time, are ready to walk out the door – I think I was ready on Friday, frankly – and take the easy step. These two leaders of ours managed to hold the committee together and sew together this document. It is truly an epic level of leadership and of statesmanship on the part of those two Representatives so I would ask that before we get done here that we stand for a minute to appreciate and express our gratitude to these two members for the leadership that they showed in putting this budget together.

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

Representative **BRANNIGAN:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There were a lot of deals made to get this budget together. One of those deals was not that Sawin and I would get all this praise even though we deserve it.

On motion of Representative FARRINGTON of Gorham, the House adjourned at 12:55 p.m., until 9:00 a.m., Thursday, March 30, 2006.