

MAINE STATE LEGISLATURE

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

Volume II

First Special Session

May 26, 2005 – June 17, 2005

Second Special Session

July 29, 2005

Second Regular Session

January 4, 2006 - April 6, 2006

Pages 737-1487

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
34th Legislative Day
Tuesday, April 4, 2006

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

Prayer by Pastor Steven C. DeGroft, Lisbon Falls Baptist Church.

National Anthem by Rose Upton, Orland.

Pledge of Allegiance.

Doctor of the day, Erik Steele, D.O., Bangor.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 422)

**STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006**

March 31, 2006

The Honorable Beth Edmonds
Senate President

122nd Maine Legislature
3 State House Station
Augusta, ME 04333

The Honorable John Richardson
Speaker of the House

122nd Maine Legislature
2 State House Station
Augusta, ME 04333

Re: Petroleum Market Share Act/Annual Report to the Legislature

Dear President Edmonds and Speaker Richardson:

Enclosed, in accordance with the provisions of 10 M.R.S.A. § 1677, is the Attorney General's Annual Report to the Legislature concerning levels of concentration in Maine's retail petroleum markets. Please note that we have included within this report a study relating to gasoline prices in Washington County as well as a letter to Maine's Congressional delegation requesting an investigation into petroleum markets.

Thank you for your consideration of these materials; please do not hesitate to call if you should have any questions in this regard.

Sincerely,
S/G. Steven Rowe
Attorney General

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.P. 840)

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 31, 2006

Sen. Arthur F. Mayo III

Senate Chair, Joint Standing Committee on Health and Human Services

Rep. Hannah Pingree

House Chair, Joint Standing Committee on Health and Human Services

122nd Legislature
Augusta, ME 04333

Dear Senator Mayo and Representative Pingree:

Please be advised that Governor John E. Baldacci has nominated Brenda Harvey of Gardiner for appointment as Commissioner of the Department of Health and Human Services. Pursuant to 22 M.R.S.A. §1, this nomination will require review by the Joint Standing Committee on Health and Human Services and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES.**

READ and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act Authorizing Participation in the State Group Health Plan for Retiring Legislators"

(H.P. 1491) (L.D. 2098)

Sponsored by Representative BOWLES of Sanford.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: McFADDEN of Dennysville, MILLETT of Waterford, Speaker RICHARDSON of Brunswick, TARDY of Newport, Senators: BARTLETT of Cumberland, President EDMONDS of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

Sent for concurrence.

ORDERS

On motion of Speaker RICHARDSON of Brunswick, the following Joint Resolution: (H.P. 1489) (Cosponsored by President EDMONDS of Cumberland and Representatives: ADAMS of Portland, ASH of Belfast, AUSTIN of Gray, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BOWLES of Sanford, BRAUTIGAM of Falmouth, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CANAVAN of Waterville, CEBRA of Naples, CHURCHILL of Washburn, CLARK of Millinocket, COLLINS of Wells, CRAVEN of Lewiston, CRESSEY of Cornish, CROSBY of Topsham, CUMMINGS of Portland, CURLEY of Scarborough, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUDLEY of Portland, DUNN of Bangor, DUPLESSIE of Westbrook, DUPREY of Hampden, EBERLE of South Portland, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FINCH of Fairfield, FISCHER of Presque Isle, FISHER of Brewer, FITTS of Pittsfield, FLETCHER of Winslow, GERZOFKY of Brunswick, GOLDMAN of Cape Elizabeth, GROSE of Woolwich, HALL of Holden, HANLEY of Gardiner, HARLOW of Portland, HOGAN of Old Orchard Beach, HUTTON of Bowdoinham, JACKSON of Allagash, JENNINGS of Leeds, KAELIN of Winterport, KOFFMAN of Bar Harbor, LERMAN of Augusta, LUNDEEN of Mars Hill, MAKAS of Lewiston, MARLEY of Portland, MARRACHÉ of Waterville, MAZUREK of Rockland, McCORMICK of West Gardiner, McLEOD of Lee, MILLER of Somerville, MILLS of Farmington, MOODY of Manchester, MOORE of the Passamaquoddy Tribe, MUSE of Fryeburg,

NORTON of Bangor, O'BRIEN of Lewiston, PARADIS of Frenchville, PATRICK of Rumford, PERCY of Phippsburg, PERRY of Calais, PINGREE of North Haven, PIOTTI of Unity, PLUMMER of Windham, RECTOR of Thomaston, RICHARDSON of Skowhegan, RINES of Wiscasset, ROBINSON of Raymond, SAMPSON of Auburn, SCHATZ of Blue Hill, SEAVEY of Kennebunkport, SHIELDS of Auburn, SIMPSON of Auburn, SMITH of Monmouth, SMITH of Van Buren, SOCKALEXIS of the Penobscot Nation, TARDY of Newport, THOMPSON of China, TUTTLE of Sanford, TWOMEY of Biddeford, VALENTINO of Saco, WALCOTT of Lewiston, WATSON of Bath, WEBSTER of Freeport, WHEELER of Kittery, WOODBURY of Yarmouth, Senators: BARTLETT of Cumberland, BRENNAN of Cumberland, BROMLEY of Cumberland, COURTNEY of York, COWGER of Kennebec, DAMON of Hancock, DIAMOND of Cumberland, DOW of Lincoln, GAGNON of Kennebec, HASTINGS of Oxford, HOBBS of York, MARTIN of Aroostook, MAYO of Sagadahoc, MILLS of Somerset, MITCHELL of Kennebec, NUTTING of Androscoggin, PLOWMAN of Penobscot, RAYE of Washington, ROSEN of Hancock, ROTUNDO of Androscoggin, SAVAGE of Knox, SCHNEIDER of Penobscot, SULLIVAN of York, TURNER of Cumberland)

JOINT RESOLUTION IN HONOR OF MAINE'S SMALL BUSINESSES AND ENTREPRENEURS

WHEREAS, Maine has the human, natural and technical resources to ensure that every person who wants to work can achieve meaningful employment and every company will have access to the tools it needs to thrive; and

WHEREAS, small businesses are the backbone of Maine's economy and are central to our way of life; and

WHEREAS, more than 97% of all Maine businesses are small businesses and they employ 61% of all Maine workers; and

WHEREAS, nearly 3/4 of net new jobs in Maine are created by small businesses; and

WHEREAS, small business owners and entrepreneurs work long hours in pursuit of excellence and creating prosperity for themselves and their employees; and

WHEREAS, we firmly stand behind continued efforts to foster and develop a business culture that encourages and supports small business, including affordable health insurance for employees, a favorable tax climate and competitive rates for unemployment insurance and workers' compensation insurance; and

WHEREAS, we strongly endorse the role of state agencies in providing the education, training and support needed to start and run businesses; guaranteeing ready access to the information needed to assist businesses in their relationships with State Government; providing access to low-cost capital; and ensuring a clear, stable and predictable regulatory and record-keeping environment; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause in our deliberations to honor Maine's small business owners and entrepreneurs who have contributed so much to the betterment of our State and the well-being of our citizens, to pledge our continued support for efforts that will help Maine businesses grow and prosper, and to encourage our youth and all citizens of Maine to pursue opportunities in developing and expanding their own small businesses; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Governor John E. Baldacci; the Commissioner of Economic and Community Development; the State Director of the United States

Small Business Administration; and the appropriate principals of the Maine National Federation of Independent Business, the Maine Small Business Alliance, the Maine State Chamber of Commerce and the Maine Small Business Development Centers in token of the esteem in which those in the small business sector are held.

READ.

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

Representative **BOWEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I realize that this is only a resolution and in the larger scheme of things it doesn't have a whole lot of bearing on a whole lot of other thing, nevertheless I rise in opposition to the passage of this resolution, even though I understand how important it is that we recognize small businesses and small businesses are, indeed, the backbone of this state. However, my concern is with a line in the seventh paragraph of this resolution which reads, "Whereas we strongly endorse the roll of state agencies in providing education, training" and so forth, it goes on from there.

All the times that I have talked to business groups over the past four years that I have been in this body, not once, not even once, have I had a small business owner come to me and say that what we need for small business in this state is more state government. While I appreciate a lot of the sentiments expressed in here and support a lot of them, I don't think that I can support stating that it is a necessity that we have state agencies providing all of these services for these small businesses. What I hear from small business is that the best thing that state government can do for them is to get out of the way. With that, Mr. Speaker, I respectfully oppose the passage of this joint order and would ask that when the vote is taken we get the yeas and nays. Thank you Mr. Speaker.

Representative **BOWEN** of Rockport **REQUESTED** a roll call on **ADOPTION** of the Joint Resolution.

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

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. To offer an air of balance this morning to what should be a happy occasion I would like to rise in support of the Joint Resolution. Later today you will see, and I will make a point of putting out an op-ed piece that I put out in the Kennebec Journal yesterday on Tex Tech in North Monmouth and the amazing things that they have done from nearly going out of business to becoming a diversified international competitor in textiles, of all things. Part of their success has been the work of DECD, with Maine Technology Institute, with FAME, with the Maine International Trade Center. It is a part of the picture. People love to use the cliché "tools in the toolbox". We have some great tools. I am proud to chair the committee that oversees the implementation of these tools and I am happy and proud to be a co-sponsor to this Joint Order. 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. In representing dozens of businesses down in Southern York County I cannot let the occasion go by without saying that, at the same time that we may by resolution be congratulating state agencies, I will need to add my voice to those that say that I have, over the years, heard dozens of complaints from businesses that our state is not

performing its job well. Ranging from the number of inspections for businesses to a whole variety of regulatory authorities that somehow don't seem to get it.

Mr. Speaker, ladies and gentlemen of the House I respectfully add to it that our job is far from over and we need to do a better job in promoting businesses in the State of Maine. Thank you, Mr. Speaker.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, as the owner of two small businesses, would like to thank the State of Maine for the services that it provides to small businesses and I would encourage us all to support this bill. It is important for the State of Maine to foster an environment in which the entrepreneurial spirit can flourish. Thank you, very much.

Representative **CUMMINGS** of Portland **REQUESTED** that the Clerk **READ** the Joint Resolution.

The Clerk **READ** the Joint Resolution in its entirety.

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. Let me thank my colleagues for this recognition. Since I am a small business owner and an entrepreneur in this state I do appreciate the fact that we as a Legislature are taking time to recognize the contributions made by Maine's small businesses. In a state where small business is our predominate employer it is heartening to know that the efforts of Maine's small businesses, whether they employ one person or five or seven are recognized.

I would have to say honestly to you that in the 28 years or so that I have been in business there are many things that I would have asked for that would have been more meaningful to me than a Joint Resolution honoring my business. I would have asked for a more favorable tax climate. I would have asked for better treatment of my workers compensation costs. I would have asked for less regulation and fewer reports. Those are the things that I think would have been more meaningful to me and to most other businessmen and women that I have spoken to. This is a good step, but I hope that we can carry beyond our words and translate our words into actions at some point in time in which we actually do the right thing by small business, which, for the most part, is simply to leave them alone and allow them to engage in the commerce in which they are engaged and to continue to employ Maine people and make a contribution to the Maine economy.

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. Times are a changing. This body has an opportunity to make a statement and we are making it in this resolution. This body has an opportunity to demonstrate that Maine is not only a business friendly state enticing large corporations to come here and do business, but to make this state small business dependent rather than big business dependent. I say we should stand for this bill and support this bill, not as one caucus against the other, but as one body in favor of fostering the entrepreneurial spirit in the state of Maine. Thank you.

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

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When we talk about small businesses in this state, I live very close to the New Hampshire border. That is my competition. My competition is

not here in Augusta. I am looking at a future increase in the minimum wage, substantially higher than my neighbor across the border. I am looking at worker's comp costs substantially higher. Everything adds up. In my business, we train fifteen to twenty young people on their first job every year. All of this comes together and adds up. In order for me to stay in business it gets more difficult every year and, unfortunately, like many other businesses, what goes on in this House is a major reason why. Think about the small businesses in your community. We talk about how much we do, what we do and how good we are at it, but let's look at the results. 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. There are always instances where we can think of, in this case, small businesses that either benefit or do not benefit from actions by state agencies and I rise to acknowledge that there are times when small businesses in my district have benefited from the role of a state agency, but there are many times when they don't. When I watch a small time developer languish and loose property because the DEP has declared a moratorium on reviews for nearly a year then that is what upsets me and causes me to rise address this issue and bring it to the attention of this body. We have so much work to do to improve our state and we must all rise to the challenge. It is not enough to merely pass a sentiment, it is also necessary; through the regulations that are adopted and the laws that we pass that we promote our own people as that is our responsibility in this body. Mr. Speaker, ladies and gentlemen of the House, please vote your conscience on this because we are all trying to strive for a better Maine. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If anyone is guilty of not supporting small business we are all guilty of not supporting small business. I know that in my four years here I brought a number of bills in here for the logging occupation that were totally designed for small businessmen and many of the people that spoke today did not support those issues so I just want to make sure that the entire body realizes that we are all guilty if anyone is.

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. How sweet it is. I may be actually singing my swan song today. This may be my last speech on the floor of the House so I want everybody to listen up. After this term I am going to have to take a breather for a while from elected office, but who knows. On November 7, 1962 Richard Nixon thought that he was giving his last press conference and just as we got used to the idea of not having him to kick around any more up he comes in 1968, so I guess that there is hope for all of us. But, what a note to go out on. Small business has, at long last, appeared on the radar screen of the Maine State Legislature.

You will remember, Mr. Speaker, that we began this journey in January of 2005 when we launched Growth From Within, a small business economic development strategy for Maine. Since that time we have introduced 16 bills, 13 of which have either passed in legislation or received favorable committee hearings. At least two of those bills have been very near and dear to my own heart – creation of the Pine Tree Recreation Zone and repeal of the sales tax certificate law passed into law by the last legislative session.

Growth From Within is built on three fundamental realities. The first reality is that we in Maine already have the expertise, the talents, the work ethic and the resources to grow our economy. The second reality is that it is up to us to do it. We cannot expect or demand that someone from away, some large corporation or the federal government will do it for us. The third reality is that the modern business climate of virtual offices and high tech wizardry puts a premium on small business development and that puts us on the cutting edge. We do small business very well in Maine.

I have often said that I have over 100 years of small business experience and that is because I have had to run more than one business at a time and that is the way of survival in Maine. We all know that. Yes, we have made the phrase small business a household word in Augusta. I recall vividly with a great deal of amusement the day when I stood on the House floor and said that you could put my desk in the men's room, but I would not vote against small business. One of the proudest moments of my tenure here was when the NFIB, the National Federation of Independent Businesses gave me a 100 percent small business rating.

Mr. Speaker, whether it is high tech, low tech or no tech, small business is the breadbasket of the economy of Maine. But talking the talk is not enough. We must begin walking the walk. The other day I listened to the debate in our caucus about exempting from personal property taxes small businesses that have less than \$20,000 in equipment and guess what, the principle argument was that we have got to find a way to help small business.

There is a bill that will be coming before us shortly that will prevent municipalities from reversing development permits after 45 days and that is designed to respect small developers who cannot afford to keep fighting over their permitting. We are on the way, but we still don't quite get it.

Small business awareness begins with mom and pop. Unless you have lived over a store as I have, you cannot possibly understand what it is like to struggle 24/7, 365 days a year to keep a business afloat with nothing, but hope driving you on. It is not unlike being a legislator I suppose when there is no money, except that we get paid don't we. We talk about increasing the minimum wage while mom and pop are drawing his pension and her \$1000 a month if she is lucky, with little or no medical coverage. I can tell you from personal experience that I have gone for years at a time without pay.

When the economy tanks in Maine small business owners take the hit. We talk about increasing fees for licenses and fines for non-compliance while small business owners continue to be victimized by a lack of adequate and effective representation here in Augusta. No, we are not there yet, but we have begun. Thank you Mr. Speaker, for your determined effort on behalf of those of us in the entrepreneurial community who start businesses, run businesses and sometimes have to bury businesses throughout our working lives. Thank you men and women of the House for remembering that every payroll begins with an idea and every bill has an impact on the ability to pursue that idea.

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. I have run, managed and owned small businesses for most of my life. For about 35 years I ran a furniture manufacturing company in Vermont. I have also owned and managed retail stores in New Hampshire and Maine.

Owning and running these three companies in the three Northern New England States gives me a different perspective of doing business in New England. I know that in Vermont it is much more difficult manufacturing than it is in Maine. They have a smaller workforce, but they also have much, much more stringent regulations by the state.

I know that the Milliken Institute has ranked Maine as having the lowest cost of doing business in New England last year, 2005 and I truly, truly understand why. It is because the Legislature has changed its thinking and started thinking more and more about small businesses than in the past. In the past we thought very highly of our big businesses. The paper industries used to walk through the halls of this great building and the walls used to tremble back in the '80s and the '70s and they got their way. Then they left. It is the same thing with other industries that came here. They have gone off shore. They have taken the shoe companies to the Dominican Republic and that hasn't help the Maine worker, but this Legislature and the previous Legislature have worked tirelessly at trying to level the playing field and I believe that as a small business owner and somebody that has actually owned and worked in companies in Northern New England and paid payrolls and health insurance and workers' comp insurance that Maine has become a leader. Thank you very much, Mr. Speaker, for leading us out of the darkness and into the light to help small businesses.

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. This is just fabulous. We have people on both sides of the body standing up and saying, "I am a small business owner." Do you know how cool that is? I think that that is extraordinary. I am a small business owner as well and I think it is unfortunate that somehow this is a debate and not a celebration as it was intended. But, you know, we are talking about small business on the floor of the House and that is worth quite a bit.

I want to talk about some of the great things that this Legislature has done that we should be proud of. We established the consumer and commercial court that is going to speed up business and other cases in our judicial system. That is one of the biggest things that small businesses have asked of us and we have done it. We have made it easier for small businesses to bid on state contracts. We are getting the business assistance services more accessible to the small businesses in Maine. We have created the Office of Small Business and Entrepreneurship dedicated to the needs of small business within the Department of Economic and Community development. One of the things that we have done that I think really exceeds all others – you will get a chance to see it today if you would like too – is establishing the Maine Regulatory Fairness Board. This is a group of business owners who have stepped forward and volunteered their time to talk to and open up public forums with other business owners to talk about what we can do to make this state a better place for them to function. At 1:30 in the cabinet room today please come and thank these business owners who are taking time out of running their businesses to volunteer to take place in this forum. Today if you see Susan Giguere of Waterville please thank her for the good work that she does. She is the SBA, Small Business Association, Small Businessperson of the Year. She used the help from SBA and from Maine's Small Business Development Centers for technical assistance. She did not grow her business by shrinking back, but by doing more. I congratulate her and I truly congratulate this body for the discussion on the importance of small business to the State of Maine. I thank you and my husband, the very quiet farmer that

most of you have not met because he is home farming, thank you for the work that you have done and that we are sure you will continue to do for small businesses in Maine. 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. I just want to say that we can pass all of the resolutions that we want, but the one true way to help small business is to make sure that that is where we spend our money. Every time I go to Parson's Field to see my grandchildren I stop at Representative Jacobsen's ice cream stand. On the way home I usually stop to have some of his fish. I go to the local hardware store where a local man owns it. I make sure that my money goes back into the economy of small businesses and I try to stay away from the big box stores as much as I can. That is the best way to support small business. Thank you.

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. In this resolution one of the statements is, "Whereas we firmly stand behind the continued efforts to foster and develop a business culture that encourages and supports small businesses, including affordable health insurance for employees..." I have a recent letter from the NFIB, the self-proclaimed voice for small business; many of our constituents have a NFIB plaque hanging in their business. In the letter, it states that the NFIB is determined to make lowering the cost of health insurance in Maine our number one priority. The current situation is intolerable and an increasing number of small businesses are finding it extremely difficult if not impossible to afford group insurance for employees. The high cost of health insurance is a drag on the state's economy and a particular drag on the ability of small businesses to be profitable and competitive. They believe that we should remove or, at least reduce obstacles that have been enacted into law over the past decade. The solutions are complicated by a health insurance market situation that exists in Maine as well as by political and economic factors that have a direct bearing on achieving success. Nevertheless, they believe that making the private health insurance market work is preferable to watching it collapse and sliding into government-run health insurance as the only option left.

We can talk and issue platitudes about how friendly we are to small business, but ladies and gentlemen we will have some opportunities to make some changes in upcoming proposals and if you vote for this resolution is it going to be a matter of you simply saying that you want to be kind to small business or doing something for them. When those proposals come forward for you to be able to lower the cost of health insurance for small business and the constituents of your district I urge you to think about you vote on this particular resolution. Thank you.

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

ROLL CALL NO. 435

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Blanchard, Blanchette, Bliss, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Cummings, Curley, Daigle, Davis K, Driscoll, Duchesne, Dudley, Dugay, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson,

Jennings, Jodrey, Koffman, Lansley, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Berube, Bowen, Bryant-Deschenes, Crosthwaite, Curtis, Davis G, Hamper, Jacobsen, Joy, Lindell, McKane, Moulton, Ott.

ABSENT - Bishop, Canavan, Dunn, Fischer, Hotham, Kaelin, Lewin, Moore G, Stedman, Thomas.

Yes, 128; No, 13; Absent, 10; Excused, 0.

128 having voted in the affirmative and 13 voted in the negative, with 10 being absent, and accordingly the Joint Resolution was **ADOPTED**.

Sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1287) (L.D. 1847) Bill "An Act To Clarify the Unemployment Laws Relating to Subcontractors" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-937)**

(H.P. 1351) (L.D. 1910) Bill "An Act To Create Employment Opportunities for People with Disabilities" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-938)**

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. 693) (L.D. 1776) Bill "An Act To Establish the Maine Agricultural Drought Protection Act" (EMERGENCY) (C. "A" S-540)

(H.P. 1459) (L.D. 2064) Resolve, Regarding Legislative Review of Portions of Chapter 33: Home Day Care Provider Rules, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1368) (L.D. 1951) Bill "An Act To Establish Guidelines and Criteria for Audits Conducted by the Department of Health and Human Services" (C. "A" H-933)

(H.P. 1390) (L.D. 1983) Resolve, Directing the Department of Health and Human Services To Develop a Model for Community-based Therapeutic Living Settings for Adults with Mental Illness (C. "A" H-932)

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

(S.P. 804) (L.D. 2063) Bill "An Act To Clarify the Use of Dedicated Funds for the Preservation of Deeds Records" (C. "A" S-538)

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

The Unanimous Committee Report was **READ**.

On further motion of the same Representative **TABLED**, pending **ACCEPTANCE** of the Committee Report and later today assigned.

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

Bill "An Act To Amend the Motor Vehicle Laws"

(H.P. 1306) (L.D. 1866)
(C. "A" H-849)

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

On motion of Representative COLLINS of Wells, was **SET ASIDE**.

The same Representative **PRESENTED** House Amendment "A" (H-891), which was **READ** by the Clerk.

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

Representative COLLINS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment quite simply requires a person who is applying for a Maine driver's license to show proof of citizenship to this country, the United States of America. If they are here illegally and cannot show documentation, whether they are here legally, or they have documentation stating that they are here legally they cannot apply for a Maine driver's license and will be denied.

In today's society, a driver's license has a dual purpose. It enables the owner of a driver's license, regardless of the state of issue, to operate a motor vehicle. Above and beyond that, in today's society, a driver's license is a form of national ID. If you travel at all, across this great nation you will be required to show proof of citizenship and who you are. Pardon me, not proof of citizenship; you will be required to show proof of who you are. Most people accept a driver's license with a picture on it as proof of ID and to prove that you are, in fact, this person.

A driver's license today has become a national ID. I say that again only because that is a fact. When traveling across this great nation you have to show it repeatedly. If a Maine driver's license or any driver's license issued by any state in the United States is issued to a person who has intentions of harming us as a terrorist believe me they are here. Mr. Speaker, I apologize for this, but there are people in this world who want to kill us. There are people in this world whose main goal is to harm us and to kill us. If they have a driver's license obtained illegally or from a state that doesn't care and issues it they can board an airplane because that is the proof that is required when you board an airplane.

Without going into all the details of 9/11, believe me that's what happened that day, they boarded an airplane – one of them did it in Portland, Maine with a state of Florida license. We have to be very careful for our own security here within state boundaries of the great State of Maine as well as the rest of the nation. It has to start somewhere to prevent people who are not in this country legally for having a national ID, a Maine driver's license. It has to start here, Ladies and Gentlemen, in the House of Representatives, to put a stop to this once and for all.

People back home, our constituents; the people who put us here in this House of Representatives already think that this is a

foregone conclusion, they already think that this is a requirement. I am saying today that it is not a requirement until we pass the law through this amendment. I urge you to vote for this amendment, to adopt it and make it part of Maine law. Thank you Mr. Speaker.

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

Representative PARADIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With all due respect to my good friend the Representative from Wells, this amendment is redundant. It is not needed to prevent undocumented persons from obtaining a driver's license or a state ID card. LD 763 an enacted in 2005 already achieves that end. Under LD 763, no one can get a Maine driver's license or ID card unless he or she has a Social Security number or a letter from the Social Security Administration confirming that he or she is not ineligible for one. Undocumented individuals are not eligible for Social Security numbers and are also unlikely to declare their undocumented status to a Social Security administration employee in order to get a letter confirming that.

Since they will not have valid Social Security numbers or letters confirming their ineligibility LD 763 already prevents undocumented persons from getting driver's licenses or state IDs. The amendment will put the state at risk of costly lawsuits. This amendment will turn the Bureau of Motor Vehicles employees into federal immigration agents without proper training and will invite racial profiling and discriminatory application. It will inevitably lead to improper denials of driver's licenses to persons legally residing in the US, due to the complexity of understanding the more than 60 categories of non-immigrant visas and dozens of other valid legal statuses. The amendment will also put Maine at risk of losing potential federal funds. A new federal law – the Real ID Act – sets national standards that require proof of immigration status from driver's license applicants. The Real ID Act provides federal funding to states to help defray the costs of implementing the standards by the 2008 deadline. If Maine acts on its own to require proof of immigration status the state will be in a weaker position to ask the federal government to reimburse it for the cost of implementing new federal standards. Also, the amendment will not make Maine safer from terrorism.

While the good Representative from Wells claims that his amendment will make us more secure, in reality it would do nothing to prevent native born terrorists such as Timothy McVeigh or foreign terrorists with valid visas such as the 9/11 terrorists from getting a Maine driver's license. Finally, the amendment will result in more unlicensed and uninsured drivers on Maine's roads. Those who are improperly denied drivers licenses will likely continue to drive because the rural nature of Maine practically requires that persons drive in order to live and work. Our roads will be less safe as a result and for all of these reasons the amendment should be defeated. Vote no on this one. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Brown.

Representative BROWN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support this amendment, (H-891). I think that Maine is one of eight states to give driver's licenses to those that are here illegally and, as has been stated before, it is essentially a national ID. If any of you included in your constituent surveys any questions about this I expect that your results are probably going to be the same as mine. They were overwhelmingly in support of not issuing driver's licenses to those that don't have proper documentation.

Common sense would dictate that when a person's visa or other documentation runs out you would expect that their driver's

license would run out. So, again, I think that this is just a very common sense bill. There are a lot of scare tactics about what could happen, but it just makes common sense that when a person is here illegally then they shouldn't have a state drivers license. Thank you.

Representative **MARLEY** of Portland of Portland moved that **House Amendment "A" (H-891)** be **INDEFINITELY POSTPONED**.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the passion that the good Representative from Wells brings to this. Ironically enough we actually had this exact language in a bill called LD 501 that we passed in this body, I believe unanimously and, at that time, the good Representative actually voted for language different then the current language. Actually, excuse me there was one member of the community that did support that. The reason why is that, first of all, this is a large fiscal note to the Secretary of State's Office. Is that reason enough not to support protecting people? Absolutely not. The reason why however, is that he spoke of the 9/11 terrorists even when the legislation, as proposed in this amendment, many would still have licenses. This is truly a federal issue. He mentioned Real ID and he is absolutely right. This is a national form of ID. They are working on the Real ID Act. Unfortunately, that hasn't come to fruition. He is looking for a stopgap. Well this Legislature has given us two stopgaps to address the issue. This is a concern to many people and that is why we have dealt with it twice.

This body, in the first regular session, passed LD 763 which requires a person to bring a Social Security card in for documentation or a letter from Social Security saying that they are not eligible for a Social Security card. Then, when we passed 501 that requirement basically put the onus on the individual, the personal responsibility of the person who is coming in to get a license and it said that we would accept no expired documentations, foreign or domestic. The reason there was basically the difficulty with immigration law. Immigration lawyers and judges across the country will tell you that not every immigrant, even those who are here legally, can prove that they are here legally. "Verifying proof of documentation", I am reading from testimony, "is challenging and will lead the Bureau of Motor Vehicles to do immigration policy." I jokingly say that I was born in Westbrook and I don't trust them to get my license right all of the time. If any of you have had constituents calling you about the three or four hour waits at the BMV, wait until this law takes effect because it is going to move things even farther behind because we are asking the BMV to do immigration law. There are over sixty different statuses that allow people to be in this country legally. They can range from carbon copy filing receipts to court order and paper copies without photos, to letter sized filing receipts. You even can have an expired visa that might say expires in August 2006 in the country of Canada, but the immigration office at the federal level is so far behind that they actually put something in the federal register saying to accept these expired visas for another year. That is when we put the onus on the individual so that the Bureau of Motor Vehicle employees would not constantly be trying to update themselves on what is going on at the federal level. Back in December 60,000 green cards had to be recalled because of a computer glitch. This is a federal issue. We have addressed this twice. This is an issue that is looking at a solution that is going to create more problems, is not going to make us safer and is expensive. We have addressed this twice and I hope that you will support the Indefinite Postponement. Thank you.

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

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

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

Representative **CUMMINGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If this amendment were to go through would that mean that Matt Dunlap would be able to tell me whether I am a true American or not?

Representative **COLLINS** of Wells **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-891)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-891). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 436

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

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

ABSENT - Bishop, Brown R, Canavan, Dugay, Hotham, Kaelin, Moore G, Patrick, Stedman, Thomas.

Yes, 73; No, 68; Absent, 10; Excused, 0.

73 having voted in the affirmative and 68 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-891)** was **INDEFINITELY POSTPONED**.

Subsequently, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

ENACTORS

**Resolve Pursuant to the Constitution
Public Land**

Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands

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

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

On motion of Representative **CUMMINGS** of Portland, **TABLED** pending **FINAL PASSAGE** and later today assigned.

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 (8) Ought to Pass as Amended by Committee Amendment "C" (H-748) - Minority (5) Ought Not to Pass - Committee on LABOR on Bill "An Act To Prohibit the Use of Foreign Labor Unless a Federal Prevailing Wage Is Set"

(H.P. 873) (L.D. 1276)

TABLED - February 14, 2006 (Till Later Today) by Representative SMITH of Van Buren.

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

On motion of Representative SMITH of Van Buren, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (S-453) - Minority (3) Ought Not to Pass - Committee on TAXATION on Bill "An Act To Offer Financial Institutions an Option for Payment of the Maine Franchise Tax"

(S.P. 678) (L.D. 1761)

- In Senate, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-453).

TABLED - February 28, 2006 (Till Later Today) by Representative WOODBURY of Yarmouth.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

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

Representative **WOODBURY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is an economic development bill. It is designed to make it more attractive for certain types of financial institutions to locate and expand their management and backroom operations in Maine. Thank you.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill seeks to create a greater tax benefit for the banking and financial institutions in this state. There is a question as to how badly it is needed. You will recall that the State of Maine has a unique scheme of taxation for its banking and financial institutions. It taxes banking and financial institutions at 1 percent of net income. Compare that with any individual in the State of Maine who will pay up through 8 percent. Compare that with any other corporations who pay over 8 percent and you can see, already, what a benefit is being given to the banking and financial institutions. I think, when we consider the tax burden on the rest of the payers in the state compared to the banks and financial institutions we see that this is not necessary. There is a further aspect of this pending bill in front of you that is rather troubling. The argument was that somehow this would attract out of state financial institutions and that was the reason for it. Well, when you look at the bill, it is retroactive to January of 2005, so

obviously hiding there in the bushes somewhere is a benefit for some institutions that are already here in Maine. The whole point is how much of a greater benefit do you give to that taxpaying segment of the state which has got the greatest benefit of all right now and how can we look our other taxpayers in the eye and say that we didn't do much for you but we went and decided to give an even greater tax break to that group which has the best tax break in the nation. I urge you to vote against this and not make Maine's tax unfairness be any worse. 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. Earlier today we had a long discussion about the impact of decisions that are made here in the State House on Maine business and I would like to proceed along that line. Another thing, most of you will agree with me that when we have a fiscal note on most bills from Maine Revenue Services it is usually a pretty huge one. Let me tell you what Maine Revenue Services had to say about this one. Maine Revenue Services testified that enactment of this legislation would result in nominal administrative costs, which can be absorbed within current budgetary allotments. They further testified that the tax percentage in the proposed alternate method was designed to be revenue neutral and would thus have no impact on state revenues. According to the Department of Economic and Community Development, this proposal would increase the appeal of Maine as an attractive place to locate financial services jobs and retain the integrity of the existing tax structure, which has been a predictable source of income for the state for nearly 20 years. The proposed option would encourage economic development within the financial services industry by offering an option to financial entities considering operations in Maine that better fit their businesses. Mr. Speaker and Ladies and Gentlemen of the House please vote with me on the pending motion and, Mr. Speaker, when the vote is taken I would request a roll call.

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

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

The **SPEAKER**: 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 urge you to vote against the Majority Ought to Pass as Amended Report for a number of reasons. We were briefed by members of the executive body and we were given so many vague "It might happen," "We don't have anybody in the wings, but maybe one day," and "Gee wiz, it's not going to apply to any of the existing banks that are here now." The retroactive clause tells me different. The retroactive clause tells me that this is not going to be a benefit to the mom-and-pops in this state. What we are talking about, Ladies and Gentlemen, so you understand very clearly, we are talking about the Merrill Lynch, the FW Wentworths and all of the big financial houses that manage and charge you for your retirement investments. Every time that you call and want to do something with your 401k, whether you want to roll it over or do this or do that there is a fee that is assessed and you pay very dearly for it. We are talking about taking a company or companies from around the world and inviting them to come to Maine with the incentive of a tax discount so that they can charge the people in Maine to manage their funds. This is not a good thing. This is not a small business bill. This is a big business bill that the financial institutions would love to see come

into Maine. So, to quote the administration's briefing that they gave us on this, "So that they can open up a backroom operation." Well, you know when I think of backroom operations I am not thinking of something that is up on a level playing field for everybody to understand. I urge you to vote to defeat this and let's go on and continue to bury this piece of legislation. 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. When I went home to campaign last week I knocked on a door and this lady answered and she could barely see. She told me that she needed glasses, but she could not afford \$200 for her glasses. She is in her 80s and she lives in her little apartment. She doesn't complain. She doesn't ask for anything and we can't help those people and we are going to give a tax break to the rich. Merrill Lynch - this little old lady didn't have any money invested with Merrill Lynch. She worked hard all her life. She is living on Social Security. There is no way for her to grow her economy and now you heard that we are already taxing the financial institutions lower than most states. There is no guarantee that they will come if we do this. This is something that I will not support. We need to help our own and these financial institutions are doing quite well without a tax break. Thank you.

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

Representative **BIERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Having sat here and listened to many floor debates about reports where some are strong and some are weak, I would just like to remind the body that this is a 9-3 report and tax policy is not an easy topic. It is not one that we can just digest in a few minutes here. My understanding of committee work is that you put people in a place to get into the minutia, to get into the fine details of these bills, and we have worked hard on many of these reports, and this is a strong report and I would hope that the body would trust Taxation's ability to make good judgments and to work toward good policy. I hope that you would support this 9-3 report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In response to my good friend Representative Bierman's remarks concerning committee work. I agree with everything that he said. You should trust committee work and a 9-3 report is important and does have significance. However, as being one of the three reporting against this bill it is incumbent on me to remind you or to point out to you that the information provided to us on this bill came from the Department of Economic and Community Development and no where else. That information was also questionable. As a matter of fact, the lead witness for that department could not tell us if the bills term "financial institutions" meant banks or not. His briefing was shy of any information that was useful so we had to look beyond it. In fact, what this is is an inducement for financial institutions to come to Maine. The tax breaks offered to these financial institutions by other states have been significant and have attracted the Merrill Lynchs of the world. Maine cannot do a whole lot better because the financial institutions in Maine already enjoy, and have enjoyed since 1984, a significant tax break. As you may know financial institutions and banks currently pay a 1 percent fee with regard to their income in the State of Maine and about 4 mils on their assets in the State of Maine. If they paid normal corporate income taxes

like every other business in the State of Maine, they would be paying between three and four times as much as they pay now and as they enjoy now.

Maine Revenue Services was asked to craft this new calculation on a tax break for banks in order not to encourage present banks and financial institutions in Maine to not take this option. In other words, they had to come up with a financial formula that current banks that are already here would elect to stay with the current taxation rather than take this new formula in the future and they did. The problem is that there is nothing in this statute to prevent Maine banks from taking this option and taking this new tax break if and when it appeals to them or becomes a financially advantageous for them to do so. For instance, should this body ever have the nerve and the power to look at the tax breaks given to financial institutions since 1984, and perhaps consider raising that one percent income tax to maybe a one and a half percent income tax, then maybe existing banks in Maine would have good reason for taking the new option that this new bill would grant. So of the 140 institutions that we currently have in Maine paying the lowest corporate tax rates of any businesses in this state they would be afforded yet another opportunity to continue that low tax rate and prevent you, this body, from increasing their income taxes in the future.

The whole question about retroactivity was not answered by DECD. They couldn't tell us why they decided to make this bill retroactive to January '05. They could not tell us the difference between financial institutions and banks. They could not justify Maine Revenue Services formulation of this other than to say that they don't want to tempt the current banks and financial institutions in the state to take advantage of the option. This is only to invite backroom operations from the large banks. The large banks want to pay franchise tax here in Maine based on their assets here in Maine and, Ladies and Gentlemen, with the kind of business that this would attract, the assets held in Maine would be four or five desks, a couple of telephones and a computer and eight or nine guys behind those desks running that operation. It is a loss for Maine. It doesn't bring new business to Maine. What it does is tell our taxpayers, if you are a high roller we will give you a break. Come to Maine and we will call it good. This does not apply to MBNA, or other credit card services or the telephones. This is not that kind of business at all. That is where the distinction of financial institution comes into regard. We are not talking about trying to save great employers with great jobs like MBNA, we are talking about inviting Merrill Lynchs to come in and open up a six or eight man office in Portland and rent a floor from somebody and avoid having to pay their appropriate and fair share of taxes here in Maine. I encourage you to defeat this bill now that you know something more about it than the Taxation Committee did when it voted it out of committee. Thank you Mr. Speaker.

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

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill was introduced by the Department of Economic and Community Development. I wish that the BRED Committee had seen some of what they had proposed and we had some idea of what they were going to present that would be a business attraction or economic development effort. I will agree that, at least to this caucus anyway, the explanation given in describing the merits of this bill could have been much better, especially in regards to retroactivity. We did have some understanding the second or third time around that there is no business currently in the State of Maine that would benefit from this proposal and that the dates used are actually to try and clarify business years and when

businesses would be available to use this methodology to determine how they would pay their tax. What this bill proposes is that a business would have the option of either paying taxes based on their income or on their assets and the businesses that the Department of Economic and Community development are trying to attract in this effort are financial service organizations not necessarily traditional banks. Again, I will admit that it wasn't as clear as it could have been, but that was the intent. Now there has been some concern expressed that existing businesses would go over to this bill or at least what it proposes and take advantage of what might be a lower tax situation. We are assured that this is not the case. There is also the discussion that if, for example, our franchise fee was going to increase from one percent to two percent then existing banks might go to this methodology to avoid paying the two percent. However, we don't know whether this would actually be lower than 2 percent or not. I haven't heard any information in that regard and if this proposal is still more than the 1 percent that the state would realize then even if it does go to 2 percent there will still be an increase in revenue to the state because it is higher than what it would be now. So I would urge my fellow Representatives to support this bill. I believe that it is a reasonable approach to try and attract more business to the State of Maine and business that will provide higher paying salaries that would have a multiplier affect in the areas in which the businesses would choose to locate.

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

Representative HUTTON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I really don't want to repeat what Representative Watson said because he said it so eloquently that it would be hard. But I just want to remind people of the vagaries of this. We don't know who it would attract, we don't know what those jobs would be. We don't know what those jobs would pay and it reduces revenue in the future that we don't know how much we would actually get. I can't convey to you how little information was provided to us by the department. If there was any solid information that this would actually bring in good paying jobs and solid operations that would actually stay in this state I would vote for it, but we don't know. Thank you Mr. Speaker.

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

ROLL CALL NO. 437

YEA - Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Blanchard, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant-Deschenes, Cain, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressesey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Duprey, Eberle, Edgecomb, Emery, Faircloth, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Hall, Hamper, Hanley B, Hanley S, Hogan, Jackson, Jacobsen, Jodrey, Joy, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Marean, Marley, Marraché, McCormick, McFadden, McKane, McLeod, Merrill, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Ott, Paradis, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Sykes, Tardy, Thompson, Trahan, Tuttle, Webster, Woodbury, Mr. Speaker.

NAY - Adams, Blanchette, Bliss, Bryant, Burns, Craven, Dunn, Duplessie, Eder, Finch, Grose, Harlow, Hutton, Jennings,

Makas, Mazurek, Miller, Norton, O'Brien, Percy, Richardson E, Smith W, Twomey, Valentino, Walcott, Watson, Wheeler.

ABSENT - Berube, Bishop, Brown R, Canavan, Gerzofsky, Hotham, Kaelin, McKenney, Moore G, Patrick, Stedman, Thomas, Vaughan.

Yes, 111; No, 27; Absent, 13; Excused, 0.

111 having voted in the affirmative and 27 voted in the negative, with 13 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-453)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 5, 2006.

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

Bill "An Act To Amend the Maine Health Data Organization Laws Regarding Dental Services"

(S.P. 677) (L.D. 1760)
(C. "A" S-515)

TABLED - March 31, 2006 (Till Later Today) by Representative PINGREE of North Haven.

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

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

ROLL CALL NO. 438

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

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

ABSENT - Berube, Bishop, Brown R, Canavan, Hotham, Hutton, Kaelin, Koffman, McKenney, Moore G, Patrick, Stedman, Thomas.

Yes, 74; No, 64; Absent, 13; Excused, 0.

74 having voted in the affirmative and 64 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended** in concurrence. **ORDERED SENT FORTHWITH**.

An Act To Strengthen the State Purchasing Code of Conduct Laws

(S.P. 686) (L.D. 1769)
(C. "A" S-499)

TABLED - April 3, 2006 (Till Later Today) by Representative BARTSTOW of Gorham.

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

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

ROLL CALL NO. 439

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

ABSENT - Bishop, Brown R, Canavan, Clough, Dugay, Fisher, Hotham, Kaelin, McFadden, Moore G, Patrick, Rines, Stedman, Thomas.

Yes, 77; No, 60; Absent, 14; Excused, 0.

77 having voted in the affirmative and 60 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

**CONSENT CALENDAR
First Day**

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

(S.P. 271) (L.D. 816) Bill "An Act To Prohibit Changing the Flow of Water on Another's Land" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-542)**

(S.P. 658) (L.D. 1741) Bill "An Act To Encourage Reporting of Potential Fraud in State Government" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-543)**

(S.P. 694) (L.D. 1777) Resolve, To Direct the Department of Environmental Protection To Consolidate the Management of Solid Waste Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-545)**

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

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

(S.P. 815) (L.D. 2084) Bill "An Act To Clarify the Taxable Status of Parts Provided under a Service Contract" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-551)**

(H.P. 1454) (L.D. 2058) Bill "An Act To Allow Heavy Equipment To Be Moved during Nighttime" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-942)**

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

Bill "An Act To Increase the Salary of the Governor"

(H.P. 1349) (L.D. 1908)

Report "C" (1) **OUGHT NOT TO PASS** of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** in the House on March 29, 2006.

Came from the Senate with Report "B" (4) **OUGHT TO PASS AS AMENDED** of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-897) in NON-CONCURRENCE.**

The House voted to **ADHERE.**

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

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In reference to roll call 437 on LD 1761, had I been present I would have voted nay.

The House recessed until 12:15 p.m.

(After Recess)

The House was called to order by the Speaker.

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

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 Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-910)** - Committee on **TAXATION** on Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the Circuit Breaker Program"

(H.P. 1426) (L.D. 2025)

TABLED - March 30, 2006 (Till Later Today) by Representative **WOODBURY** of Yarmouth.

PENDING - Motion of Representative CLARK of Millinocket to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

Representative TRAHAN of Waldoboro **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 Augusta, Representative Lerman.

Representative **LERMAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak in favor of this motion and to just give you a little bit of background information. This is one of the recommendations of the livable wage commission. As I have mentioned to members of this body before, we looked at a wide range of issues that were important to working people in this state and we identified a number of different recommendations in a variety of areas including the need to invest more in research and development and education as well as childcare and a variety of other things including public transportation. This is one of three bills that we reported out regarding tax policy and this is an area that we believe is very important and that there are a number of folks who earn less than a livable wage who could potentially lose their homes because the taxes on their homes have gotten to the point where they cannot afford to pay the taxes any longer. Because their wages don't give them the wages necessary to make ends meet including paying their property tax bills.

I do want to say some general things though. When we discussed a previous recommendation of the livable wage commission, which were the changes in the earned income tax credit the point was made that we shouldn't make false promises and that we should not build up expectations. At the same time I would say that it is easy for us to say what we can't do and it is sometimes rare that we say what we are committed to, whether we can do it at that point in time or not. I would suggest to you and hope that you would vote accordingly in favor of this ought not to pass. This is an important message to send to the taxpayers of this state and that is that we do care about their ability to keep their homes. We do care about making sure that the tax policy is fair and that it is sensitive to the needs of low and moderate income families in our state and that we are committed to comprehensive tax reform, this being a piece of that.

I have been around for four years and was actually foolish enough and one of the few willing to admit that I actually volunteered to be on the Taxation Committee. So if any of you ever had any doubt about me that probably is the final nail in the coffin. Volunteering to be on the Taxation Committee is something I will let speak for itself, but it was out of hope that we could do something that would be significant in this state and that we would be able to accomplish as a body something that hasn't been accomplished for decades quite frankly. This is symbolic of that. It is time to send through this bill and others that will be before us having to do with tax policy that we are committed to tax reform, that this is a part of it and that this is what we promised to the people of the State of Maine. Whether or not we can fund it this year this is a very important symbolic vote as to where our values lie and what our commitments are to the taxpayers of Maine. I appreciate your consideration of this and I urge you to vote in favor of the minority Ought to Pass Report and I appreciate your time. Thank you Mr. Speaker.

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. When I spoke on

one of these bills the other day that related to the livable wage concept I reminded everybody that this is not a concept that is universally accepted and we do have a number of bills that are tied to it. This bill would raise the benefit base, which is presently \$3,000 for a single member household and \$4,000 for a two-member household to \$5,000. It would increase the renters program to 22 percent. I would like to remind everybody that last year with LD 1 we raised the benefit base, we raised the amount that was payable to \$2,000 and now we have this concept back to us at a cost of \$20 million for '06-'07, \$23 million for '07-'08 and \$24 million for '08-'09 and would ask you to vote against the pending motion and Mr. Speaker could we have the House Clerk read the committee report.

Representative **CLOUGH** of Scarborough **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 440

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

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

ABSENT - Bishop, Brown R, Emery, Hotham, Kaelin, Moore G, Stedman.

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

73 having voted in the affirmative and 71 voted in the negative, with 7 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-910)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 5, 2006.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-911)** - Committee on **TAXATION** on Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning Conformity with Federal Tax Laws"

(H.P. 1427) (L.D. 2026)

TABLED - March 30, 2006 (Till Later Today) by Representative CLARK of Millinocket.

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

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. Again the same remarks that relate to this particular series of bills pertains to this one also. I won't take a lot of time, but this bill has been amended and the amendment would allow a tax credit to every resident taxpayer, non-resident taxpayer and part of the year resident taxpayer with a fiscal note of \$47.5 million in '06-'07 and \$185 million in '07-'08 and \$186 million in '08-'09. I would ask you to vote against the pending motion and I would request a roll call.

Representative **CLOUGH** of Scarborough **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 Augusta, Representative Lerman.

Representative **LERMAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Similar to the good Representative from Scarborough's comments you have heard my comments before. It is probably unlikely that there is enough money on the table to fund this bill, but, at the same time, it is symbolic. I think that we all would prefer to see more federal tax conformity than is currently the case, especially those aspects of the federal tax code that really do effect low to moderate income families. So I urge your support for this bill again as a symbolic measure. This is about creating a politics of possibility. This is about telling people what we are committed to creating over time. We are not saying that it will happen tomorrow, but we are saying that it provides a direction and it gives people a sense of hope and possibility for what we as a body can provide for direction in this state as opposed to saying, well, sorry, this is yet another thing that we can't do. Even though it makes sense to us we simply don't believe that it is the right thing to do at this time. It is time, I suggest, to get beyond that and to let the people of the State of Maine know what we are committed to as opposed to our willingness to not do anything. 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 will be supporting this, however I am tired of having symbolisms. I want to deliver the real thing. We just gave corporations a tax break and I think it is time that we start thinking about the people we represent. 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. 441

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

NAY - Annis, Austin, Beaudette, Berube, Bierman, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra,

Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Finch, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Lansley, Lewin, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moody, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Trahan, Vaughan, Woodbury.

ABSENT - Bishop, Brown R, Emery, Farrington, Hotham, Kaelin, Moore G, O'Brien, Stedman.

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

69 having voted in the affirmative and 73 voted in the negative, with 9 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

On motion of Representative **BABBIDGE** of Kennebunk, the House adjourned at 1:11 p.m., until 9:00 a.m., Wednesday, April 5, 2006.