

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Regular Session**

April 7, 2006 - May 24, 2006

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
SECOND REGULAR SESSION  
45th Legislative Day  
Friday, April 28, 2006

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

Prayer by Honorable Herbert Adams, Portland.  
National Anthem by Donna Campion, Wilton.  
Pledge of Allegiance.  
The Journal of yesterday was read and approved.

**COMMUNICATIONS**

The Following Communication: (H.C. 451)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

April 27, 2006

Honorable Beth Edmonds, President of the Senate  
Honorable John Richardson, Speaker of the House  
122nd Maine Legislature  
State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 78 An Act To Fund the Acquisition of Land by the Land for Maine's Future Board from the General Fund
- L.D. 198 An Act To Enhance the Role of the Fogler Library as the Research Library for the State of Maine
- L.D. 544 An Act To Ensure Statewide Access for Schools and Libraries to On-line Reference Materials and Periodicals
- L.D. 844 An Act To Authorize a General Fund Bond Issue to Stimulate Maine's Economy
- L.D. 997 An Act To Authorize a General Fund Bond Issue To Match Available Federal Funds To Repair and Upgrade Maine National Guard Armories
- L.D. 1035 An Act To Authorize a General Fund Bond Issue To Provide Funds for the Land for Maine's Future Program
- L.D. 1311 An Act To Preserve the Integrity of the Fund for a Healthy Maine
- L.D. 1703 An Act To Provide Supplemental Funding for Mileage Reimbursement for Volunteers for the Meals on Wheels Programs
- L.D. 1737 An Act To Provide Funding for the Construction of a Regional Career Center
- L.D. 1960 An Act To Authorize a General Fund Bond Issue To Create a Block Grant Program To Promote Economic and Cultural Development

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Margaret Rotundo  
Senate Chair  
S/Rep. Joseph C. Brannigan  
House Chair

**READ and ORDERED PLACED ON FILE.**

Representative SHIELDS of Auburn assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

**ORDERS**

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 62)

ORDERED, that Representative Richard D. Blanchard of Old Town be excused Friday, April 14th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative James M. Schatz of Blue Hill be excused Friday, April 14th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Deborah L. Simpson of Auburn be excused Thursday, April 6th and Friday, April 7th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Vaughn A. Stedman of Hartland be excused Monday, March 27th, Tuesday, March 28th, Wednesday, March 29th, Thursday, March 30th, Friday, March 31st, Monday, April 3rd, Tuesday, April 4th, Wednesday, April 5th, Thursday, April 6th, Friday, April 7th, Monday, April 10th, Tuesday, April 11th, Wednesday, April 12th, Thursday, April 13th and Friday, April 14th for health reasons.

**READ and PASSED.**

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the Junior League of Portland, on its more than 80 years of community service to the people of Maine's largest city, Portland. The Junior League is a nonprofit organization of women committed to promoting voluntarism, developing the potential of women and improving the community through the effective action and leadership of trained volunteers. Since 1922, the Junior League of Portland has been actively involved in numerous projects. It founded the Children's Museum of Maine, the Children's Theatre of Maine and the Parenting Center at the University of Southern Maine. It initiated the first school volunteer program in Maine and Project Kids in Safe Seats, which led to the passage of legislation mandating the use of seat belts. Members of the Junior League of Portland restored rooms at the Sweet Mansion, Daniel-Howe House and Victoria Mansion. The Junior League of Portland was a charter-funding source for the Center for Grieving Children and the Preble Street Resource Center. We acknowledge the remarkable contributions of the Junior League of Portland to the community. Its work exemplifies the Maine character, and we congratulate the Junior League of Portland on its success through many years of service;

(HLS 1895)

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

On **OBJECTION** of Representative CUMMINGS of Portland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**Recognizing:**

Louise Kiesow, of Augusta, who is retiring as Special Assistant in the House Majority Office. Ms. Kiesow has worked in state government for 26 years. She began her career in the Department of Agriculture in 1979 and came to the Legislature as a Legislative Aide in 1989. She has been a Special Assistant since 2000. Her institutional knowledge and attention to detail have made her an invaluable asset to the House Majority Office for more than 17 years. She is respected and well-liked by all her coworkers and is known for her effective leadership, even under the most trying of circumstances. Louise has filled a niche in the House Majority Office as an ambassador to the County and to the French-speaking delegations and she has been a friend and confidante to many. We acknowledge her dedicated service to the State and send her our best wishes in her future endeavors;

(HLS 1898)

Presented by Representative DUPLESSIE of Westbrook.

Cosponsored by Senator MITCHELL of Kennebec, Representative DAVIS of Augusta, Representative LERMAN of Augusta, Representative BROWNE of Vassalboro, Representative ADAMS of Portland, Senator ANDREWS of York, Representative ANNIS of Dover-Foxcroft, Representative ASH of Belfast, Representative AUSTIN of Gray, Representative BABBIDGE of Kennebunk, Representative BARSTOW of Gorham, Senator BARTLETT of Cumberland, Representative BEAUDETTE of Biddeford, Representative BERUBE of Lisbon, Representative BIERMAN of Sorrento, Representative BISHOP of Boothbay, Representative BLANCHARD of Old Town, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOWEN of Rockport, Representative BOWLES of Sanford, Representative BRANNIGAN of Portland, Representative BRAUTIGAM of Falmouth, Senator BRENNAN of Cumberland, Senator BROMLEY of Cumberland, Representative BROWN of South Berwick, Senator BRYANT of Oxford, Representative BRYANT of Windham, Representative BRYANT-DESCHENES of Turner, Representative BURNS of Berwick, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CANAVAN of Waterville, Representative CARR of Lincoln, Representative CEBRA of Naples, Representative CHURCHILL of Washburn, Representative CLARK of Millinocket, Representative CLOUGH of Scarborough, Senator CLUKEY of Aroostook, Representative COLLINS of Wells, Senator COURTNEY of York, Senator COWGER of Kennebec, Representative CRAVEN of Lewiston, Representative CRESSEY of Cornish, Representative CROSBY of Topsham, Representative CROSTHWAITE of Ellsworth, Representative CUMMINGS of Portland, Representative CURLEY of Scarborough, Representative CURTIS of Madison, Representative DAIGLE of Arundel, Senator DAMON of Hancock, Representative DAVIS of Falmouth, Senator DAVIS of Piscataquis, Senator DIAMOND of Cumberland, Senator DOW of Lincoln, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUDLEY of Portland, Representative DUGAY of Cherryfield, Representative DUNN of Bangor, Representative DUPREY of Hampden, Representative EBERLE of South Portland, Representative EDER of Portland, Representative EDGECOMB of Caribou, President EDMONDS of Cumberland, Representative EMERY of Cutler, Representative FAIRCLOTH of Bangor,

Representative FARRINGTON of Gorham, Representative FINCH of Fairfield, Representative FISCHER of Presque Isle, Representative FISHER of Brewer, Representative FITTS of Pittsfield, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Senator GAGNON of Kennebec, Representative GERZOFISKY of Brunswick, Representative GLYNN of South Portland, Representative GOLDMAN of Cape Elizabeth, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative HALL of Holden, Representative HAMPER of Oxford, Representative HANLEY of Paris, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Senator HASTINGS of Oxford, Senator HOBBS of York, Representative HOGAN of Old Orchard Beach, Representative HOTHAM of Dixfield, Representative HUTTON of Bowdoinham, Representative JACKSON of Allagash, Representative JACOBSEN of Waterboro, Representative JENNINGS of Leeds, Representative JODREY of Bethel, Representative JOY of Crystal, Representative KAELIN of Winterport, Representative KOFFMAN of Bar Harbor, Representative LANSLEY of Sabattus, Representative LEWIN of Eliot, Representative LINDELL of Frankfort, Representative LUNDEEN of Mars Hill, Representative MAKAS of Lewiston, Representative MAREAN of Hollis, Representative MARLEY of Portland, Representative MARRACHÉ of Waterville, Senator MARTIN of Aroostook, Senator MAYO of Sagadahoc, Representative MAZUREK of Rockland, Representative McCORMICK of West Gardiner, Representative McFADDEN of Dennysville, Representative McKANE of Newcastle, Representative McKENNEY of Cumberland, Representative McLEOD of Lee, Representative MERRILL of Appleton, Representative MILLER of Somerville, Representative MILLETT of Waterford, Representative MILLS of Farmington, Senator MILLS of Somerset, Representative MOODY of Manchester, Representative MOORE of the Passamaquoddy Tribe, Representative MOORE of Standish, Representative MOULTON of York, Representative MUSE of Fryeburg, Representative NASS of Acton, Senator NASS of York, Representative NORTON of Bangor, Senator NUTTING of Androscoggin, Representative NUTTING of Oakland, Representative O'BRIEN of Lewiston, Representative OTT of York, Representative PARADIS of Frenchville, Representative PATRICK of Rumford, Representative PERCY of Phippsburg, Representative PERRY of Calais, Senator PERRY of Penobscot, Representative PILON of Saco, Representative PINEAU of Jay, Representative PINGREE of North Haven, Representative PINKHAM of Lexington Township, Representative PIOTTI of Unity, Senator PLOWMAN of Penobscot, Representative PLUMMER of Windham, Senator RAYE of Washington, Representative RECTOR of Thomaston, Representative RICHARDSON of Carmel, Representative RICHARDSON of Greenville, Speaker RICHARDSON of Brunswick, Representative RICHARDSON of Skowhegan, Representative RICHARDSON of Warren, Representative RINES of Wiscasset, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Senator ROSEN of Hancock, Senator ROTUNDO of Androscoggin, Representative SAMPSON of Auburn, Senator SAVAGE of Knox, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Senator SCHNEIDER of Penobscot, Representative SEAVEY of Kennebunkport, Representative SHERMAN of Hodgdon, Representative SHIELDS of Auburn, Representative SIMPSON of Auburn, Representative SMITH of Monmouth, Representative SMITH of Van Buren, Senator SNOWE-MELLO of Androscoggin, Representative SOCKALEXIS of the Penobscot Nation, Representative STEDMAN of Hartland, Senator STRIMLING of Cumberland, Senator SULLIVAN of York, Representative SYKES

of Harrison, Representative TARDY of Newport, Representative THOMAS of Ripley, Representative THOMPSON of China, Representative TRAHAN of Waldoboro, Senator TURNER of Cumberland, Representative TUTTLE of Sanford, Representative TWOMEY of Biddeford, Representative VALENTINO of Saco, Representative VAUGHAN of Durham, Representative WALCOTT of Lewiston, Representative WATSON of Bath, Representative WEBSTER of Freeport, Senator WESTON of Waldo, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth, Senator WOODCOCK of Franklin.

On **OBJECTION** of Representative DUPLESSIE of Westbrook, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It gives me a great honor and pleasure to present this sentiment this morning to Louise Kiesow. Louise is a native of Aroostook County and like so many individuals of "The County" she's a hard worker, loyal and faithful employee. Louise is an invaluable part of the House Majority Office, 17 years in the House Majority Office. Like all good managers, she is part coach, psychologist, nurse, teacher, reporter, mentor, best friend, Jill of all trades, referee, reality checker, detail guru and my personal favorite; she operated, often, like a firefighter. She manages to be at the right place at the right time to extinguish small fires before they get out of hand. She has earned the time, now to be a gardener, a world traveler, a recreational reader, that she does enjoy, a home decorator, a jewelry maker, a Grammy, very recently a new Grammy and a fulltime wife to her husband Gary, who retired last year. We all wish Louise the very best for her future endeavors after the State House. We all know that there is life out there, today some of us may doubt that, but we do know there is life after the State House. We wish her so much pleasure and peace in enjoying it. On a personal note "Louise, who's also known as "Weezie" to many that have known her for many years. I will miss her personal friendship and confidence. Often talking to "Weezie" about, sometimes the traditions and practices of the legislative institution that at times we have found frustrating, a lot of times new members trying to explain why certain traditions and certain practices happen the way they happen and yes the process is slow sometimes because democracy is a slow process. We try to impart traditions of this institution to many. Sometimes some don't want to accept it but many do in time. The longer people serve; they do realize why the institution is held so long. It is people like "Weezie" that made that so special. She is so special to so many of us. We wish you the best "Weezie."

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

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. Since Louise is of the French ancestry and is bilingual I'd like to say a few words in French to Louise.

On te félicite pour ton excellent service pour si longtemps. Tu mérites bien ta retraite. On te souhaite bonne santé, Bonheur, et beaucoup de temps libre. Bonne retraite!

To recap in English, We congratulate you for your excellent service for such a long time. We wish you good health, happiness and plenty of free time. Happy retirement! Thank you.

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

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. Louise Kiesow has been one of the

most constant patient and reassuring figures in the halls of the State House for a longer time than most of us have been here. In the age of term limits, when those of us in the chamber rarely amass a constitutional memory beyond our brief 8 years, Louise has worked for 10 majority leaders and been witness to more recessions and bombs and more changes in priorities and public opinion than most of us remember. It's to that experience and her calming and pleasant demeanor that Louise has coached countless legislators, staffers and yes leaders through the most trying of times and helped them to become better rounded and more prepared for the future. That's why it's important today to the time extend our sincere gratitude and mine personally to a friend Louise Kiesow for the 26 years that she had dedicated to the people of Maine. Louise the Maine Legislature thanks you, I thank you, and we honor you today for all your service.

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

Representative **CLARK**: Mr. Speaker, Women and Men of the House. I'd be remiss if I sat in my seat and not say anything on behalf of Louise, I always call her "Louweezie" or "Weezie." I've known her since I've been here over 17 years and I can tell you having her as a staff person at no time did I ever, ever have to check her work, she always had to check mine. She's the backbone, she's the strength, she is an individual that we all love and dear to our hearts, particularly on our side of the aisle and the other side of the aisle, if you know her, you'd feel the same way that we do. She's from the old school, she's a hard worker, and she knows what work is all about. At any given time I used to spend time up there reminiscing of the days of old of our families in Aroostook County and just things in general, from being laid off from work, you name it. Louise was always there to listen to our needs and our concerns. I can honestly tell you from this end of the aisle, we are going to miss "Weezie" tremendously. Everybody can be replaced, but I don't think we'll ever, ever forget the hard work that she gave the State of Maine and the people of this great State and the people of her county. She's extremely family oriented, she's going to be going back home and spending some time up north. She constantly talking about Aroostook County, yes we do speak French now and then. I'm kind of glad the good Representative got up and spoke on her behalf in French. As you know she fluently speaks French and she's one of us a sole person with that. We're going to miss you Louise.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I too want to wish "Weezie" a great life. You know when you come up here and your called "Honorable" this is a prestigious building, but when you have a girl that you can call "Weezie" that's what I love. Truthfully I'm also getting up to speak for my seatmate who can not right now. You're ruining her makeup she said and her heart is too full, but she wants you to know that she's going to be lost without you. She doesn't know who's going to take care of her the way that you did and she is just full of joy for your retirement, but very sad for herself. She thinks the world of you "Weezie," she loves you. We all love you, so good luck, go fishing and do everything you want, you deserve it. Thanks a lot.

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

Representative **TUTTLE**: Mr. Speaker, Women and Men of the House. It is indeed an honor to speak today of the service of Louise Kiesow on her 26 years of public service. The first time I met Louise was when I was serving in the other body and Louise was working for the Department of Agriculture under

Commissioner Bernard Shaw. There are very few people that you meet in Maine State Government who really make a difference in the area of public service. Louise has become like a sister to me and I consider Louise a member of my extended legislative family. Mr. Speaker, Women and Men of the House, as it says in the sentiment here, "She is respected and well-liked by all her coworkers and is known for her effective leadership, even under the most trying of circumstances. Louise has filled a niche in the House Majority Office as an ambassador of the County and to the French-speaking delegations and she has been a friend and confidant to many," including myself. "We acknowledge her dedicated service to the State and send her our best wishes in her future endeavors." May God Bless Louise and the Great State of Maine. Mr. Speaker, if it is in order I would ask that the Sergeant-at-arms escort Louise down the center aisle to the well of the House to receive our congratulations.

The SPEAKER PRO TEM: Representative from Sanford, Representative Tuttle would defer until further remarks are given.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative PERCY: Mr. Speaker, Ladies and Gentlemen of the House. "In song." "Every little breeze seems to whisper Louise." Aren't we lucky when we come up here in both of our offices, both the House and the Senate end that we have folks who are such a core part of our family and Louise is that? Louise is the person that when I go up there and I am distressed, I am outraged, I am at the point of giving up hope and Louise is there to listen and Louise I will be forever grateful for all the Kleenex you have shared with me and all the pats on the shoulders all the hugs and all the encouragement to keep going forward because you believe in the work that we are doing and you are an enormous part of our support system. P.S. Louise will you please come and help us in the bass tournament? Thank you, Mr. Speaker.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House. I certainly am not going to try an attempt to do the little bit of singing like Representative Percy did, but I wanted to get up and give my thanks to Louise and condolences to myself for her not being here any more. I first met Louise four years ago when I got down here after a little while I really got to know her when I had a constituent that had a issue in Canada and needed to speak to someone and they could only speak French and unfortunately I don't speak French. That was how I really got to start to know Louise. Being in a French speaking community it made sense that she became my aide, three years ago and since then she certainly became a great mentor and friend to me. Someone I have looked forward to talking to while we are here and while we are out of session. The three years that we've been together how much she's made me look good in my community is really hard to express to her. She certainly made this common logger look a lot better in a lot of people's eyes and I want to thank her for that, especially because of my schedule she let me call her in the evenings to take care of constituent work and just being there for basically anything I needed. I am going to very much miss her. Fortunately she has family in my area and I hope that I'll be able to see her during most times when she is up, but there is no doubt that I'm going to miss you a lot. Congratulations on retiring, but I'm not as happy as a lot of people are. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and 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 the Junior League of Portland.

(HLS 1895)

Which was **TABLED** by Representative CUMMINGS of Portland pending **PASSAGE**.

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

Representative CUMMINGS: Mr. Speaker, Ladies and Gentlemen of the House. I would like to say something in behalf of the Junior League of Portland. The Junior League this year is celebrating its 80th anniversary and it's a chance for me to publicly and for us to publicly thank them for the tremendous amount of volunteerism, the role that they've played in helping individuals throughout our community those who are disadvantaged, pushing the role of women. Their service for a number of causes that have been tremendous, I think for our community and for our State. They have done things such as helping start the Center for Grieving Children, help move the Preble Street Resource Center and to help Projects in Parenting and projects at the Maine Youth Center. If it is true that the marker of a good life is what you've done to reduce human suffering, this group has made a tremendous organization in doing just that. It is my honor today to offer a legislative sentiment on behalf on their 80th anniversary. Thank you.

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

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**Recognizing:**

Claudette O'Connell, of Brewer, who is the recipient of the Sister Solange Bernier Lifetime Achievement Award given at the Foreign Language Association of Maine Conference. The award recognizes the accomplishments of those who have demonstrated excellence in teaching and leadership in the teaching profession throughout their careers. Mrs. O'Connell has taught French at Brewer High School for 30 years. She has distinguished herself by serving in leadership roles for professional teacher organizations at the local, state and national levels. She is respected as a knowledgeable teacher. We extend our congratulations to her on her receiving this award;

(HLS 1902)

Presented by Representative FISHER of Brewer.

Cosponsored by Representative HALL of Holden, Senator ROSEN of Hancock.

On **OBJECTION** of Representative NORTON of Bangor, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative NORTON: Mr. Speaker, Colleagues of the House. I rise today to recognize one of my very best friends, Claudette O'Connell. Did you hear that, it's a good Irish name, but let me tell you that my dear friend Claudette also comes from Northern Maine. Madame O'Connell is a modern and foreign language teacher, premier at Brewer High School. She and I have something else in common, we both taught at Brewer for many, many years, she for 30 and I for 39 and we both live in Bangor. I need to tell you that everything the sentiment says is truly the truth about Claudette O'Connell. I did have the honor of writing a statement that went into the group that chose the recipient of this award for this year and the things that are said in the sentiment I included and then more. I will tell you she is one of those selfless people who always are trying to make any

situation better than it is currently. She has worked her entire career for the good of her students, for the good of her colleagues and to make education in the State of Maine only better and I just need to tell everyone how proud I am to have been a part of this award and how proud I am to know Claudette O'Connell. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. I'm fortunate enough that my son, who went to St. Dom's allowed me to meet Sister Solange. I would tell each and every one of you that respects a foreign language teacher for what they are able to breathe life into a subject so that the students actually like speaking and learning about that foreign culture. Sister Solange was such a person and I think anyone who has earned that award certainly has put themselves over and above the regular classroom that they have to work in each day. I would certainly honor Claudette O'Connell, who has been able to achieve this award.

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

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The Speaker resumed the Chair.  
The House was called to order by the Speaker.

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**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Resolve, To Lower the Cost of State Government by Approximately \$1,000,000 Annually

(S.P. 457) (L.D. 1330)

Signed:

Senators:

ROTUNDO of Androscoggin  
MARTIN of Aroostook

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-636)** on same Resolve.

Signed:

Senator:

NASS of York

Representatives:

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

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

Representative BRANNIGAN of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative MILLETT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just in brief comments to this bill in terms of what it proposed to do originally and what the Minority Report would do. The title suggests a reduction in the cost of State Government by approximately \$1 million a year. In detail what it does and where it comes from an idea that originated in a bill from the Senator from Androscoggin Senator John Nutting, who looking across all of State Government found substantial increase in the number of direct appointments, people who served at the pleasure of the Governor and are considered in our jargon direct appointments. His proposal was to eliminate a specific number of positions by a date certain, originally within the current fiscal year. The report that is signed onto by the Republican members of Appropriations removes the number 8 and simply asks for a reduction that would roll to a \$1 million in fiscal '07 and thereafter. I know it's a concept that some would support. I ask for your consideration of that report and Mr. Speaker when the vote is taken I ask for the yeas and nays.

Representative MILLETT of Waterford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative BRANNIGAN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope that you will vote Ought Not to Pass on this, it's just kind of a general thing that was put out originally to take out some specific people which was certainly not correct and not certainly anything that we as a whole Committee wanted to do. Now it's just some general, we'll cut, we've been cutting state workers, and we are down on state workers. I don't see just a blanket, you know, save us a \$1 million by cutting a bunch of workers. It's just not a good bill. Thank you, Mr. Speaker.

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

**ROLL CALL NO. 538**

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, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Koffman, Lerman, Lundeen, Makas, Marraché, Mazurek, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgcomb, Emery, Finch, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, Marley, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moore G, Moulton, Muse, Nass, Nutting, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rosen, Saviello,

Seavey, Sherman, Shields, Simpson, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Berube, Dugay, Jennings, Ott, Robinson.  
Yes, 70; No, 76; Absent, 5; Excused, 0.

70 having voted in the affirmative and 76 voted in the negative, with 5 being absent; and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-636)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-636)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

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Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Concerning Multiple-item Bond Issues"

(H.P. 99) (L.D. 123)

Signed:

Senators:

ROTUNDO of Androscoggin  
MARTIN of Aroostook

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1064)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

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

**READ.**

Representative BRANNIGAN of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** 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. I've brought this bill before the legislature for the past two terms and I hope we can get the support to pass it today. Prior to 1998 we never had a multiple bond issue on the ballot. Starting in 1998 there was one bond issue with four items on it and 1999 one with five and 2001

one with 10 and 2002 eleven, that was in June and in November we had another one with 14 and 2003 we had a June ballot with 12 items on the same bond vote and another one in November with seven. So it's really getting worse as time goes by and as you look back over these bonds you'll find items on the bonds for example on the 2002 bond a \$30,000 item that we were going to bond, that should have been a budget item. People did not have a chance to vote on that item, they had to vote on the entire bond, so that item was included in the approved bond. There was another item for \$540,000 still really falls under an expense item, a budget item. As we move along and look at other issues, we've had time and time again \$500,000 items that have not had a separate vote. This has been recognized by many people as a problem as we go around and talk to our votes at the polls. People have asked time and time again of me and I know of other legislators, why can't we vote on individual bond issues, why do we have to vote on a package which has many things in it that we do not approve of. I have a copy of testimony given by Julie Flynn of the Secretary of State's Office in 2003 when this same bill was before the legislature and she says quote, "In recent years the Legislature has changed the format of some of the bond issues from the traditional paragraph format to a multiple part format with several numbered items. Although some voters have told us that this format makes it easier for them to see where the money will be spend other voters have complained that they should be able to vote on each part of a multiple part bond question separately since they may have a difference opinion than another." There is a fiscal note on this bill and it's, I'll read from the fiscal note, it says, "if the number or size of the referendum question increases the ballot length an additional appropriation of \$8,000 or more may be required." So in other words, this isn't a bill that will break the bank and it is something that would make your voters very happy. So would you please join with me in voting against the proposal that's before us.

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

Representative BRANNIGAN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill to me is vague; it's not sure what we can put together, what we can't put together. It is related regional or not, it is only by some subject, what subject. We have many water bills of different kinds coming and going, sewer and water and drinking water, etc. Do they all go together or not, who is going to make that decision? What about your part of the State, if you're going to have something in a port, what port is it going to be in? Is it all ports, is it only Searsport or Port-land or East-port, maybe those could be judged together. I just think that it is too vague and I believe that something wrong happened when one of those numbers of bonds were put together and I certainly regret that. That doesn't mean that we should be tied to having every single bond. As far as the appropriations is concerned that is a typical appropriation on anything dealing with bonds. I ask you to support the Ought Not to Pass report. Thank you, Mr. Speaker.

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

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I voted in Committee with the Ought to Pass report, the Minority Ought to Pass, however, I had worked on an amendment last year, with a little bit of egg on my face I rise to say that I'm probably going to change my mind and vote with the Majority on this because I don't believe the language in front of you is sufficient to effect the purposes of the good gentleman from Scarborough wishes to achieve. I had worked on an amendment; it is not before you and



probably won't be before you given the time frame. What we wanted to do was talk about categories of bonds, education, environmental, highway bonds and that kind of thing. Unfortunately, I think everyone agreed that last year when we first dealt with this bill last year, we spent many hours on it actually. The current language was not sufficient to achieve the objective intended and so I will be voting against the bill and with the Majority Ought Not to Pass because the terms unrelated simply aren't defined as we had wished them to be. I'd be happy to work on this if I get back here next year, and do a better job of it. Thank you. I apologize to the gentleman from Scarborough.

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. Last campaign cycle this was the constant complaint I heard about lumping together of the bond request on the referendum ballot. People like to be able to have the opportunity to pick and choose what bond issue they want to support by their vote. I constantly hear this complaint, all the time, back in my district. They complain about the fact that they don't have a choice, lumping these together. Sometimes they'll vote for it. They know darn well they don't want to vote for it, but there's something in that lumping together that they go ahead and vote for it. Let's give the people back home an opportunity to pick and chose which bond package they want to support, leave them separated, let them choose. I'm sure that there is not a member of this Maine House of Representatives that hasn't heard that complaint one time or another whether you're doing your doors during your campaign cycle, at the supermarket or wherever you may be. I'm sure you've heard this from your constituency, now's the right time to correct it. We've listened to the folks back home, we've listened to their complaints and we're not going to lump these together any longer, we're going to separate them and let them have the choice or deciding which bond package, bond request that they want to support. Thank you.

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

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

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

#### ROLL CALL NO. 539

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

NAY - Annis, Austin, Beaudette, Bierman, Bishop, Blanchette, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Eder, Edgecomb, Emery, Finch, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Hogan, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Pinkham, Plummer,

Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rosen, Saviello, Seavey, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan, Woodbury.

ABSENT - Berube, Gerzofsky, Jennings, Ott, Robinson.

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

68 having voted in the affirmative and 78 voted in the negative, with 5 being absent, and accordingly the Majority Ought Not to Pass Report was NOT ACCEPTED.

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

The Bill was READ ONCE. Committee Amendment "A" (H-1064) was READ by the Clerk and ADOPTED.

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

Under further suspension of the rules, the Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1064) and sent for concurrence. ORDERED SENT FORTHWITH.

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

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#### ENACTORS Emergency Measure

An Act To Enhance the Protection of Maine Families from Terrorism and Natural Disasters

(S.P. 789) (L.D. 2044)

(H. "C" H-1035 to C. "A" S-575)

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

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

On further motion of the same Representative, the House RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-575) as Amended by House Amendment "C" (H-1035) thereto.

On further motion of the same Representative, the rules were SUSPENDED for the purpose of FURTHER RECONSIDERATION.

On further motion of the same Representative, the House RECONSIDERED its action whereby Committee Amendment "A" (S-575) as Amended by House Amendment "C" (H-1035) thereto was ADOPTED.

The same Representative PRESENTED House Amendment "D" (H-1066) to Committee Amendment "A" (S-575) which was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative DUPLESSIE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment is a minor technical amendment that came out of the Legislative Council meeting. This amendment strikes a section from Committee Amendment "A" that altered a transfer of funding, that it instead increases the funding for the Task Force to Study Maine's Homeland Security Needs in order to increase the number of authorized public hearings in fiscal year 2006 and 2007 from one to two. The \$1,000 that will be transferred will come from the Maine Emergency Management Agency. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would ask. Does this amendment still incorporate the portion of the previous amendment that was adopted that we just reconsidered and now we are doing a few other things with it, but that allows an unlimited transfer of money from the rental income and the Maine Military Authority in Limestone? Does this still authorize an unlimited transfer of that money in the case of a disaster? Does it authorize the Governor to do that? Thank you.

The SPEAKER: The Representative from Presque Isle, Representative Fischer has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative DUPLESSIE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In response to the good Representatives question. I believe we were in the Legislative Council the other day we did discuss with the Director of Maine Emergency Management, that he was speaking of transferring \$1,000 out of; I believe it was the Homeland Security Fund account. In response to the question, I'm not 100 percent sure if wasn't out of that account, but it was not unlimited transfer. It was for \$1,000.

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

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to the question of the good gentlemen from Presque Isle, Representative Fischer, having offered the other House Amendment in reviewing the press amendment, it does not change in any way that mechanism.

Subsequently, **House Amendment "D" (H-1066) to Committee Amendment "A" (S-575) was ADOPTED.**

**Committee Amendment "A" (S-575) as Amended by House Amendment "C" (H-1035) and House Amendment "D" (H-1066) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-575) as Amended by House Amendment "C" (H-1035) and House Amendment "D" (H-1066) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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**Emergency Measure**

Resolve, To Establish a Blue Ribbon Commission on Solid Waste Management

(S.P. 694) (L.D. 1777)  
(S. "A" S-623 to C. "A" S-545)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 38 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Establish a Food Policy for Maine

(H.P. 1497) (L.D. 2107)  
(S. "B" S-629)

An Act To Implement Organizational Improvements to the Legislative Youth Advisory Council

(S.P. 856) (L.D. 2114)

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

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**Resolves**

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease for Veterans' Housing the Interests of the State in Hedin Hall at the Dorothea Dix Psychiatric Center

(S.P. 765) (L.D. 1984)

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

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An Act To Safeguard Maine's Highways

(H.P. 1347) (L.D. 1906)  
(C. "A" H-1041)

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

On motion of Representative CURLEY of Scarborough, was **SET ASIDE.**

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

Representative CURLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It's that time of session when our desks are covered with amendments and lengthy debate lingers on about procedural motions. With 200 messages in my in box of my e-mail, 20 messages on my cell phone this morning, I'm beginning to take inventory of what I've really done this session. What have I done to the life better for my constituents, the people of Maine or the State that we love? Passage of LD 1906, the suspended drivers' license bill or "Tina's Law" is something that everyone in this chamber and the other body can be proud of. Through one family's tragedy and their willingness to share their private grief in public, we've identified an important safety and public policy issue which affects our entire State, north and south, urban and rural. For once we're not pitted against each other. The result has been a wonderful collaboration; families, public safety, the administration, the House and Senate and all parties. It's good government. Is the bill perfect? No. I certainly would have liked the sanctions and sentences to be stronger, but it has raised awareness of every one of us and everyone in the State of Maine about the importance of getting suspended drivers off our highways. Suspended licenses have been ignored in the past, but LD 1906, "Tina's Law" clearly states this is no longer acceptable and will not be tolerated by the people of Maine and when the vote is taken, Mr. Speaker, I ask for a roll call.

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

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

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

Representative MAKAS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I personally would like to commend the Representative from Scarborough for her work on this issue. My neighborhood was also affected by a similar tragedy, we lost Mark Blanchette, he was an 18 year old and his family still grieves and they will continue to grieve and this is a

small step toward alleviating the grief of future families. So I want to say, thank you.

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

**ROLL CALL NO. 540**

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, 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, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Berube, Dugay, Gerzofsky, Goldman, Grose, Jennings, Ott, Robinson.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

**UNFINISHED BUSINESS**

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

Bill "An Act Regarding the Sentencing of Persons Convicted of Gross Sexual Assault against Victims under 12 Years of Age"

(H.P. 1499) (L.D. 2108)

(Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested)

TABLED - April 14, 2006 (Till Later Today) by Representative TARDY of Newport.

PENDING - REFERENCE.

On motion of Representative BLANCHETTE of Bangor, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

**CONSENT CALENDAR**  
**First Day**

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

(H.P. 1490) (L.D. 2097) Bill "An Act To Facilitate the Maine Quality Forum" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1077)**

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

**First Day**

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

(H.P. 1370) (L.D. 1956) Bill "An Act To Recapitalize the Maine Downtown Center" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1472) (L.D. 2081) Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Seed Potato Board" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

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

**UNFINISHED BUSINESS**

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

Bill "An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters"

(H.P. 706) (L.D. 1021)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1007)**.

TABLED - April 13, 2006 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - Motion of same Representative to **RECONSIDER ADOPTION OF HOUSE AMENDMENT "A" (H-1028)** to **COMMITTEE AMENDMENT "B" (H-1007)**.

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

Representative HALL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would urge that we stick to our original vote that we had on this amendment. Nothing has changed in the last two weeks; this is still a very good, very fiscally sound amendment. This is still the only amendment that is going to deliver the desired benefit to the great men and women who work as firefighters and municipal law enforcement officers. It is very, very wrong of us to strip this amendment off, send this bill to Appropriations knowing that it's going to die there. Please I urge you to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative DUPLESSIE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would

encourage everyone to vote yes to reconsider so we can get this back up and then we can debate the bill and move on.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I urge you all to go back to the original bill, if we stop and think back at 9/11, those firemen that laid down their life for the people of New York. I've talked to the firemen back home the volunteers and I talked to one of the firemen that is a professional fireman from Sanford that lives in my town of Newfield. They all encouraged me to support this and vote for this bill. I hope that everybody will take a good look at it, pass the bill. Let's sit down and tweak it, work on it and make it work. Thank you.

Representative **CARR** of Lincoln **REQUESTED** a roll call on the motion to **RECONSIDER ADOPTION of House Amendment "A" (H-1028) to Committee Amendment "B" (H-1007)**.

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 Van Buren, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The issue presented by this motion to reconsider is whether or not the State should undertake a subsidy for the retired law enforcement and firefighters of the larger municipalities in our State. The projected cost for approximately 950 people is going to start off at \$3.4 million. It will grow the next year to \$3.5 million and I can assure it will grow on and on and on. The question is where's the money going to come from? What are we going to take it from in order to subsidize retired law enforcement in our larger municipalities? I suggest to you that we can not afford this. I think the appropriate action was to try and craft an alternative that would allow the law enforcement and firefighters to find a way to fund their own. It gives them access to health insurance, that's something that most people in the State of Maine who pay taxes don't even have reasonable access to. We are asking people who already have well negotiated contracts and fringe benefits and support systems to pay for their own way that is just being reasonable. I ask you to defeat the motion to reconsider. Thank you.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It's a very seldom that I get up and I disagree with the good Chair of the Labor Committee, but I respectfully disagree with him on this issue. He does bring up some important points, but as Representative Campbell has said; I think we can get this in a posture where we can resolve those questions as far where is the money going to come and how we are going fund it. I think that in all fairness, Mr. Speaker, I think to the firefighters and police who have worked so hard on this issue and who have brought this issue forward, there needs to be an up or down motion as Representative Duplessie says on Committee Amendment "B." It is what the supporters of LD 1021 have proposed and desire, I think in all fairness. House Amendment "A" differs from Committee Amendment "B" in many significant ways that is totally unacceptable to the firefighters and police who support LD 1021. So I would ask that you would support the pending motion. I would do the right thing and get this bill in a posture that it had been requested by the Majority members of the Labor Committee and firefighters and police of this State. Thank you, Mr. Speaker.

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

Representative **CARR**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have intentionally not spoken on this bill before, because I wanted to wait and see what was going on with it. I think that for those of you who know and watched me around here for the last four terms. You know that probably there hasn't been anybody here that's spoken more favorably to our first responders and law enforcement personnel than what I have. Going back to some of the things on tort reform and some of those things, I spent a great deal of time trying to make sure that there weren't things that hindered their ability to perform their duties. Since this bill has come out I've spend a great deal of time thinking about it and obviously I've called back home and talked to other people and as a matter of fact I have two sons that are law enforcement officers one of which is an officer on Bangor PD. I think that we all want to do something for these people. I certainly do. However, we have to be fiscally responsible at the same time. What we have before us is a bill with the amendment on it that allows this to be self funded and by doing that it's very responsible fiscally and it's also responsible in order to be able to do what is right and proper for those people who do put their lives on the line every single day of the week. I want to be able to support them. I will support it in its present form with the amendment that's on it, however, I will be forced to vote against it if you take it off, its previous position. So I really hope that we turn down this motion we've got into this and we've had votes on it, we've had debate on it that's lasted for hours and I think that it's time to put it to rest so that these folks can get back to work on the streets and take care of the people that they've been hired to do. So Mr. Speaker, I'd hope that we would vote in opposition to the pending motion of reconsideration.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would urge to give the consideration to the Representative from Westbrook, Representative Duplessie to be able to reconsider this vote, it's a standard custom that we have and I would like to give him that opportunity to debate this bill. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Reconsider Adoption of House Amendment "A" (H-1028) to Committee Amendment "B" (H-1007). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 541

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Crosby, Cummings, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fletcher, Greeley, Hanley S, Harlow, Hogan, Hutton, Jackson, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, McCormick, McFadden, Miller, Moody, Moore G, Norton, O'Brien, Paradis, Patrick, Percy, Pilon, Pineau, Pingree, Piotti, Rines, Schatz, Simpson, Smith N, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Duprey, Emery, Fitts, Flood, Glynn, Goldman, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McKane, McKenney, McLeod, Merrill, Millett, Mills, Moulton, Muse, Nass, Nutting, Perry, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W,

Rosen, Sampson, Saviello, Seavey, Sherman, Shields, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Twomey, Vaughan, Woodbury.

ABSENT - Berube, Gerzofsky, Grose, Jennings, Ott, Robinson.

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

a two-thirds vote of all the members elected to the House being necessary, a total was taken, 75 having voted in the affirmative and 70 voted in the negative, with 6 being absent, and accordingly the motion to **RECONSIDER ADOPTION of House Amendment "A" (H-1028) to Committee Amendment "B" (H-1007) FAILED.**

Subsequently, **Committee Amendment "B" (H-1007) as Amended by House Amendment "A" (H-1028) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-1007) as Amended by House Amendment "A" (H-1028) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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**CONSENT CALENDAR  
Second Day**

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

(H.P. 1490) (L.D. 2097) Bill "An Act To Facilitate the Maine Quality Forum" (C. "A" H-1077)

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

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**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.

**SENATE DIVIDED REPORT - Report "A" (9) Ought to Pass as Amended by Committee Amendment "A" (S-577) - Report "B" (3) Ought Not to Pass - Report "C" (1) Ought to Pass as Amended by Committee Amendment "B" (S-578) - Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act To Update Teachers' Minimum Salaries"**

(S.P. 480) (L.D. 1381)

- In Senate, Report "A" **OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577) AS AMENDED BY SENATE AMENDMENT "A" (S-620) thereto.**

**TABLED - April 27, 2006 (Till Later Today) by Representative DUPLESSIE of Westbrook.**

**PENDING - Motion of Representative GOLDMAN of Cape Elizabeth to ACCEPT Report "A" OUGHT TO PASS AS AMENDED. (Roll Call Ordered)**

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. I must say that this bill brings back the two Maine's and opens a rift between them that is miles wide. If this bill is passed I have two small school districts that are probably on the verge of wondering where the next dollars going to come from. I have a school district with four town, consists of four town, and they will be facing a quarter of a million dollars to meet the requirements of this because of the

ladder effect it will take place in negotiations. They're right in the middle of negotiations right now and my other school district which has six small towns will be looking at roughly \$360,000 dollars. Ladies and gentlemen, the tax bases in these small towns do not allow for raising those kinds of money. They're already hurting from LD 1, they're already hurting from essential programs and services and now to put this on top of that is going to be devastation. I just hope that you will realize what you are doing to these small schools and these small districts that are out there all over this State. Not just in my part of the State, but we heard yesterday about the situation in Blue Hill and that's going to be the same. I think that what we need to do is to really give some serious thought. When this comes from the State level it destroys the collective bargaining process. As I said, both of my school districts are in the collective bargaining process and just as soon as the sound of the \$30,000 proposal came on, their negotiations stopped. The teachers would not talk any more, why, because those teachers who had been there a long time want to have that ladder effect and get an increase as well. That's where the rub comes in this particular bill and I hope that you will vote no.

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

**ROLL CALL NO. 542**

**YEA - Adams, Babbidge, Barstow, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Crosby, Cummings, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Glynn, Goldman, Greeley, Hanley S, Harlow, Hogan, Hutton, Jackson, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, McCormick, Miller, Mills, Moody, Moore G, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Saviello, Simpson, Smith N, Smith W, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.**

**NAY - Annis, Ash, Austin, Beaudette, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moulton, Muse, Nass, Nutting, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rosen, Sampson, Schatz, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan, Woodbury.**

**ABSENT - Berube, Grose, Jennings, Ott, Rines, Robinson.**

Yes, 74; No, 71; Absent, 6; Excused, 0.

74 having voted in the affirmative and 71 voted in the negative, with 6 being absent, and accordingly Report "A" **Ought to Pass as Amended was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-577) was READ** by the Clerk.

**Senate Amendment "A" (S-620) to Committee Amendment "A" (S-577) was READ** by the Clerk.

Representative **TRAHAN** of Waldoboro **REQUESTED** a roll call on the motion to **ADOPT Senate Amendment "A" (S-620) to Committee Amendment "A" (S-577).**

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 adoption of Senate Amendment "A"

(S-620) to Committee Amendment "A" (S-577). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 543**

YEA - Adams, Babbidge, Barstow, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Carr, Clark, Craven, Crosby, Cummings, Curley, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Joy, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, McCormick, McFadden, Miller, Mills, Moody, Moore G, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Richardson E, Richardson W, Rines, Sampson, Saviello, Simpson, Smith N, Smith W, Thompson, Trahan, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Ash, Austin, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curtis, Daigle, Davis K, Duprey, Fitts, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, McKane, McKenney, McLeod, Merrill, Millett, Moulton, Muse, Nass, Nutting, Pinkham, Richardson D, Richardson M, Rosen, Schatz, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Twomey, Vaughan, Woodbury.

ABSENT - Beaudette, Berube, Grose, Jennings, Ott, Robinson.

Yes, 90; No, 55; Absent, 6; Excused, 0.

90 having voted in the affirmative and 55 voted in the negative, with 6 being absent, and accordingly **Senate Amendment "A" (S-620) to Committee Amendment "A" (S-577) was ADOPTED.**

**Committee Amendment "A" (S-577) as Amended by Senate Amendment "A" (S-620) thereto was ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-577) as Amended by Senate Amendment "A" (S-620) thereto in concurrence. ORDERED SENT FORTHWITH.**

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

**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Save the Marine Technology Center and Strengthen Maine's Boatbuilding Workforce"

(S.P. 746) (L.D. 1948)

Signed:

Senators:

ROTUNDO of Androscoggin  
MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland  
DUDLEY of Portland  
CRAVEN of Lewiston  
LERMAN of Augusta

**MILLS of Farmington**

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-637)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

MILLETT of Waterford  
NUTTING of Oakland  
BOWEN of Rockport  
CURLEY of Scarborough  
FISCHER of Presque Isle

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-637).**

**READ.**

Representative BRANNIGAN of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative MCFADDEN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Ought Not to Pass motion. Mainly, I'm going to speak about the Governor's Economic Development Task Force for Washington County, if we vote this down we are actually voting against the Chief Executive's wishes. He has come out in Calais last week and supported the boat school to remain in Eastport. They have a great facility in Eastport and once this boat school is moved to Calais, which is what President Cassidy says he can do and make it a very sustainable program. In the Calais area they have an old garage that they're going to use for the boat school, plus there is no waterfront in the area. So this doesn't really look to me like it's a viable location for the boat school. The boat school also graduates many students that work along the coast in different areas from Washington County all the way to York County. I urge you to vote against this motion and help the Economic Development Task Force in Washington County and to help the boat school to remain in Eastport and to remain open. Thank you, Mr. Speaker.

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. I'm rising in opposition to this Majority Ought Not to Pass report. This boat school in Eastport is an extremely unique asset in our working waterfront in Maine and there's been a lot of to-ing a fro-ing about its history and future in the past with the issues around the changes in the community college and so forth and you know its kind of been reserved to the back bench, it's not that important not that many of us live down there and so forth, but I don't know how many of you have been to this school, it is an expensive school, its not like typing class or something like that where you can get a cheap typewriter. You've got tremendous assets there teaching people skills that are very difficult to learn without spending some money. This may be a little more expensive than



some of our other technical schools around this State, but if we lose it we lose something that really represents the backbone of the working waterfront and the boating community, the commercial fishing community including the yachting community in that part. They've had to work on yachts, there aren't that many commercial vessels left as we put the squeeze on the commercial industry for various reasons. We've had to do to yachts, yacht building in Maine, it's a very important business in the State. I urge you to please defeat the pending motion and let's find a way to support this boat school down there. Thank you.

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

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The reasons that this got an Ought Not to Pass from the Majority were several. One the boat school, unfortunately, it's a great school, it's a great place especially in Eastport, but the boat school has been going downhill for many years. There have been attempts to pick it up before and that has not happened. The plan now is to move it into a little garage in Calais and to say there is mixed feelings within the community college system is to minimize. There are other plans for boat school operations; I believe, and therefore, this is regrettably going to have to be a change in boat school and boat school technology in the future. Thank you, Mr. Speaker.

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. I don't know if any of you took advantage of the Maine Boat Show down on Forest Street a few months ago. I was fortunate enough to attend and attend the reception put on by the boat builders. The boat building industry in Maine is approaching a billion dollar industry. If you talk to the boat builders in Maine you'll find that they are all in dyer need of skilled labor. These jobs pay in the vicinity \$40,000. One boat builder alone said that if he could go into full production, he could handle 185 workers. Another major boat builder needed 15 boat builders right away. There's talk among some of these boat builders about moving down south, moving to other states. It's an industry that has grown in Maine and should continue to grow, if we can support it. It does cost money to train people in this field, the boat builders know this, the boat builders want to be involved and we are looking at an industry that needs a lot of workers. We're talking about losing jobs in the paper industry that pay good money, an industry that's fading. Why aren't we looking at boat building and maintenance to take care of these jobs to help out in the communities? I hope that we can defeat this and continue to help the boat building industry that we all need in this State. 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. Recently we received at our desks a very important communication, a yellow sheet from a couple of the other representatives that may speak well to Representative Brannigan of Portland's elicitation of some of the reasons that this complicated situation has developed. Having served on the board of trustees of Maine Maritime Academy I'm sure I share with you many of the unique strengths of this very, very solid Maine educational institution. President Tyler does not affix his name to meaningless communications for political purposes. He affixes his name to important documents and items that are sincerely valuable to Maine Maritime Academy and to the youngsters in our State. Representative Jacobsen has

spoken quite well about the traditions of Maine industry and how they are under fire. I would suggest that Maine Maritime Academy has stepped up here and adds a new element to this equation offering to partner with the Maine College system and with this boat building school over in Eastport to guarantee its survival. I think that's a lifeline that changes the equation considerably and I urge you to defeat this Ought Not to Pass in light of new information. I think it's an important vote for the youngsters of Maine and for Maine industry recognizing the huge power of Maine Maritime Academy stepping up to the plate for this undertaking, gives it new muscle and should give it new life. Thank you.

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

Representative **EMERY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I too rise in opposition to the current motion on the floor. I'd like to explain why. The boat school is an institution in Washington County. I'm not sure if many of you are aware of it, between Eastport and Ellsworth there are a dozen boat building facilities, companies that are in the business of building composite constructed boats, that's fiberglass boats. Largely those boats are lobster boats, one of which I own and was built in Hancock County. A lot of the people that are working in these boat building shops are trained in boat schools such as the one in Eastport. In Washington County we don't have a lot of infrastructure, I consider the boat school as a piece of infrastructure that contributes to our economy locally and serves a purpose. The boat building industry is a roughly \$650 million in value in the State and there is tremendous opportunity to grow industry. The Chief Executive has earmarked that industry as a potential growth industry for this State. To close the boat school, I think, would probably go against his wishes and go against an industry that is proving itself in Washington County. My thought here is to speak to the merits of the boat building program with the mindset that if we invest this amount of money this year, there are other people willing to partner with the boat school to help right it and move it forward into the years to come. I will mention, if you have read in the article that has been passed around, that the Chancellor of the University of Maine System has now publicly endorsed the boat school and would like to also share in that partnership with the Maine Maritime Academy. The money that is requested here in this bill will allow the school to stay open for another year and for these institutions to join in arms with the boat school to help them get a direction that will allow them to sustain themselves. There is a community effort, "The Friends of the Boat School in Eastport"; they are also working very hard on a local level to do what they can to keep the boat school open. So I ask you Men and Women of the House to oppose this motion on the floor and look to pass the Minority Report. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **SAMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. How many students and teachers are at the boat school currently and what is the cost per year for those students?

The SPEAKER: The Representative from Auburn, Representative Sampson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sampson, Representative Winterport.

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. That was an excellent

question; I wish I could answer it fully. You have to realize, I'm sure the costs are higher per student than some of the other community college costs in that part of the world, but it necessarily comes from the subject matter and the curriculum that you're going to have a higher cost per student at a boat school than you are at somebody who's going to a classroom with a laptop and talking to a teacher in a room. So I would estimate the cost as going to be higher, I still think that it's a good investment. Mr. Speaker while I have the floor, if I may, I wanted to make one other point. You know this legislature reviewed the board of trustees' determination that the Augusta campus of the University of Maine should be closed over a long period of time. That proposal as I recall would have had the Augusta campus be folded into the USM System, a great system by the way where my son goes, and the legislature took a hard look at that and decided that in fact the recommendation of the administration and the board of trustees wasn't the best choice for the long term success and the sustainability of that Augusta campus. This is exactly the same situation. You've got a situation where the administrators are looking at the high cost of educating these kids in an unbelievable facility in Eastport where you can build more than one boat at a particular time and bring them all down to Calais and cut back perhaps on the curriculum a little bit. I don't know maybe run them down to Eastport periodically, I don't know the game plan, I don't know the actual cost, but I think it's a bad idea. I think we need to think of this in the context of our studies overturning of the Augusta campus closing in the same way because that is really what this is. This an internal battle within the community college system about whether or not they are going to continue to make a commitment to this curriculum or not and I think we have the authority and the right and hopefully the heart today to overturn that decision by defeating the pending motion. 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. You can tell the coastal representatives. I just wanted to point out some facts that as we know Maine has had a long tradition in boat building dating back to the tall ships and the schooners. It has been declining through the years, but there has been a new interest in Maine educating its young people and reestablishing itself in that market. We have a company Hodgkin Boat Builders, which has been working with the University of Maine at Orono designing boats for the military and right now they are in the designing process and they actually have the prototype built for the Navy Seals. Now we've argued on many occasions about our number one most exported products which are our young people. It would seem that an institution like this would be a valuable asset to the State of Maine to educate those young people and keep them in this State with an opportunity to come out and go to work. I would strongly encourage defeating the pending motion. Thank you.

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

Representative **EMERY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to talk about the infrastructure in Eastport. The boat school in Eastport has a deep water access, it has three large buildings, one where you can build a 45 foot boat in and then it has a whole other section of the facility that is for administrative purposes and classrooms. There's over 12 or 13 acres there, it accommodates a huge parking lot where actually the community fishermen utilize in kind of a gentlemen's agreement to work on their boats that they use in the commercial fishing or in the sailing recreation and

so there's a lot of support by the staff and the instructors at the boat school to provide some guidance to the local fishing industry and recreational sailing power industry on repairs on their boats. It's not just a training facility, but it's kind of a community facility where commercial fishermen and the recreational folks utilize it. They have a huge hydraulic lift there that brings these boats onto shore; it's a diamond in the rough if you will. There's a tremendous opportunity to expand the program and what this legislation will do potentially is allow them to keep their lights on their doors opened for another year while all these new partners come in and help resurrect the program and turn it into something that we can all be proud of. Thank you.

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

Representative **ASH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today, I don't very often, but I will today on this issue. I'll be opposed to this motion on the floor and I will tell you why. In Belfast, back when I was on the city council we took a chance on a pair of young men by the name of Todd French and Mr. Webb, Webb and French, the company is and we let them have a building that we had on the waterfront. The city of Belfast took that chance and leased that building to them, they wanted to build boats, they are graduates of these schools and to this day they are building million dollar yachts that are second to none, and they employ 20 plus people down there. They now have now three of those buildings that we had on the waterfront. In Belfast the city council just leased the abandoned railroad yard to Wayfarer Marine which will be storing boats and repairing boats, million dollar yachts, in the facility and to keep this tradition going we need these schools and for that reason I will be voting against this motion. Thank you very much.

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

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm delighted that so many are going to vote against me it will give me three in a row, this morning. Let me just answer the question. I'm going to read from a report from the Washington County Community College on cost projections associated with operating a sustainable boat building program at the college of Marine Technology Center in Eastport and this was also to address the workforce training needs of Maine maritime industry Statewide. "Since 2000 a total of 14 students a year including both first and second year as compared to a maximum enrollment of 40 students during that time frame since 2000, 50 students entered the program. Of these 50 students, 27 graduated, 23 left before the completion of this program." Many of you have hit it on the nose, there's great need for people to work in those boatyards in that vicinity and so people leave this program and go and train on the job with the boat builders in that area. I don't enjoy doing this; I have a son who works in a boatyard in Biddeford on the Saco River. The assessment of this group was that there's a high need for boat building training across the State along the coast. This revealed a high demand by the industry for training delivered in close proximity to the employers in other regions of the coast, particularly Cumberland, Hancock, Knox, Lincoln and Waldo Counties. This is the desire and this is why we're being mean in doing this. I mean it's a great school and was great school, not any more because it just has pretty much died out. Now we didn't hear anything until today about the Maritime Academy, if they can rush in and save this school at Eastport, who wants it in a garage in Calais? So I just wanted to elucidate on why the Majority of our Committee felt that this is not the right thing to do



and it's not done with a great deal of satisfaction. Thank you, Mr. Speaker.

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

Representative **LERMAN**: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House. Just to clarify a few things regarding this particular bill before us. First of all, I think we're all in agreement, there's no disagreement about the need to promote traditional sort of industries in the State of Maine without a doubt and there's no disagreement among us regarding the value of promoting boat building and ancillary and supportive businesses. At the same time we have time and time again been very careful to make investments of State dollars in projects that have been well thought through and that had been presented to us in a thoughtful way, this just isn't there. We sat though testimony where people were in conflict, there was no unity in terms of people coming forward saying this how we can make this work. You know, the fiscal note on this bill is nearly one half a million dollars, besides the fact that we have very little money; it's an awful lot of money to put into something that hasn't been well coordinated, well thought through and that's really the issue here. It's not an issue about our commitment to boat building; it's not an issue around our commitment to promoting jobs in traditional industries in the State of Maine. It really is around this project and this situation needs to be worked on more. If Maine Maritime Academy is willing to come forward that would be wonderful. If the community college system can figure out exactly how to make this program work, that would be terrific, but that's not the case that's before us today, that's not the situation. You know, the good Representative from Winterport made reference to the situation regarding UMA within the context of the University of Maine System as a whole and while he got some of his facts wrong I think citing it as an example of how this might get resolved was right. The fact of the matter is that this legislature did not take any specific actions that resulted in sort of a reconsideration of that situation. What did happen was a task force was set-up outside of the context of the legislature to bring all the appropriate parties together to review the decision that had been made as part of the strategic plan and then to finally come up with a proposal that was in fact different than the strategic plan. That model of creating the task force is exactly what is needed to make this project work rather than have us go ahead and invest a half million dollars with a myriad of details on resolve hold together appropriate parties set down and figure out what will really work and what is a good investment on the part of the State of Maine and I think we'd all be very eager to hear a solution that would be much more concrete and likely to pay the kind of dividends we expect from our investments than the proposal before us today. I thank you for your consideration, I ask you to support the Majority Ought Not to Pass motion and thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Kaelin. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. People in conflict; no agreement; not well thought through; it sounds like a lot of issues we have down here on the floor to me. While I might have had my facts wrong we didn't pass a law to make sure that the Augusta campus situation was reconfigured. If the legislature didn't get involved in that with creating a study committee or some alternative plan to what the board of trustees had done, it wouldn't have happened and it did happen. I would be happy

perhaps if we tabled this thing and we went down and put an amendment on it so that we did that. I think that the good Representative from Portland, Representative Brannigan makes an excellent point, it's time for the boat building industry, perhaps to step-up and help fund this school, but it ain't going to happen if it goes on to Calais, it will be over. Eastport will be closed down, I don't know, they are going to keep the building, I don't know what they are going to do down there with it, but it'll cost money to keep it. So there's perhaps a good recommendation, maybe we should put an amendment on this bill to create a task force, fund it for another year, another biennium or whatever it takes and challenge the industry to come in and put some money into it so that we can save this very expensive technology college program at the location where it has been for a number of years. That hasn't happened yet and I don't know, it's not my bill, but the more I think about it here, maybe we should take an afternoon and longer and create an amendment. I know Mr. Speaker we all want to get out of here, but perhaps that's an idea that has merit, but I think we've got to defeat this motion before we can get to the point of determining whether or not perhaps we should take a little breather and create a task force similar to what was done for USM to save this very valuable program in Eastport. Thank you, Mr. Speaker.

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

Representative **RICHARDSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This seems like a no brainer to me. We send several million dollars to the University of Maine every year and they educate our kids, half of those leave because there isn't anything for them to do. Here is a chance to spend a few hundred thousand dollars to keep an industry alive that's unique to the State of Maine. When they graduate or get out of this school they've got a place to go. Why in the world wouldn't we want to support and maintain that type of a thing, particularly in view of the fact that there are people who apparently ready to step forward and help it out. This type of thinking just is foreign to me, I don't understand this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not going to support the Majority Ought Not to Pass Report. Small town Maine, we need these schools and I support the Minority, so I hope you'll follow my light on this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have a great idea that we can come up with some money to cover this cost for this year and that is to defeat the teacher income level to \$30,000 and use that \$600,000 that is being held in the student assessment account to pay for this. Thank you.

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

Representative **LERMAN**: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House. I'm really sort of stunned and amused to some extent by some of the debate here today. For all of the concerns that we have about the way that we spend taxpayer's money; for the great debate that takes place over a myriad of other things that have a price tag of attached to them. You are willing to invest a half million dollars in something that has not been well thought through, alright. We all would love to see boat building continue to flourish along the State of Maine and we all would like to see more jobs created. You're all in agreement on that, but to embrace a proposal that's half baked at

best and I don't mean to say that in a pejorative way. The facility makes sense, the location in Eastport makes sense, the problem is the people who have a vested interest in the success of that facility has simply not come forward with a proposal that makes sense and will insure that the money that we're investing will be a good investment, that all. You know I'm not in a position to suggest that this bill be tabled, nor am I in a position, because I don't have the interest at this point quite frankly to go work on an amendment that would accomplish what the good Representative from Winterport is suggesting, but I do suggest that if we are going to go forward with this particular bill that the idea of creating a task force that will pull together all the interested parties to come up with a solution that does make sense is a good idea. So that's what I would suggest is, I guess we're getting advise to let this go, do as you wish, it looks like the votes are against the acceptance of the Majority Report anyway and we'll deal with it when it comes to the table. I would beseech you, my good colleagues, to apply your energy before it comes to the floor to think these things through and pull together the appropriate parties so that we're not creating things right here on the floor of the House. As we all know, bills that typically come before us in Committee, if they are not well thought through and if there is a lot of conflict among those people who are supporting a particular thing we say, hey listen, go back, work out your differences and when you've got a solution bring it to us. This is not the place to be doing that and I hope we can keep the facility in Eastport alive, but this bill at least in its current form is not the vehicle for doing that. Thank you, Mr. Speaker.

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

#### ROLL CALL NO. 544

YEA - Adams, Barstow, Beaudette, Bliss, Brannigan, Brautigam, Bryant, Burns, Canavan, Craven, Cummings, Duchesne, Dudley, Dunn, Duplessie, Farrington, Fisher, Gerzofsky, Harlow, Hogan, Hutton, Koffman, Lerman, Makas, Marley, Marraché, Miller, Mills, Moody, O'Brien, Pineau, Sampson, Seavey, Simpson, Smith N, Smith W, Thompson, Twomey, Walcott, Wheeler.

NAY - Annis, Ash, Austin, Babbidge, Bierman, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Cain, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Dugay, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Finch, Fischer, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Hall, Hamper, Hanley B, Hanley S, Hotham, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moore G, Moulton, Muse, Nass, Norton, Nutting, Paradis, Patrick, Percy, Perry, Pilon, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Rosen, Saviello, Schatz, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Valentino, Vaughan, Watson, Webster, Woodbury, Mr. Speaker.

ABSENT - Berube, Grose, Jennings, Ott, Robinson.

Yes, 40; No, 106; Absent, 5; Excused, 0.

40 having voted in the affirmative and 106 voted in the negative, with 5 being absent, and accordingly the Majority Ought Not to Pass Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. Committee Amendment "A" (S-637) was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-637)** in concurrence. **ORDERED SENT FORTHWITH**.

#### SENATE PAPERS

##### Non-Concurrent Matter

Bill "An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age"

(H.P. 1224) (L.D. 1717)

Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-1058)** in the House on April 27, 2006.

Came from the Senate with the Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "D" (H-1059)** in **NON-CONCURRENCE**.

Representative DAVIS of Augusta moved that the House **RECEDE AND CONCUR**.

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

Representative DAVIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Last night when I left I thought, that's it, I don't have to think about this again, 'till next year. So here we are and I'll be brief, but determined that we need to accept the other body's proposal to accept the Minority Report. For most of us the images of innocent children being sexual abused promotes emotions of outrage and anger and immediate response of disgust toward the perpetrator. The images of such acts inflicted on innocent children cause a feeling of uneasiness and embarrassment. Such images naturally cause us to recoil and to retreat from the reality of this epidemic. We feel helpless in our ability to prevent this destructive behavior. We ignore the ugliness of these crimes and we justify our own inactions because the magnitude of the problem is simply overwhelming. During last session the Criminal Justice Committee focused much of its time on legislation that would further protect Maine's children from the hideous crimes of sexual assault, however, 9 out of 12 of them failed to come out of the Committee because we just didn't want to restrict where convicted sex offenders lived, how they conducted their lives. It wasn't a matter of not being able to do it; it was a matter of not wanting to do it. Some have said that we need to give the previous legislation more time in order to realize the results. Well unfortunately waiting simply puts more children in harms way. Recent sentences given for those convicted of gross sexual assaults, continue to diminish the gravity of these offences and lack the deterrence needed to prevent these crimes. We can no longer pretend that a sexual offence against a child is an isolated act, most of the time it is a pattern of behavior and should be a consideration in determining adequate detention of the perpetrator. Experts claim that child pornography is a prelude to child sex abuse. That the cases that are now setting in the crime lab are any indication of what's ahead of us we can no longer wait to pass this legislation. Maine's inadequate sentences are attributed to a high number of cases subjected to plea bargaining. Plea bargaining by its very nature reduces the deterrence and

incapacitation of criminals and guarantees minimal sentences. I would argue that more not fewer victims would come forward if they were guaranteed protection from their abuser for a longer period of time. We also must remember that it's actually the methods and tactics used by defense attorneys during court proceedings that further intimidate the victims. That certainly is an area that could be improved upon. Some claim that mandatory sentences of 25 years is too harsh for the first conviction. Does that mean that it's ok to rape or sodomize one child, but not the second, third or fourth? Opponents feel that mandatory sentences will impede the judges' ability to individualize sentences and will limit their ability to exercise their sentencing discretion for those who commit gross sexual assaults against children. I ask you. What circumstances could there possibly be that would condone the rape of an innocent child? Should it be less of a crime if you rape one child verses two or three? Should it be less of a crime if you rape your own child or a family member verses a perfect stranger? Should it be less of a crime if you rape or sodomize an 18 month old verses an 11 year old? Should it be less of a crime if the abuser is 20 or 30 or 50? The vision of young children being raped and sodomized is not a particularly nice vision. The vision of an innocent child sleeping in their own bed and being visited in the darkness by a deviant family member in order to gratify their own sexual desires is not a particularly nice vision. The vision of an innocent child being forced to perform oral sex with an unsuspecting predator is not a particularly nice vision. The fear of intimidation on a child's face is a disheartening and quieting vision. The shame and guilt seen on a child's face and the sadness seen in their eyes is the most disturbing vision of all. These selfish and demeaning acts cause fear of trusting, a fear of being intimate and a lifetime feeling of unworthiness. The subject matter is dark and disturbing; it's all too real to some and unimaginable to others. Society can no longer afford to look away; we can no longer afford the physical, emotional and financial costs of these hideous crimes. Children who are sexually abused have higher rates of eating disorders, higher rates of alcoholism, higher rates of drug abuse, higher rates of suicides and higher rates of depression and are more likely to be abusers as adults. It's very simple, if you are convicted of gross sexual assault against a child under the age of 12 you will serve a mandatory sentence of imprisonment followed by probation for life. It's very simple; there is no room for error, no misinterpretation, no loop-holes, and no excuses. If we fail to pass this bill we give up an opportunity to substantially protect our children. By supporting this legislation we are no longer going to ask our children to carry the burden of guilt and shame. We can make an attempt to protect other innocent children from becoming victims at the hands of these predators. It's time to prevent the destructive life altering acts caused by sexual predators. Thank you, ladies and gentlemen.

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. When I left this building last night, I thought, that's it; I don't have to discuss one of the most offensive subjects that we have to listen to. It is the very, very sad look in the children's eyes after they have been brutally raped or sodomized by a family member, a stranger or a deviant that was just walking by on the street, that I stand up and ask you to defeat this Recede and Concur motion. This was not a good idea 12 hours ago; it hasn't improved any in the last 12 hours. The very children you want to protect are the very children that will be hurt the most by mandatory minimum sentences. I'm not saying this because this is just exactly what Pat Blanchette believes in. I have to listen and I have to take

heed in the people that have to take this children into a courtroom, look those babies in the eye and ask them to stand up and there and describe an act of horror that is so distasteful that I would be ruled out of order in this House if I described to you in detail what these people do when they sexually assault or sodomize a child. Now the Clerk would not stand for what I would have to say because they wouldn't want it in the matter of the public record. This was a bad bill 12 hours ago; it's equally bad right now. I'm going to urge you to vote for the children that you all love dearly, whether they're your grandchildren, your own children, your nieces children or somebody that you don't know, but you feel driven to protect, to defeat this motion to Recede and Concur. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We had a great debate yesterday and I won't spend a lot of time. I just want to remind us that the amended version of LD 1717 that we passed yesterday was a smarter, tougher, greater tool for prosecutors in dealing with these cases and it does it without the unintended consequences of mandatory minimums which are going to let more of these people out of jail. Please defeat this motion.

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

Representative **LINDELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is the first time that I have risen to speak on this issue. It's a tough issue to talk about. I have three children under the age of 12 and just the thought of this sort of thing is a very emotional and very, very solid points are being made on both sides of this argument. I've been tossed back and forth on this issue. On the one hand I do believe that the crime of gross sexual assault on a child under 12 deserves, deserves a long prison term and a mandatory minimum sentence of 25 years I think is a reasonable, reasonable sentence for that crime. On the other hand I've heard arguments that proving this crime in a court of law would be difficult, at best, sometimes almost always impossible, indeed. Often these crimes are committed by family members, in fact less often direct family members, more often people that have been brought into the family later on, not directly related to the child. The thought of that adult member of the family going to jail is disturbing to the child as it is to the rest of the family. I've heard these arguments and they are correct, however, having spoken to various people about this, particularly the district attorney in Hancock County, District Attorney Povich and talking about the technicalities of this and the laws that are on the books. I found it interesting to learn that in fact of the crime of gross sexual assault on a child under 12 in our statutes is a somewhat redundant crime. It's a Class A crime for any person who engages in a sexual act with a person under the age of 12. It's also, as it turns out a Class A crime to engage in gross sexual assault against any person who is under the age of 14. For some reason we have these redundant statutes and what we are talking about here is creating a mandatory minimum sentence on one of these redundant statutes. In talking to the DA of Hancock County, he indicated to me that if he were faced with "Jessica's Law" he understands that he would find it very hard to prosecute in most circumstances. There are some circumstances where there is enough evidence and you can go and you can get that conviction in a jury trial, but his approach would be to, if he had to, to plea to the other Class A crime which we are not talking imposing a mandatory minimum sentence upon. The Class A crime of gross sexual assault on a child under 14 because if a child is 10 years old they're under 12 they're also under 14. So

given that information I see no reason why I shouldn't support this motion to Recede and Concur. I don't see any reason given this information that this will create the terrible adverse effects of dragging kids into court and pleading down to lesser Class B and Class C crimes that has been suggested by opponents of this. That's where I am. I welcome other comments. If I'm incorrect in this, I'd like to hear from other members of the Chamber, but that's where I am at this time. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I too had hoped we'd had the debate on this yesterday and I don't intend to repeat the things that I said yesterday. However, the good Representative from Frankfort just brought up an issue and I spoke with the same district attorney and he also told me that he could do the same thing that we were just told, he could actually plead it as a victim under 14. In addition, he told me that he didn't think that this law was a good idea. Given that, I think we shouldn't be forcing our prosecutors to work around a law. Yesterday mandatory minimum sentences for this crime were not a good idea they are still not a good idea. I would urge you to vote no on Recede and Concur. Thank you.

Representative **DUPLESSIE** of Westbrook **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise having had 19 years of experience prosecuting many of these cases, perhaps in the hundreds in numbers of cases involving children who are victims of sexual abuse. Today I'm being told that if we pass this law it'll mean nothing, that one or more of the district attorneys will just ignore it and plead something else and try to prove something else. Let me tell you ladies and gentlemen, the word on the street is 25 years. Twenty-five years or nothing, that's the word on the street and that's the word that the DAs will respect and adhere to. The law that we pass, if we pass this original bill, LD 1717, without the amendment that we passed yesterday is an extremely strict a very bright line kind of law, no DAs going to say, well I can ignore that and plead something else because maybe there were extenuating circumstances, that's virtually unethical on their part. In prosecuting these cases it's been my observation that more than 80% of these cases involve family members, incest cases or close family friends. I've had the experience of having young girls from rural parts of Franklin County come to the court house and spill their guts in my office. I've had the experience of telling them what the courtroom procedure would be like, brining them through the grand jury, testing them out, as it were. Most of them, most of them revealed these disgraces, these acts in their lives with great, great hesitancy and embracement. Most of them didn't want to say a thing but blurted it out to a friend in the school yard or a neighbor nearby and then it got told to an adult, an adult told a teacher, a teacher told a police officer and the police officer told me. I had to bring the child in and talk her or him into testifying even in a grand jury. Then it would come to trial and maybe DHS had stepped in by then, maybe they'd taken this child out of their home. Maybe they'd taken them out of the neighborhood, out of their town, out their school, out of their county. Maybe that child at age 7, 8, 10, and 12 at that point felt re-abused and punished for having told something, she or he wished they'd never every divulged. I have had cases where that child stood at the door of

the courtroom, didn't want to testify against grandpa because the child had already been exiled from his or her family, friends, school, neighborhood, cause DHS had stepped in and done the right thing essentially, but maybe mom had taken dad's side or maybe mom had taken boyfriend's side and the child in several incidences would refuse to go into the courtroom and I had to dismiss the case. In cases recently in Oxford County the district attorneys with whom I've spoke said this has happened just a couple of weeks ago where a child said, "Please I do not want dad to go to jail. I love my father, even though what he did to me was terrible and I want him to have help, but I will not testify. I don't want my dad to go to jail." At some point we have to respect the rights of victims, let them be heard, if that is their wish, fine, so be it. Mandatory minimums without any flexibility which is what this bill would produce doesn't allow the victims to be hears. I beg you as a prosecutor with some experience here; 19 years, don't put those children through that any more, give the DAs, give the attorneys and the judges and victims the flexibility to achieve a just result in the specific circumstances of each case. Thank you.

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

#### ROLL CALL NO. 545

YEA - Annis, Austin, Bierman, Bishop, Bowles, Campbell, Carr, Cebra, Clark, Cressey, Crosthwaite, Curley, Curtis, Davis G, Davis K, Duprey, Edgcomb, Fischer, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hotham, Joy, Kaelin, Lansley, Lewin, Lindell, McCormick, McFadden, McLeod, Millett, Moore G, Muse, Pinkham, Richardson W, Rosen, Saviello, Seavey, Shields, Stedman, Thomas, Tuttle, Vaughan.

NAY - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Canavan, Churchill, Clough, Collins, Craven, Crosby, Cummings, Daigle, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Emery, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Goldman, Greeley, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jacobsen, Jodrey, Koffman, Lerman, Lundeen, Marean, Marley, Marraché, Mazurek, McKane, McKenney, Merrill, Miller, Mills, Moody, Moulton, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Rines, Sampson, Schatz, Sherman, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Berube, Grose, Jackson, Jennings, Makas, Ott, Robinson.

Yes, 46; No, 98; Absent, 7; Excused, 0.

46 having voted in the affirmative and 98 voted in the negative, with 7 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

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

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**ENACTORS****Acts****An Act To Update Teachers' Minimum Salaries**

(S.P. 480) (L.D. 1381)

(S. "A" S-620 to C. "A" S-577)

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

On motion of Representative JOY of Crystal, was **SET ASIDE**.

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. Thank you for taking the time to explain that situation to me. As I said, I'm not happy just the same, but it's going to create some tremendous cost for many of the small school districts even though the State is paying those fees up to what the salary will be for beginning teachers. I ask for a roll call, Mr. Speaker.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I hope you will reconsider your action that you took earlier today on LD 1381. I can't understand how people from rural areas can support this bill in its current form or in its amended form. The pressure that it's going to put on the local school systems, especially in rural Maine is going to be tremendous, those that have already been mentioned. Those that are already in negotiations that are running into this conflict right now and it's going to be an ongoing problem for those districts even though the State is promising to pay the cost for the \$30,000 minimum it's not going to cover the cost of all the escalated changes in salary schedules that will be forthcoming because of that increase in the base. Even though it's spread out over 2 years, it's going to be an unbearable burden for a lot of these school districts. I just got a phone call this morning from another school district that says it's going to cost them \$150,000 more in the second year of this even though the first year is going to be covered because they don't have that many new teachers in the system coming on board, but in future time it's going to cost another \$150,000 at the local level to cover this cost. Had this come out as a recommendation and an encouragement to local systems to move in this direction that's one matter, but when it becomes mandated by the State that this take place, I think we've gone in the wrong direction, we've taken away local control and we've turned this whole issue into a State mandate even though it doesn't appear as a mandate on the record. Thank you.

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

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hate to disagree with my friend from Hartland and I hate to disagree from my friend from Rockport and my friend from Crystal. I'm going to be supporting this motion, I am excited to. I feel it's been a big build-up over the last year or so and it's time for this to happen. Just two weeks ago we stood in here, many of us stood in here, and we discussed the issue of the labor market in relation to teacher salaries. Even though it sounds ultra simple the best way to fix the labor market is to pay people more, that's the way you bring up areas. It does sound overly simplified, but it's simply true.

This begins to address that issue, because by paying teachers more, by bringing up that low end we immediately provide an opportunity and we're paying for that opportunity to raise those labor markets, to raise what those teachers are getting paid. One point that really hasn't been brought up very much is the issue around what is the non-financial effect of this legislation and I know first hand as someone who has a degree in music education K-12 that when you look and see what you get paid as a first year teacher you immediately want to move out of Maine and unfortunately in my district I have hundreds of students, men and women every year when it's time for them to apply for their first job, they look at their options and they go other places. I've received several calls in the last several weeks and e-mails and letters from people in my age group who've said, I hope you can support this because this give me hope that when I stay in Maine that I'll be able to have a quality of life that I want. I'll be able to chose to live in that rural area that I came from and I won't be forced to live in Portland, with no offense to my seatmates or to the good other Representatives here from the Portland area. Young people want to live in the towns that they grew up in. They want to get degrees in education, they want to give back to their towns and I see this as yet another tool to empowering young people to be able to do that. To give back to those school communities and hopefully to chose to stay there and live there for the rest of their lives with their own children who can then chose to make the same choices. I'm looking forward to pressing my green button, Mr. Speaker and I appreciate the opportunity to speak.

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

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I reluctantly disagree with my friends from Crystal and my seatmate; I have great respect for them. I do understand the rural dilemma and if it means paying more taxes in southern Maine to help northern Maine schools I will do it. I would support that. I think if you're going to have equal education you must pay equally. I started my education in East Newport, Maine in a one room schoolhouse and we finally moved to Portland and I learned my ABCs in the third grade. It was great for three years, it was wonderful, but the education was a little lacking. I understand the dilemma, I'm not saying that goes on today, but I think as an old Roman saying "Quo vadis?" "Which way are we going to go?" I'm afraid that the public school system is in crisis. The federal government has had a massive intervention with testing, it also mandated special ed, but didn't pay for it, the State has learning results. I'm not criticizing any of them, we've already interfered with the government so if it means that we must subsidize those teachers from the State or however we're going to do it, let do it. Thank you.

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. The last two speakers have used the word reluctant and I'm rising again today to oppose this measure with some reluctance, frankly. I spoke yesterday about why I thought we had done a good job in this legislature for teachers and I got some questions sent to me so I did prepare a handout, this green sheet which has come around it outline a little bit of what I said yesterday in terms of what we've done for teachers, a lot of the things that we've passed and for retired teachers as well which I believe I neglected to mention. I did get a question about, alright we've done all this for teachers, why can't we do this other thing for teachers and so I got thinking about my experience dealing with salary related issues and so



forth on the local level as a teacher. You will see under the line I wrote on my green sheet; how could this minimum teacher's salary bill hurt Maine teachers. The bullet has to do with the effect that bumping the bottom of the pay scale has on the relationship between teachers in a building and in a bargaining unit. My first experience, having started my teaching career in Virginia, which was a right to work State, coming to Maine where there were unions in the schools and unions doing the negotiating. I was a union member that first year, the MEA will be happy to know, but my experience with the collective bargaining process was the senior teachers on the staff who were in the union and were running the negotiating used their negotiating efforts to raise the top end of the pay scale and left the bottom end of the scale alone. I had about five years experience at that point. So there was this division created within the staff, between the young teachers and the older more experienced teachers who were at the top end of the scale. Next time around, we had a younger leadership put into the union and they pushed on the bottom end of the scale and that makes people on the top end of the scale upset and it really honestly did create a division. Such that I remember just this summer talking to a couple of fellow teachers at the school about some of the new teachers that have been brought in and one of the first questions I got asked was, how old are they, the new hires. I said a couple of them they have quite a lot of experience and one of my colleagues, who is about my age, was disappointed. Just what we need, more teachers who are at the top end of the scale that are going to go to the union and they are going to go to the union and they are going to negotiate at the top end of the scale and leave us behind. That's what they said. So it's not like we are at dagger points or anything in the building, but when you start fiddling with it like this it does create animosity within the building. I think other teachers could testify to that. Second, of course and I mentioned this yesterday, is the effect on the local level of the property tax that will inevitably follow this. You know as well as I do the effect of this will be to push upward pressure on all salaries. The total cost of that, MMA says will be \$50 to \$75 million across the State. This is not paying for any of that, that will all come from property taxes and my concern about that is the effect that this has on support for teachers and schools. This continued upward pressure on property tax regardless of the work that we have done here. I think about this because I went to a business luncheon a couple of months ago, got myself prepared because I was going to speak and talk about business related issues. All they wanted to hear about, why is the school budget so high. When I was on the Rockport Charter Commission last year drafting the town charter for Rockport what we heard from people was, how can we have more control over the school budget, the school budget is killing all of us. Can we have veto power over the school budget on the municipal level? We had to look in their eyes and say, No you can't, that's not how it works. I know we're feeling pressure; I'm feeling pressure as a teacher and as a public official that we need to do something about property tax, I think this is going to make it worse frankly. I'm more concerned and I have the last bullet on here, we had a good discussion with the Chair about this, that I'm slightly worried about the mandate on the not mandate aspect of this. If you look carefully at the bill, what it says is, on page five, in terms of how you fund this, the reason there is no mandate preamble on this we were told is because it funds the mandate, so we don't need to put a mandate preamble on it. It doesn't identify a funding source, what it says, it is the intent of the legislature that at least \$2.1 million be appropriated in fiscal year 07-08 by the 123rd Legislature, now one of the things you learn when you come here is that one legislature can't bind another. If you want to identify a

funding source and say we're going to take money from the real-estate transfer tax or we're going to take money from some other revenue source and direct it statutorily to this, that's one thing, but to simply write in here that it's our intent that the next group that comes and sets in these chairs funds this, I don't know how much binding power that has. If you want to know what OFPR says about that; if you look at the back of my green sheet you'll see what OFPR says. If the Committee keeps the provision creating the mandate and neither funds it nor adds the mandate preamble, they should know that the statutes in question on this bill, which are identified on here, state that the local unit of government is not bound by any mandate unless one of those things happen. So I think that to face the potential here, if the future legislature doesn't fund this, of making this provision unenforceable and you may have a situation where you're going have some school districts deciding to do this and some school districts deciding not to. I'm concerned about this. I hate getting up and speaking about this because I'm a teacher as everybody knows as I have said countless times and I want to help teachers just as much as everybody else in here wants to. I worked on this, my friends on Approps will tell you, I must have drafted a half a dozen amendments on this thing, phase-ins and property tax, all this stuff to try and figure out some way to make this work when we were working on the supplemental budget. I couldn't figure out a way to do it that wasn't going to have a big property tax burden, wasn't going to have mandate problems, and wasn't going to have some kind affect that we didn't want to have. We can do this. We can do this through the money we're spending on EPS, we can do this by working on the State level to try and contain costs for the local level. We've got to do something to cut down the amount of paperwork in administration those school districts and teachers have to deal with. We've got to do something to lower health insurance costs that when people complain about my teacher salary what they are really complaining about is the fact that the health insurance policy that I use for my family is costing my district \$16,000 or \$17,000 a year. We have to do something about that, that's what's driving these costs through the ceiling. If we can do something about those costs about insurance costs, about all the other costs that schools have, if we can do something to merge these districts and cut down on administration we can start to control costs on the local level and that money will go to teachers because that's where the people want it to be, that's why we have this thing in front of us. So, Mr. Speaker, like I said, I'm reluctant to stand here and continue to fight this, but I really do think that this is the wrong thing to do. I think we can come back next session and really work together for the good Education Committee to start figuring out ways to control costs on the local level and funnel some of this money to the teachers. We've done some very good work this year putting stipends in for high quality teachers, doing something for the young students that my friend and colleague the Representative from Orono talked about; we've done some good things this session. We can go home and be proud about what we've done for Maine's teachers, but we don't necessarily have to pass this and potentially make it worse. Thank you, Mr. Speaker.

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

Representative NORTON: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I do want to commend the good Representative from Rockport, Representative Bowen; he certainly did quiz everyone when we had the joint hearing on this bill. Every teacher, young teacher, who came before him saying how badly they wanted this he did question them about how would they feel about others making more than them, he

questioned every one of them. There was not one of them who said even if it didn't affect them they wanted to make sure that this money was given to teachers. That this is a fair salary, that it was time the minimum salary moved and as the Representative from Orono, Representative Cain stated, they were saying, all of our colleagues have left the State, we have chosen for one reason or another to stay here, but even if it means that I don't move on the salary scale, I think the minimum salary should go up for those people coming in and for anyone who is below that. Number two, I do think we need to look at the fact that do we bind a future legislature? This does not bind a future legislature any more than your educational funding formula already does and as you can see, or as you realize any legislature coming in may change EPS and it will then be up to them to figure out how to deal with it. This does not mandate a future legislature any more than our budgetary process already does.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We'd mentioned unions; I've been on both sides of the fence. I've been a member of the union, I was elected at a board of directors at a union, had to give up my union card because I took foreman's job, became a plant superintendent, assistant vice president of printing. A few weeks ago, I think it was March 30th; I have a roll call out in front of me, we were voting on charter schools. It seems that some of them that think this is too expensive didn't think starting a whole new school system was expensive, they supported the charter schools, and luckily it went down in defeat. So I say if you can support the charter schools, why can't you support the teachers? Thank you.

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to bifurcate this issue just for a moment and not bother you with further discussion about the deserve-ability of teachers for more money and the reorganization that they all deserve. I think the general agreement in that regard and I having started in a classroom teaching job where the minimum, if I were to mention it here would be embracing to me. Having probably been the only one in this building other than a gentleman on the other end of the hall who voted for collective bargaining in 1969, my feeling have always been that collective bargaining is a matter of local control and teachers ought to structure in their bargaining and management as well their proprietries and work on the basis of the authority that we gave them 37 year ago. My concern is the legislative double speak we're engaging in here this morning and have the risk of being seen as being somewhat hypocritical in what we are saying and what we are doing, which I think are in different obits at the moment. Just as a comment here. In June of 2004, Maine Municipal Association referendum question was approved by the voters to go to 55% funding of education and a very clear statement was made. It doesn't allow us to interpret, as the House Chair of the Committee has just indicated to us that, that's only an intent. For us to violate that and say that we are not going to continue to honor the remaining three years of the ramp of the 55%, I think would be really hypocritical behavior on our part. I don't think any of us want to do that and yet what we're really proposing here is to say, well those who signed those petitions and voted in June of 2004 and those of you who voted for LD 1 in January of a year ago, all of whom felt you were getting property tax relief are now being asked to say well forget about that folks we didn't really include the 90% of that new money going into property tax when we enacted it and we've

forgotten that last January there was a bill proposed and a State of the State statement committing that 90% of years two, three and four of the ramp, it ought to go to property tax relief. What we are saying this morning is, forget those promises, this is no longer a matter of property tax relief this a vehicle to do some back door mandates. Lets face it folks that's all we're doing. We're saying that this \$2.1 million that is the intent in the 2008 will be to fund a mandate, it's not going to help those rural school systems that a suffering now that have seen no property tax relief whatsoever. Those mentioned by the Representative from Blue Hill yesterday are typical all round the rim counties of this State. We're taking away what was intended to be a property tax relief vehicle bringing equity to the State as a whole and we're saying lets forget about that now, let's jump on it as a mandate opportunity. If we can go around the constitutional intent to fully fund mandates as represented on the back page of the green handout from the Representative from Rockport, lets do it, lets just use the word intent and lets just engage in a little double speak here in the legislature now and pretend that we really didn't mandate that. We know that we are doing that, we're doing that for the collective bargaining level playing field all across the State, both municipal and educational. I don't know how we can stand here and say that this is just an intent and that we're not violating our commitment to property tax relief by obligating money up and down the State, particularly in the rural areas that subverts the local control and local collective bargaining process.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGECOMB**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. And in conclusion. Many teachers and most school boards would prefer that we send the salary money to the school districts and allow the negotiations process to proceed and that money be distributed that way. I will be voting red on this item.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In conclusion number two. I would nominate either the Representative Bowen or Representative Millett to be the new Commissioner of Education. Thank you.

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

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There are a lot of teachers here in the body and I'm sure that we could all tell stories about what our first salaries were at the time that we became active in the profession. I've known I wanted to teach since sixth grade, but my first experience wasn't a rural school. To me, I had some concerns about this bill originally, but they have been alleviated with the more discussion that I've had. I'm a suburban teacher who I think, in this case, is advocating for rural teachers. I think this is going to be good for rural kids. It seems to me that one of the concerns that I've had that I know that rural schools have varying contracts, some that would be affected differently by a change in the base. The fact of the matter is, whether they have increments in the steps of their contract based on a numerical amount or whether it's a percentage of the base, if we have seven teachers \$1,000 under \$27,000 in one district and \$7,000 in another despite the differences in those contracts the amount of initial money provided by the State is going to be the same. That contract will not be changed as far as those obligations until the contract is renegotiated. Now will there eventually, whenever that contract expires and is renegotiated, will there be an upward impact

perhaps of having the newer base established by the State, yes probably. I'm not sure that that's a bad thing; the salaries that are going to be reflected by the new contract will be also used by EPS to adjust whatever State allocation is made in the next cycle. So it seems to me that the great concern that I think I'm hearing from some is not going to take place initially and that this is an opportunity for old teachers, like myself, to support newer teachers who are just starting out and perhaps trying to support a family and so forth. It was a wonderful thing for this South Portland kid to get a chance to teach in Greenville, Maine and I would like to think that it was a good thing for Greenville, Maine. I'm hoping more of that will happen with a minimum wage, you might say, an entry level wage, that is going to be better for that young professional. The last thing that I would like to mention for you is that a comparison in my experience. When I was Department Chair and I have to admit that I was pretty much The Department at the small school, when I had a summer vacancy I might have four or five applications in this rural school. When I became a flatlander in 1981 and went to a larger system, I had a hundred applications every time there was a vacancy. It seems to me that this could be a good thing for rural education, a good thing for rural teachers, a good thing for beginning teachers and good thing for rural kids. I urge you, support this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Lansley.

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

The SPEAKER: The Representative may pose his question.

Representative **LANSLEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. If it's indisputable that the projections for 07-08 are \$2.1 million, approximately and if the legislature does not have the money to pay that \$2.1 million who then will pay that \$2.1 million to be in compliance with the law?

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

Representative **MCFADDEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm not against teacher's salaries, but there's a case of where the money is coming from two or three years down the road. I know teachers have a hard day and a year in front of them. I know most people think they work from eight in the morning until two in the afternoon, I know differently because I was in education administration for 36 years. I know they have lesson plans, they have in-service and they have to gain six credit hours every five years and so forth and so on. Well, I'm really concerned about the towns and the money as my good friend from Crystal just mentioned. I'm in a district where the labor market is 85% for general purpose aid, which doesn't help in any of my schools, but there's a couple things I just want to mention. A spread sheet came out two years ago from EPS where the local foundation allocation was 8.25 mils, a second one came out, I believe it was February 2nd or 3rd of this year where it had dropped down to 7.6 mils, approximately a 2/3rds of a mil drop in the local foundation allocation. It looks to me like once this bill goes through in two years down the road when the towns pick up the tab, under EPS this local foundation allocation is going to rise again. What it looks like to me is the property taxes are going to soar against what LD 1 dictated back before. Now the other thing it's an unfunded mandate for the towns, another one that's happened over the years and the third thing that Representative from Waterford just mentioned is the people voted for 55% cost of EPS for the State to pay and now here we are, we're not fulfilling this we are only up to 50%, I believe at this time and then we are trying to raise teacher's salaries. I want the teachers to be paid more there's not question about it, they deserve it, but

when it comes down to the towns paying for it they just can't do it. I really can't vote for this. I'd like to see them have the raise, but I can't vote for it. I guess I want may cake and eat it to. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Two things, one there was a question posed to the Chair a little while ago, I'd like to hear the answer to that as well. Also, I'd point out to my good friend Representative Babbidge, the implications to the smaller schools the rural schools we're hearing a lot about of the upper pressure on the wage structure of other teachers and other staff in a school. The school boards will have to debate amongst themselves, how to get the money, if they should go to the town to the tax base and get the additional money. In most cases because you know we're capped and we don't want bring in more money than required and they will find the situation where they will try and keep the budget within the cap and what they will end up doing is decreasing services to the students. So this will be a bad thing for the education in rural areas. You'll have classroom sizes increasing, the number of students in the classroom, not the size of the room itself, sorry about that. You'll find an erosion of education just as you'll see an erosion of the commitment we've given through LD 1 for property tax relief which this is just another increment of that kind of intrusion on the promise that we made earlier. So I would hope that some of us change our light and go red on this, please.

The SPEAKER: The Chair recognizes the Representative from Mars Hill, Representative Lundeen.

Representative **LUNDEEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Not all young teachers are leaving the State. We have two new young teachers that were graduated from our school that have jobs this year in our local school. They're there because they choose to live there. I would like to see the negotiation left locally, it seems to be working. Everyone in this room knows that the teachers deserve more money. I don't think it's the time for more money. Let the local people decide that, they know, our superintendents know what their districts need, they deal with it daily, they do the budget for their school. Of all the school superintendents that I have talked to in Aroostook County, and I've talked to most of them, are against LD 1381. What does that tell you? I will be voting red.

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've heard about the two Maine's, but I'd like to tell what my superintendent, back home in Biddeford, southern Maine, 20,000 people in Biddeford, has told me when I called her. I said you know I support education; I support teachers, I'm on record doing so. I said I have a very hard time with this. She told me Joanne, I'm looking at my budget and I will be losing \$800,000 and I will be forced to let some teachers go. I said you sure you know about the formula, because they are telling me that you, you know superintendents are probably not getting this. We went back and forth, we had this dialogue and she said, I'm telling you Joanne that we are going to be losing \$800,000, it's because of the EPS model, it's because Biddeford has not made the full commitment to education, I'll be honest about that, but that's what we are looking at. Then I'm looking at the BETR Program that's also going to take some money out of my town. So what do I do when I go back home for people who are calling me and saying I can't afford the gas, I can't afford my oil next winter? I'm going to be



sending them a minus on our budget because of the things that we are going up here. Who doesn't support teachers, who in their right mind would want to vote against this and have to go back home and face it. It's been a difficult situation, but I have to think about everyone in my community, not everyone is a teacher, not everyone is a firefighter, not everyone has healthcare. It's whose the best organized; is this what it's coming down to; who has the most lobbyists in the hall. Who put me in this in this seat, who elected me, whose going to be struggling next year, how do we know what the oil is going to be like next year, what's that cost going to be. It's not the right time. It's not just beginning teachers it's a step-up increase for all teachers. So if it was just focused for the first new year teacher, the people just coming in I could see it and I think that should be negotiated with our local bargaining unit, this is taking this away.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You know when you listen to one superintendent you're going to get one vote and if you don't listen to all those school teachers you're not going to get those votes.

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. Try and be fairly brief, but you hear a lot discussion about rural schools being affected and all that. I pretty sure that I'll debate with anyone that I'm as rural as anyone in this chamber. Just in the town that I live in there are 200 people, 72,000 acres of land, that's 360 acres for each resident of the town of Allagash. The argument that this hurts rural schools, I don't agree with, you can argue why or anything like that I don't know a lot about the EPS, but we actually do well in the SAD 27 by it for whatever reason. This thing with teachers, in the early 1980s my mother graduated from college with a teaching degree, she was recently divorced from my father and times were tough. Her first year salary was \$14,600 and I never considered myself poor or underprivileged, but those were certainly the toughest times in our lives. She had a four year degree, she was what I would consider a professional and she should have been making more. Years later after I got out of high school and went into logging profession, no education, basically just had to pick up a chain saw and made more money in a short time of the year than she did in after having a four year college education and right up until now I do have college education, but I'm still working the logging field and I probably still make more money than she does after having close to 30 years of teaching in. I just feel that it's an underpaid professional position I don't agree with the arguments that it's going to cause less teachers, bigger classrooms. When I went to school, I make this argument a lot; I went to school at St. Francis and they had a parking spot for every teacher at the schools and there were probably 12 to 15 cars back when I went to school, now you go there and there are cars everywhere. I think now that there are more teachers than ever in our school systems; I don't think this is going to cut back on the amount of teachers. I think these people deserve a little more for a profession that I know personally, I would not be standing here today if it wasn't for a lot of good teachers in my life and I'm more than willing to take whatever consequences there are back home to support these people because I think they deserve it.

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. 546**

YEA - Adams, Babbidge, Barstow, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carr, Clark, Crosby, Cummings, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Hanley S, Harlow, Hogan, Hutton, Jackson, Koffman, Lerman, Marley, Marraché, Mazurek, McCormick, Miller, Mills, Moody, Moore G, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Saviello, Simpson, Smith N, Smith W, Thompson, Trahan, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Beaudette, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis K, Duprey, Edgcomb, Emery, Fitts, Fletcher, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moulton, Muse, Nass, Nutting, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rosen, Sampson, Schatz, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Twomey, Vaughan.

ABSENT - Berube, Craven, Grose, Jennings, Makas, Ott, Robinson.

Yes, 76; No, 68; Absent, 7; Excused, 0.

76 having voted in the affirmative and 68 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED** signed by the Speaker and sent to the Senate.

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

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The House recessed until 3:30 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1078)** on Bill "An Act To Replace Municipal Revenues Subject to Business Equipment Property Tax Exemption"

(H.P. 1452) (L.D. 2056)

Signed:

Senators:

PERRY of Penobscot

COURTNEY of York

STRIMLING of Cumberland

Representatives:

HANLEY of Paris

CLARK of Millinocket

McCORMICK of West Gardiner

WOODBURY of Yarmouth

CLOUGH of Scarborough  
 BIERMAN of Sorrento  
 WATSON of Bath  
 SEAVEY of Kennebunkport  
 PINEAU of Jay

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

Signed:  
 Representative:  
 HUTTON of Bowdoinham

**READ.**

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, Women and Men of the House. Eliminating the tax on business equipment is a goal many in the legislature have had for a long time. Eliminating the tax is very important in providing stability and predictability and confidence to business in making decisions to invest and expand in Maine, that's why this bill is so important. What has made this unattainable in the past is the complication of how to adjust the financial systems of government to deal with the lost revenues that our cities and towns have come to depend on for the support of local services. This bill eliminates the tax on business equipment investment going forward and in addition puts in place a mechanism to assure that municipalities are well compensated for the elimination of that tax. Though the discussions around this bill have been going on for some time, I want to take a few minutes this afternoon to describe the details of the Committee Report. First I want to talk about the motivations for the bill, second I want to describe in some detail how the tax exemption applies to business property and third I want to discuss the impact on municipalities, as I know this was a particular concern in earlier versions of the bill. So first, motivations, States differ considerable in their tax treatment of business machinery and equipment. Our historical decision in Maine to fully tax business machinery and equipment is one of many factors influencing business location decisions, but it puts us at a competitive disadvantage relative to states that exempt business equipment from taxation. We are in affect discouraging the core business infrastructure that supports jobs, job growth and income to Maine residents. This bill makes us one of the exempt states instead and as a result gives us a better chance going forward in attracting the new business investment and new business expansion that is so important to Maine's economy. Let me now get into the details of the bill. The first thing to note is that this is a prospective change, all property that is currently in place in our cities and towns will continue to be taxed as it is now. The tax exemption only applies to new investments put in place in 2007 or later. I emphasis this because none of our towns will lose any of the existing tax base that we are currently taxing. It is only future investments that will be tax exempt. Also, property that is already in place and eligible for reimbursement in the business equipment tax reimbursement program will remain in the BETR Program with 100% reimbursement of taxes paid for the first 12 years in the program, just like it has now. In addition, the bill extends BETR reimbursement beyond the initial 12 year period with reimbursement rates of 75% in the 13th year, phasing down to 50% in the 18th year and thereafter. Personal property used in

a storefront retail business and used for retail activities will also continue to be in the BETR Program with the same extended reimbursement schedule. Both the prospective tax exemption and the extended BETR duration of the BETR Program for the existing property and for retail property will make the tax environment in Maine significantly more friendly for business operations and expansion going forward. Now let's turn to the impact on municipalities. As I emphasized before, property that is already being taxed because it is in place now will be continued to be taxed. So the issue of lost revenues and compensating for lost revenues relates to new equipment that is put in place in the future and this bill does the following things to mediate that impact. First, there is a baseline reimbursement rate that begins at 100% when the bill is first enacted and phases down to 50% over time. Second, there is a supplementary reimbursement for communities that rely a lot on personal property tax revenues. So for example, a community that currently depends on personal property taxes for 80% of its revenues, a lot, would be reimbursed at a rate of 90% for the new property rather than the baseline reimbursement. Third, the bill provides an additional allocation to the Revenue Sharing II Program which provides supplementary compensation to service center communities and other high mil rate communities. The additional allocation begins at \$2 million and phases up to \$4 million. A final component of the bill is that it eliminates the so-called double-dip where businesses can receive both TIF reimbursements from their municipalities and BETR reimbursements from the State. This bill has been a collaborative effort of leaders from both parties. I want to recognize particularly the leadership of the Representative from Sanford, Representative Bowles and the Representative from Brunswick, Speaker Richardson. This bill will remove an important disincentive to business investment and expansion in Maine and will promote the future growth of Maine's economy and I urge your support. Thank you, Mr. Speaker.

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

Representative HUTTON: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House. I know that as a 12 to 1 and me being the one, I don't stand much of a chance of actually convincing you to vote against this bill and it's not my intention necessarily to tell you to vote against it. The Committee Amendment to LD 2056 is the best compromise possible from the original bill. Within the time allowed, this compromise was all that could be achieved and some of the fears of the municipalities have been dealt with. Businesses are getting an extended tax break forever; manufacturing businesses in the future will no longer have to pay the personal property tax. It removes the double-dip from the mix relieving the towns of the burden of providing tax breaks for businesses and I want to say prospectively, the ones that are there are still going to be there. I would be remiss unless I took a bit of time to also point out to you that there has been a variety of things that passed through your desk. In one passed out at the request of the Speaker that puts forth something about MMA's support. I just want to read you an email that was sent out today to towns about where the MMA stands, so quote. "It is therefore more accurate to say that MMA believes that the Committee Amendment to LD 2056 represents the most that is possible to achieve with respect to property tax protections given this political environment. If the bill proponents want to characterize that as equivalent to supporting the bill they are overstating the case." So why do I stand here before you to speak against the bill? I wanted to read you something that was in the original statute and is in this bill as well on page 10, quote. "The legislature further finds that the programs set forth in this

chapter is a reasonable means of overcoming this disincentive and will encourage capital investment in this State." This is originally there, so we know that previous to this we thought that this was a good idea and that taking away this disincentive by having BETR would cause businesses to invest in our State. Well, 38 other states have the same tax that we have and the Committee really never addressed the issue at this time, we did no in-depth study of whether or not this is a true statement. We didn't examine for example, the way New Hampshire taxes business, we didn't consider that and they do a different tax. I'd quoted the wrong number in caucus the other day; they actually have a 9.25% collective tax on businesses but they tax on a different point in time than upfront. So to me the validity of that statement is still in question. To me this bill is a band aid and the problem of taxing business investments will not heal without real comprehensive tax reform. I asked to be on the Tax Committee to do tax reform and I was told that the possibility of reform was real and that we would continue the good work from LD 1. In my third term would think that I would have known better. The bill and/or the Committee Amendment is just that band aid for part of a much larger problem. Is the current tax system fair, does it distribute the burden fairly among Maine residents and businesses? Does it really promote investment in business? Can the lowest wage workers support themselves? Is there a way to get them more of a tax break? Is there a way to take the burden off of the property taxes, and many other questions come to mind? All of these questions are interconnected with our tax code and they all need to be balanced to create a fair tax system. I would have fully supported a Joint Select Committee to address these issues to take our time, review these and study these and come back in the next legislative session to create a real tax reform package. This issue needs our attention and this bill only patches up a problem that will resurface over and over again. All we're doing is shuffling tax payer dollars around to benefit the manufacturing businesses and trying to find the revenue to return to the towns to reimburse them for their losses, and they do have losses, they are never kept 100% whole. We're providing tax relief for businesses, not tax reform. So for those of you in your next term who are unlucky enough to serve on the Tax Committee, I employ you to look at all of the interconnected pieces and create that real comprehensive tax reform package for the people of 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. As many of you having been trying to get rid of this, I've been trying to oppose getting rid of this because this is nothing more than a tax shift. This is nothing more than a shell game because no matter who reimburses at 50% that's still tax dollars. I have this book from corporations to individuals and its sources of who pays taxes and who doesn't pay taxes and in 2003 individuals taxes made up 90%, corporate taxes made up 7% and other made 3%. So who really pays the taxes? This is a shell game. I went to MMA and I scolded them, I said, how could you have jumped on this. They said to me, one gun or two guns, Joanne, which one do you take? So I asked them, because I wasn't satisfied with what I heard in caucus, some of the answers weren't clear, give us the line for our towns, well we can't. So I asked MMA to do it for me for Biddeford and they had to look at a variety of things, real estate, property, exempt property, loss revenue, reimbursement and they did. By the sixth year, we'll be losing a little over \$156,288, well that might be a drop in the bucket you say, but it isn't. On top of everything else we're sending home, where is that person whose struggling, when do they get their tax break?

If you don't like TABOR, then what's the answer? What is the answer to tax reform? We don't have the courage of our convictions in this House to pass progressive tax reform and I heard it for eight years, starting with Bonnie Green, I almost thought this morning when I heard her name, that I should send a little note, saying, Bonnie, its eight years later and we still don't have tax reform, when she promised it when I was a freshman. This is about an election, this is about a promise made to do away with this, hand shakes and a blink of an eye and we're going to do away with this. Let's find out whose really paying for this, it's the towns, it's the property tax payers, and it's shifting the burden without real tax reform for those people who work every single day, there's no help for them. 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. I'd like to bring the focus back on to what this bill is designed to do, why we're doing this today. Back in 1995 when we passed the original business equipment tax reimbursement program it was to provide a climate in the State of Maine where businesses would feel that they had an even playing field with other states. Where they could come into the State of Maine and not pay a tax that was either higher or even non-existent in other states, that they could make an investment in Maine that would enable them to provide growth for their own company and of course at the same time employment for our Maine people and better jobs. Over the years there have been so many attempts to weaken and dilute that effort, even last year we reduced the payout from 100% reimbursement to 90% and as you know, several other attempts were made to make major changes to it. That we were losing the confidence of the business community and especially those companies that had out-of-state management. It was very difficult for the people representing them in the State of Maine to convince those parent companies that it was a safe place to invest anymore. We needed to overcome that because it's very important that we attract investment in this State. Without investment, you don't stand still, you're not going to just continue on with the same businesses you have, you're either going to get new investment and new businesses or you're going to lose investment and lose businesses that you already have. It's very important that we stabilize this and we stabilize it now and LD 2056 will do that. I hope you can look forward to keeping this program in effect over a long period of time because businesses, when they make an investment they do their performers out over period of years, some 10, 15, 25 years to see how they're going to fair with that investment and what kind of a return they can get. If you can't get a return on an investment you don't make it. If you don't get investment in high technology equipment today you don't remain in business, you don't remain competitive. Again, it's very important. On the question of MMA, I have a copy of the memo from MMA on MMA's position that was distributed by Speaker Richardson and I'd like to read this to you, and it says. "MMA is not opposed to LD 2056 in its final form, it is not 100% of what the municipalities wanted," as I'm sure you know and I would add it's not 100% of what any of us that were at the table wanted. It is difficult, as I am sure you can understand to get everyone a 100% on board, however, I feel a good faith effort has been put forward by all parties involved. I appreciate all the work that MMA's staff, you and the legislature have done to compromise and I hope LD 2056 can be passed so that we can move forward." This was signed by Ryan Pelletier town manager, St. Agatha, President of the MMA. So, MMA is not opposed to this legislation, they support this legislation and ladies and gentlemen of the House, I hope you will vote with me in

support of the pending motion. Mr. Speaker when the vote is taken, could we have 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 Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House. I think it's no secret to the members of this body where I live; I live in a paper mill town. I represent three towns that live off a paper mill; I work in a paper mill. I can tell you I also was a town father; I know what the towns are going through. The original bill, I think it's no secret here, I had a lot of heartburns with, had a lot of problems with it because my towns are going to lose a lot of revenue coming off the BETR Program. I can tell you being part of a rebuild on a paint machine in Millinocket, knowing how competitive the paper industry is, if you don't stay within the market, if you don't stay competitive you end up belly-up. I can tell you what that's like too, been going through that, but thank god that we do have a new machine in Millinocket or Millinocket would not be up and running today. A lot of effort went to put this bill together and make it a Majority Report. I don't think that any of us really like the entire bill, the whole bill, but there are pieces in there to help everybody, it helps my town, it helps my mills, it helps us stay running if they ever want to do any modernization later on down the road. It's been no secret I've been part of the BETR Program since 1995 when it was first created as well as a few other members in this body. None of us ever thought it was going to live as long as it has, but it really blossomed to the point that it exceeds probably around \$80 million if not more and climbing. I think it's time now that we take a strong look at it. A lot of my concerns have been ironed out, taken care of, not at 100%, but something I can live with, something my towns can live with. That's one reason why, Mr. Speaker, women and men of the House that I'm on the Majority Report. I hope when the vote is taken that you'll support the Committee and move on with the work and make sure that these people move on with doing business in the State of Maine. Thank you, Mr. Speaker.

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. We're looking at this bill, at a certain concept in tax policy. I think we need to take a look at, are we going to look at tax policy until the next election or are we going to be looking at tax policy for the future? Now one of the principles, of course, of taxation at the municipal level is that the various persons and entities share the responsibility for the services rendered by that municipal government. We do know that those companies that pay tax on business equipment are the beneficiaries, probably the primary beneficiaries of municipal spending on education, law enforcement, fire protection and many other such things. So they're the users of the municipal tax dollar as well as the homeowners and such. So as a matter of tax policy it makes me hesitate to all of a sudden give a subsidy or blank check to a business simply because they're a business in a town and say, you don't have to pay for your part of the services. Now there's another aspect of this bill that troubles me, when the BETR Program was passed back in 1995 or thereabouts the BETR Program was going to encourage investment and the way it did that is it gave a subsidy or payback on the taxes paid for a 12 year period and you can see the logic in that, it is presumed that equipment is going to be depreciated

after 12 years and you want to encourage the businesses to renew equipment after that 12 years, to make further investments. Now what do we have here? I'm going to address this basically to paper companies because I think that this is a paper company bill and they've been the primary sponsors and demanders of this bill. Now having made their deal in 1995 while it gives us a bye of 12 years and we'll pay property taxes after. Now they've come back and found a way to engineer a tax break, well now after the 12 years it's going to continue onward. Now stop and think tax policy wise, what's going to happen if there's an incentive to keep that same 12, 13, 14, 15, maybe 20, 25 year old equipment. There's no longer the incentive to renew it, there's an incentive to keep it and not renew it. This gives me particular trouble when I think of the paper mill industry. We've all heard about the paper mill industry selling off their forestland, millions of acres have been sold off by the paper companies and we're not dealing with State of Maine companies, we're dealing with international companies who don't have a stake in the State of Maine, they're looking at the bottom line for their stockholders. They sold off their timber resources. That means, 15, 20 years from now they won't have it anymore. Stop and think, look back over the years, do you think subsidies would have kept the shoe industry in Maine? Do you think that subsidies would have kept the canneries? Do you think that subsidies would have kept the woolen mills? We're looking, we're talking about an industry that's already looked into the future and seen their obsolescence and they're asking us to continue subsidizing them. If the State of Maine is going to have a realistic tax policy it's got to put its money where it's going to grow industries of the future and companies of the future, not put it into an industry that's already decided it's dying. We've already been left with the residues of these international companies that leave us with their waste that the State has already picked up on. It's not time to continue subsidizing an industry that has decided that it's going to be gone in 15 to 20 years. I'm going to vote against this.

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

Representative **CARR**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I like one of the previous speakers, the Representative from Millinocket, Representative Clark, I live in a mill town as well. I know that at least many on this side of the aisle knows that I had a great deal of heartburn on this bill when it first came out and had to endure some discussions between myself our leader Representative Bowles. I do want to make sure that everybody knows that in some of those discussions that I have read the latest version, I've also spoken with MMA representatives. I've read all the material that has been sent out and I plan on voting for this. I think it's a good bill for the future, I think it also protects the towns. It's an opportunity for us to perhaps have some development in places that hasn't had it before. So I would urge you to vote for this. Thank you, Mr. Speaker.

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

Representative **HUTTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to clarify two things that came across your desk. One is a piece of paper that at the top says, distributed at the request of Speaker John Richardson, the other one is distributed at the request of Representative Deborah Hutton, one is from Ryan Pelletier who says, in no where in this email does it say MMA supports, it says MMA is not opposed to LD 2056 in its final form and that's the one from Speaker John Richardson. It says that we hope that it can be passed so that we can move forward, it does not say, we fully support this. Again I would read that quote from MMA, I

hope that you would take the time to look at the full email that came from MMA and their position on LD 2056. Again the last line says, "If the bill's proponents want to characterize those, equivalent to supporting the bill they are overstating the case." So please take a look at those two just so you are clear on where MMA stands.

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. As a survivor of the Joint Select Committee on Property Tax Relief with more than one after midnight negotiation session, I respect the Committees hard work on this issue. As the owner of a land and equipment intensive business, I acknowledge the significances of this issue, we pay this tax. I also understand the delicate balance of a hard earned compromise. I will vote for this bill and I encourage you to do the same, however, there's a glaring oversight, a missed opportunity to correct current Maine revenue services rules. In the flyers that were distributed by the Speaker and the Republican Leader, they state that new equipment will be exempt from personal property tax. That isn't quite the way the program works. The issue is in the current rules. Maine Revenue Services outlines that business equipment does not qualify for the tax exemption if it is purchased to be used from an in-state vendor. It's considered to be already in service in the State. So frugal business owners who purchase equipment, say from Uncle Henry's, as I have several times, will continue to pay personal property tax on that equipment, which if it had been purchased new or used from away would be exempt now and under the pending legislation, that's just plain wrong. The rationale for the rule, I am told, is that business owners would basically trade equipment, selling or swapping to avoid the tax or even manage somehow to sell it to themselves. The answer, of course, is to forbid this sort of gaming without penalizing all business owners who shop around for the best deal on needed equipment. The Committee has done good work on this bill and I support it. I will also continue to work to improve on its intent. This morning I submitted my first bill for the next term. If any of you are interested in cosponsoring, it's going to deal with exactly that issue of equipment that is purchased used from in-state sources to make them eligible for the exemption as well. In closing I want to read a paragraph from the pending legislation, on page 9 section 699, paragraph 1, legislative findings, "The legislature finds that encouragement of the growth of capitol investment in this State is in the public interest and promotes the general welfare of the people of the State. The legislature further finds that the high cost of owning qualified business property in the State is a disincentive to the growth of capitol investment in this State. The legislature further finds that the tax exemption set forth in this subchapter is a reasonable means of overcoming this disincentive and will encourage capitol investment in this State." My concern is that frugal business owners who invest in used equipment that's purchased from in-state sources should be acknowledged in this finding. Thank you.

Representative HUTTON of Bowdoinham **REQUESTED** unanimous consent to address the House a third time.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hutton. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears an objection.

Representative HAMPER of Oxford **OBJECTED** to Representative HUTTON of Bowdoinham speaking a third time on the pending question.

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. Sorry to have to follow that incident.

The SPEAKER: Would the Representative defer?

The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Point of order, could I appeal your decision or that decision?

The SPEAKER: You can ask that the matter be put to a vote.

The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to have that matter put to a vote.

Representative TWOMEY of Biddeford **REQUESTED** a division on the **OBJECTION** of Representative HAMPER of Oxford, to Representative HUTTON of Bowdoinham speaking a third time on the pending question.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative HAMPER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I withdraw my objection.

Subsequently, Representative HAMPER of Oxford **WITHDREW** his **OBJECTION** to Representative HUTTON of Bowdoinham speaking a third time on the pending question.

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 want to say thank you to Representative Smith for her observation that we miss things in this. I just want to point out, when you rush legislation you do lose in the process, you lose on opportunities that you could have taken advantage of had you had the time. I wanted also to point out that the legislative findings that she quoted from were not legislative findings from this work that we did this session, it was from the original bill when it was put into place 12 years ago. Thank you.

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. There are obviously two issues at stake here; one of them is that of the levying of personal property in the first place and the other is the reimbursement of the levy. As many of you know, I've been a strong advocate of a growth from within economic development philosophy for Maine and what that means to me is an entrepreneurship endeavor. So that we'll build our own businesses from within and any kind of a personal property tax is onerous to those who are borrowing money, raising what private capitol they can and having to pay taxes before they go through the first, 2 or 3 or 4 or 5 years before they break even. So I don't know if this, the BETR Program, is being exempt from it will encourage growth in our State other than for that from within. I don't know if being exempt will keep our businesses here. I think there are a lot of reasons that businesses leave that has nothing to do with whether or not they're viable it may have something to do with how many golf courses they have, I have no idea. What I do know is that the BETR reimbursement program is a classic example of inefficiency in government. It discourages small businesses start-ups and here's how it works. The municipalities levies the tax and they inform the business owner you pay this tax and we have a staff here who will go through all that and help you develop an application to file for reimbursement and then



they have a staff down in Augusta who will evaluate your application and they will send you back a notice that says that they either honor that application or they will suggest how you might amend it, or they might tell you that we are not refunding this year. That is something that happened to me a couple of years ago. So the conclusion that I came to, therefore, is that the BETR Program is something of a money-laundering scheme that should be lifted because it's a burden on business. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm sure you already know who I work for, but this bill to me is not about the paper companies, it's about Jardine Industries, it's about Nichols Welding, its Likeable Recyclables, it's about the logger in Phillips, Maine. Let me explain, Jardine Industries located in Wilton, makes plastic spoons, probably the plastic spoons that you may have used today at lunch, were made by Jardine Industries. They have to replace that spoon maker in the next year or so. Their direct competition is New York State, not Asia, New York State. New York State does not have a business equipment tax. Nichols Welding some of you have just heard about Nichols Welding in the news, they got a big contract from the Federal government to build trailers. Their other goal in that building is to bring 700 new jobs into our community; they want to have light manufacturing in there. They need to be able to go out as a sales tool to say we don't tax your equipment that makes this product, whatever that product may be. Likeable Recyclables; new company about to open in Avon, Maine, that company is going to recycle computers, it will be the first one in Maine, but as they go and grow, hopefully 60 jobs, they're going to need specialized equipment to do this, their competition is Asia. Finally it's the logger who stopped me in the store and he does take his equipment and he does apply for BETR and goes through the paperwork that my good friend Representative Moody just described. He does that, but he has to compete against others that bring logging equipment in here that don't pay business equipment tax. This bill is so much more than big companies. Thank you, Mr. Speaker.

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My primary purpose for rising is to thank the many individuals who were involved in what I hope is going to be shortly the successful resolution of a very difficult problem. Change is difficult and profound change is profoundly difficult and this is a profound change. People have a right to be concerned and worried. One of the really positive things that came from all the time, and it was a lot of time, that was expended on crafting, listening to concerns, trying to make changes, trying to affect compromise. One of the wonderful things that came of that is that I can stand here and tell you that today we have a better product, that's better with two Ts, we have a better BETR bill than we would have had. Some of the people who were most opposed originally and even unfortunately a couple of people remain opposed today, made significant contributions towards the improvement of this product and I thank them whether they support this or not because their input was valuable and it led to a better product, a better resolution and something which I hope the vast majority of you are going to be able to support. The good Representative from Bowdoinham, talked about the need for comprehensive tax reform and she's clearly not wrong. This State needs comprehensive tax reform, I know that that was the goal of the

Tax Committee; I know that is still their goal. I had this conversation with the good Chair from Yarmouth, Representative Woodbury not 15 or 20 minutes ago, the need for comprehensive tax reform and I hope that that can be accomplished. This bill was not the vehicle to do that, this bill was specific in its intent, but that should remain a clear goal for all of us. I'd like to thank the Representative from Monmouth, Representative Smith for calling our attention to a very valid point in the tax laws, it probably should be considered. I would dispute the assertion that had there been more time given to this bill that point would have every been addressed, I don't think it would have ever come up, frankly because it's a little bit different from this, but none the less it's a legitimate issue and I hope the Tax Committee does take a look at it. I would just offer to the good Representative from Van Buren, Representative Smith that in addition to the business personal property tax, businesses pay real estate property tax, they pay sales and use tax, they pay corporate income tax, and a whole host of local fees. I think it would be wrong to suggest that they are not going to continue to be huge contributors to the local tax base and continue to be good corporate citizens. I want to thank the members of the Tax Committee particularly. Although this bill was worked on by an awful lot of people ultimately it was the Tax Committee that kept the bill alive and every single member and I mean that sincerely, every member of the Tax Committee made some contribution to this product, it was almost an extraordinary effort. Mr. Speaker, I thank you. I appreciate your diligence in this matter, your support and the hard work that you've put into this legislation. I want to particularly thank Martha Freeman from the State Planning Office; she provided us with insight and analysts and was helpful at every step of the way. Commissioner Cashman and T J Tavares from the DECD worked with us through every step of this bill. This was truly a collaborative effort and it was truly a bipartisan effort. So Mr. Speaker, I'm looking forward to a strong vote and I appreciate again the help that everyone gave to this, I think you can all be proud of the result.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House. This has been an extraordinary debate in one respect, everyone who has risen has been absolutely right, whether they are on one side of the issue or the other, everything that has been said, with the exception of a couple of phrases has been absolutely right. My good friend the Representative from Bowdoinham, Representative Hutton points out that the basis of this problem is not business equipment tax, its not reimbursements to municipalities, its not trying to figure out to make this work, it's just simply bad tax policy, to tax investment. A business is just getting started up, buying its capital equipment and we, the State or the municipality, steps in and taxes it. Instead of allowing that business equipment to be installed, the business to get up to speed, production start and employees be hired, things being worked out, 4 or 5 years down the run when you're showing a profit that's the time to come in and tax perhaps to get the fair share of businesses contribution to the society. That's better tax policy. Unfortunately, that's not within our grasp this afternoon. The personal property tax has its roots in 1066, William the Conqueror came to England, the first thing he did after he put the bows and arrows away was send out his sheriffs with the doomsday book, taking stock and inventory of everything, every inhabitant of the island of Great Britain, England then, owned, in order to place a tax on it. It was still that system when we were part of Massachusetts colony; it was still a tax on wealth, rather than a tax on work. It eventually came to Maine unchanged and

as a tax, as you well know on real estate property, our homes, our businesses, our commercial buildings and almost by happenstance our business equipment. It's a bad idea, but there's no way that we can do away with the personal property tax on business equipment in one session. So instead, in 1995, the legislature determined the best thing to do would be simply pay the businesses back for what they pay in tax and thereby give them some incentive to invest. They chose a period of 12 years, those 12 years starts surprisingly next year. That property starts coming out of BETR, presumably without the action we are taking today would go back on the tax rolls. Now let me correct one thing that my distinguished friend the Representative from Van Buren, Representative Smith, said. He pointed out that the incentives are gone, well this bill replaces them, they are there. A new business installing new business equipment after April of '07, when this bill takes effect, that property is exempt from taxation. That's the incentive, it is exempt from taxation. Instead of the State having to pay the business back the taxes as paid, we simply exempted that property. So there is an incentive a significant incentive for new investment going forward, for replacement of old worn out machines and new investment presumably new jobs and business prosperity. I encourage you to support this bill and that's very difficult for me to say because I was one of the first and earliest critics of it. I have worked with Representative Bowles, the Speaker and others to try and fashion this better to make it fairer to places like the city I come from and represent the City of Bath whose budget runs between 20 and 26% depending on personal property tax and on top of this is also a service center. The City of Bath, as all other cities in the State, is being treated as fairly as possible by this bill. The important thing to do would be to abolish the tax entirely, that's not within our means right now, that is the significant sweeping tax reform that Representative Hutton calls for, we all call for, but at this case that's simply can not happen. Instead we have a better bill which is the best it can be, it's a good product of compromise, of communication, of consensus and I fully support it and I encourage you to do so. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. For anyone who'd like to answer. I'd like to know if those businesses do they get something back on their Federal Income Tax? Can they write that equipment off on their Federal Income Tax?

The SPEAKER: The Representative from Biddeford, Representative Twomey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative WOODBURY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe for income tax purposes business, machinery is depreciated over time, and that depreciation is considered an expense that is written off on their business income tax return.

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

Representative CROSBY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a short footnote to kind of give a little bit more credence to what Representative Watson from Bath was saying. That city is living under a 1% cap in their municipal government, so what he's saying when he is able to support this better bill today is very significant. If he can support it a lot of us sure can. Thank you.

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. 547**

YEA - Annis, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant-Deschenes, Cain, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Edgecomb, Emery, Faircloth, Farrington, Fischer, Fisher, Fitts, Flood, Gerzofsky, Glynn, Goldman, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jacobsen, Jodrey, Joy, Koffman, Lansley, Lewin, Lindell, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, O'Brien, Paradis, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson M, Richardson W, Rines, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Vaughan, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Ash, Blanchette, Bryant, Burns, Campbell, Canavan, Eder, Finch, Fletcher, Hutton, Jackson, Lundeen, Marean, Norton, Patrick, Pinkham, Richardson E, Smith W, Twomey, Walcott.

ABSENT - Berube, Brown R, Greeley, Grose, Jennings, Kaelin, Lerman, Makas, Moore G, Ott, Pineau, Robinson, Simpson.

Yes, 117; No, 21; Absent, 13; Excused, 0.

117 having voted in the affirmative and 21 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" (H-1078)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1078)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (6) **Ought to Pass as Amended by Committee Amendment "C" (H-1014)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "D" (H-1015)** - Committee on **TAXATION** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Homestead Land

(H.P. 7) (L.D. 2)

TABLED - April 14, 2006 (Till Later Today) by Representative WOODBURY of Yarmouth.

PENDING - Motion of same Representative to **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, Women and Men of the House. The two biggest

concerns we hear about our taxes in Maine are first that our taxes are too high and second, that people are being forced out of their homes by property taxes. This report would, for the first time place some limit on property taxes for Maine residents, it takes a Constitutional Amendment to do this. The limit would be 10% of income. For the large majority of Maine residents this exorbitantly high tax cap would have little relevance. Most of us thankfully are not paying more than 10% of our income in property taxes, but for the most heavily burdened minority of Maine residents, largely seniors who are paying 12, 15 or 20% of their income in property taxes or more a 10% of income tax cap could be a home saver. While a 10% cap is unquestionably high it would at least place some kind of limit on the out-of-pocket burden that Maine resident tax payers face. A 10% homestead tax cap is by no means a silver bullet for all of our property tax problems in Maine, but it is rather another component of what we should have in place. It would add to other important components of property tax reform such as containing government spending, regionalizing service delivery, decreasing the local share of K-12 school funds cost, eliminating the property tax on business equipment, providing a larger homestead exemption for primary residences and providing targeted property tax refunds through the State's circuit breaker program. The question is whether in addition to these other measures we want to establish some defined cap on the out-of-pocket burden of property taxes for those whose burden in the highest of all. Specifically, do we as a State want to continue to impose property taxes greater than 10% of income on any Maine resident tax payers? If you think there should be some limit to the burden of property taxes I hope you will support this report. 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. I spoke on this before so I'll keep my remarks short. I will remind you that the original title of this bill was "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Homestead Land" what is being proposed as the Majority Report does not address this at all. If you would defeat this present motion and move on to the Minority Report we will address the issue before us which is an amendment to the Constitution of Maine to limit the rate of change in taxable value of homestead land. 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 Arundel, Representative Daigle.

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

The SPEAKER: The Representative may pose his question.

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of the concerns I have with the proposal such as this is the opportunity that there seems to be to circumvent the intent, predominantly that the owner of record doesn't necessarily have to be the resident or the owner in practical terms. My father can let me come into his house, live in his house, stay in his house, his taxes would be what his income was, but I'm getting away with an inappropriate advantage. How are you proposing to stop that

very obvious way in which people circumvent this and distort the purpose? Thank you.

The SPEAKER: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Watson.

Representative WATSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to propose an answer, I just don't want to usurp my colleague, Representative and Doctor, Woodbury who probably has a better answer. But remember, this is a Constitutional Amendment, just like we dealt with working waterfront; this is a Constitutional Amendment, when it passed and was ratified by the voters it comes back here for statutory language to fill out for implementation. The first thing that occurred to me when I saw this 10% on an income cap was, this should be means tested, it shouldn't have to apply to a resident who can afford to pay 10%. That is perfectly possible, that is the subject, that is one of the subjects that will be touched when the statutory language, the implementation scheme of this is devised once it comes back to the 123rd Legislature. You can not as you know, as you well know, put every bit of statutory language into implementing the Constitutional Amendment when you propose and put it out ballot. That argument from the good Representative just a moment ago was an excellent one and certainly will be brought before the Committee and be discussed once this measure is successfully returned to us. Please remember now, we don't have much in the way of tax business to bring before you. We have done a couple of attempts of tax breaks, tax relief for small businesses. We've talked about lobstermen, we've talked about other small business, and we've just got through talking about BETR which is a huge tax break for business. This is our opportunity to do something for the people who need it the most, the homeowners themselves. I encourage you to treat what we can do in tax relief in this legislature fairly and balanced. We've done what we can for businesses given the time constraints and complexity of that and now it's time for us to rise and put out to the voters an opportunity to bring true tax relief, measurable tax relief, tax relief that will not cause conflicts among neighbors who might have bought their property after somebody else did, solely directed toward income. It's time we do that for them and I encourage you to support this. 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. I would question if this is properly before the body given this does not address the question of the original bill, is this germane or not?

Representative CLOUGH of Scarborough asked the chair to **RULE** if the RESOLUTION was properly before the body.

The SPEAKER: The Chair rules that the Committee Amendment is relevant, both for the fact that it is a Constitutional Amendment and also it is dealing both with changes to the taxation of homestead land by residents. They are not identical, but they are relevant and similar to each other, enough so that the Chair has ruled that the matter is properly before us.

Subsequently, the chair **RULED** that the RESOLUTION was properly before the body.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative PERCY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A little bit of history, in the 121st Legislature that's where this idea originally came. It came from an enormous effort made by the rural caucus and the coastal caucus and a group of very enthusiastic



hardworking freshman worked with many wonderful old timers with this issue of what do we do to help people be able to stay in homes, their primary residences. It was an incredibly emotional end of the session as this is turning out to be and we had incredibly support, Representative Carr worked with Representative Bowen, worked with Representative Watson, with Representative Woodbury, with Senator Damon, with Senator Peter Mills, with Representative Henry Joy and we all worked and worked on this idea, how can we help people who are being really challenged with high property taxes, not because of where they chose to live, but because of what's happening right now to land that has anything, that is anywhere near a beautiful view or water, whether it be a lake, a swamp, a vernal pool, a river, the ocean, the Kennebec River. So that is where this original idea came from. The marvelous thing was when we finished the 121st Legislature Representative Henry Joy came up to me and I was crushed because we didn't get anywhere with LD 2 and he said, don't give up Leila, don't give up, it is a good idea, you've got to keep working on it. Little did we know that the Chief Executive would come back to us in the 122nd and say, we can do something with LD 2. It may not be in the original flavor, but the original concept is there, how are we going to help people who every week are having new residences going up, millionaires building next to them and we can't help them with their property taxes. So here is a way to do it and the Taxation Committee, thank you, thank you, thank you. You came up with something that we can offer these people, it's a Constitutional Amendment, and it requires 2/3rds. We just worked very hard in support of the Taxation's Committee on helping the businesses, now please help us with that group of people who are in danger of losing their homes because of these crazy property taxes. This is your chance, send it back to the Taxation Committee in the 123rd and let's see how they craft it because look at what they did with BETR, look at what they did with the working waterfront. They can do it, so please, I ask you with all my heart and for all the people in the State of Maine who are terrified because of rising valuation, please support this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative **SEAVEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I urge you to vote no on the pending motion. We had comments during the Taxation Committee that this proposal is both unworkable and intrusive. We had those comments from the Maine Municipal Association and the Bureau of Revenue Services. We already tie the property system with the income tax system through the Circuit Breaker Program, but I think the manner in which this amendment ties the two tax systems together is really unworkable. As argued by the two people that would administer the program, our local assessors and Maine Revenue Services. I think this is an expansion of Big Brother at its worst when we now would have to provide a copy of our income tax to the local tax assessors. This is the Chief Executive's original companion bill to LD 1 which we have had in our Committee since December of 2004. The proposal before you now does nothing to address, which I believe is one of the problems with property taxes and that's the general problem of assessing. During our Committee deliberations the State Planning Office put through an excellent compromise to address the assessing problems which is more in line with the Chief Executive's original intent. Ironically the State Planning Office compromise is Report B which is supported by all of the Republicans. I urge you to vote no on this amendment so we may get to the other report and get to addressing the real problems of property tax which is the assessing issues.

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. Thank you for the opportunity to speak a second time. The comments just made go to how this is to be implemented, how it's to work. We're not talking about having to bring an income tax form to the assessor that is statutory implementation and that's the task of the Taxation Committee in the 123rd, it is not something that we've got to concern ourselves with and it's certainly not something that you should base your decision today on; this one opportunity to bring real tax relief to the people who need it the most in the State of Maine. 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. 548

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

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

ABSENT - Berube, Blanchette, Brown R, Greeley, Grose, Jennings, Kaelin, Makas, Moore G, Ott, Pineau, Robinson, Simpson.

Yes, 67; No, 71; Absent, 13; Excused, 0.

67 having voted in the affirmative and 71 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

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Representative **WOODBURY** of Yarmouth **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 other version of the bill would limit the growth of the valuation used for property tax purposes on primary residences. It's an extremely appealing concept, the Committee spent a great deal of time considering this concept. Here are some of issues that it raises that made many members of the Committee concerned. One is

that this imposes a tax shift between long term residence and new home buyers, new home buyers would need to pay more in property taxes to make up for the tax benefit that is given to longer term owners. We wanted to make a tax shift toward new home buyers and toward business owners. Second this type of program can lead to two identical properties with the same underlying market value that have dramatically different tax bills, there are questions of fairness associated with that. Third, if somebody is subject to a controlled valuation over time, they may be reluctant to downsize their home, because downsizing their home; their property tax bill would go up. Fourth, Mr. Speaker, this is a tax reduction precisely for people who have had the greatest increase in the housing wealth associated with their property. Now I know there are lots of appealing reasons to move ahead with a limit on property tax valuation growth, but these complications gave many members of the Committee pause in thinking that we should move ahead with this particular measure. So I would recommend voting against this 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. This amendment is in keeping with the true meaning of LD 2. My good friend from Yarmouth Representative Woodbury is correct; this amendment proposes to amend the Constitution of Maine to cap the homestead land valuation at the current just value maintained by Maine courts to be the market value for the property. It permits municipalities to further cap the just value of other homestead real property, such as the house on the homestead land. That doesn't require that, it permits it. It permits increases in the cap valuation only to capture improvements or degradations to the property of inflation which ever changes in valuation is lower. Upon changing ownership or to the homestead use the property must be reassessed at current just value and a penalty must be assessed equal to the property tax that would have been imposed over the proceeding 5 years minus property taxes paid over that period, plus interest. So this provides a recapture when property moves out of this category which will be an offset to any tax shift that might have occurred on a piece of property that was in it. So this is, I think the direction that we had intended to go in with LD 2 and I hope you will support this version today. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative SHIELDS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. For anyone who wishes to answer it. A man is living in a house that has taxes on \$100,000 valuation, things have gone up and I buy the house from him for \$200,000 and I have to pay a penalty of 5 years difference when I buy that house, plus paying the increased taxes on the \$200,000, is that correct?

The SPEAKER: The Representative from Auburn, Representative Shields has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Auburn, Representative Clough.

Representative CLOUGH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would answer the good Representative from Auburn, Representative Shields that he could elect to do that if he so chose, I guess, but it would be the requirement that the seller who is making the change would pay the penalty.

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

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just to be an equal opportunity malcontent; I also urge you to oppose the pending motion. In addition to all the reasons mentioned by the Representative from Yarmouth, Representative Woodbury I have the scenario of going to a town meeting in sometime in the future and having all these wonderful ideas brought up before the town meeting that would require money and all of us old timers who have been around for a long time say, well what the heck go ahead because my taxes will barely, barely climb up, but that new couple that dares move in town, but heaven forbid that daughter of mine if she ever hopes to buy and afford to live in a house near my neighborhood would just be priced out of the market. When the consequences of bad judgment and approving spending is falling evenly on all of us it perhaps would give great pause to that and I don't think that will be the case when I'm paying less taxes than my neighbor simply because I've been there longer.

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

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

#### ROLL CALL NO. 549

YEA - Austin, Bishop, Bowles, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Davis G, Davis K, Edgecomb, Fischer, Fletcher, Flood, Glynn, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Lansley, Lewin, Lindell, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Nass, Nutting, Plummer, Rector, Richardson M, Rosen, Seavey, Smith N, Stedman, Trahan, Tuttle.

NAY - Adams, Annis, Ash, Babbidge, Barstow, Beaudette, Bierman, Blanchard, Bliss, Bowen, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Curtis, Daigle, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Emery, Faircloth, Farrington, Finch, Fitts, Gerzofsky, Goldman, Hall, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Joy, Koffman, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Miller, Millett, Mills, Moody, Moulton, Muse, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pingree, Pinkham, Piotti, Richardson D, Richardson E, Richardson W, Rines, Sampson, Saviello, Schatz, Sherman, Shields, Smith W, Sykes, Tardy, Thomas, Thompson, Twomey, Valentino, Vaughan, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Berube, Blanchette, Brown R, Fisher, Greeley, Grose, Kaelin, McFadden, Moore G, Ott, Pilon, Pineau, Robinson, Simpson, Walcott.

Yes, 45; No, 91; Absent, 15; Excused, 0.

45 having voted in the affirmative and 91 voted in the negative, with 15 being absent, and accordingly the Minority Ought to Pass as Amended Report was **NOT ACCEPTED**

On motion of Representative WOODBURY of Yarmouth the RESOLUTION and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-812)** - Minority (5) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Enact the Tax Fairness Act"

(H.P. 359) (L.D. 484)

TABLED - March 9, 2006 (Till Later Today) by Representative **WOODBURY** of Yarmouth.

PENDING - Motion of same Representative to **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, Women and Men of the House. Many of us believe that a rebalancing of our tax code is needed, yet it has proved extremely difficult, near impossible to accomplish when you get into the details of what tax reform may mean. When we talk about income tax reform the biggest issues in my mind are our heavy reliance on income taxes first, our high rate and the modest income at which this high rate applies. When we talk about sales tax reform the biggest issue in my mind is volatility. Sales tax revenues in Maine are heavily dependant on construction materials and sales of new automobiles, both of which are highly cyclical industries. The result is that sales tax revenues in Maine are highly volatile. There is a natural pairing, I believe, in broadening the base of our sales tax thereby decreasing volatility and using the addition revenues to reduce income and property taxes creating a more balanced tax system overall. It's the right thing to do, I believe, yet it has proved so extremely difficult for us to accomplish. It is my hope that this referendum would give added legitimacy and strength to the next legislature to accomplish a true rebalancing of our tax system. That's why I recommend your support of this Ought to Pass motion. 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. I gave testimony on this; I guess it looks like it was March 9th, so I'm sure you've probably forgotten most of it by now. I'm not going to do it all over again, but I'm going to hit some of the highlights. The question in this bill says, "do you favor elimination of certain sales tax exemptions in order to provide income tax relief and property tax relief in a revenue neutral manner?" That's all there is to this bill, it was a concept draft, it was just one paragraph that wants to put this question out. Not a clue to what sales tax exemptions are being considered, how much income tax or property tax would be reduced or which tax payers would be affected and just what does revenue neutral mean, revenue neutral to who, we've struggled with that here for the last couple of sessions. Revenue neutral seems to be, raise as much money as you can and spend it all. That makes it neutral. You know, it sounds good, but I don't think this is a responsible way to approach tax reform. My suggestion would be that we don't need to put out a question that has obvious appeal, people would say yes, not knowing what to expect and not knowing what they could get and you not knowing what they really wanted. I think we can do tax reform better than that. I would suggest that in the 123rd, when you come back and you meet in the Tax Committee, that you develop a mission statement, decide what you think the new policy should accomplish and then develop a road map to get there. I'm totally opposed to approaching tax reform this way, I hope you will join me in opposing this proposal and this motion. Mr. Speaker, 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 Bath, Representative **Watson**.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Anyone who doesn't think that the Revisor's Office has a sense of humor should look at the original title of this bill, "An Act To Enact the Tax Fairness Act," it sounds like the first line of a naughty limerick to me. The subject, however, is very serious, but in response to my good friend Representative **Clough's** remarks, remember, we are not debating here today whether or not to take the right road to tax reform is by broadening the sales tax base to provided revenue to cover income tax and property tax relief that is a debate for the 123rd. All we're doing here today is debating whether or not we ought to put that question out for an advisory referendum poll, if you will. Although this poll is not one that's based on telephone calls to 500 likely voters who happen to answer the phone and respond to some paid poll taker who then takes those static's and creates them and comes back and gives you an opinion. This is a 100% certified accurate answer to the question, do the people of Maine favor broadening the sales tax by eliminating certain sales tax exemptions. The question is made purposely general because as you know there are at least 122 current exemptions to our sales tax, each one of which has two or three gray suits out in that lobby prepared to defend it, so we're not at that point yet, that's not what we are fighting, which sales exemption to look at. We're only asking the people, is this the way to go, do we want to broaden the sales tax base, decrease the load on everyone and then focus on income tax relief. Income tax relief - my good friend from Yarmouth, Representative **Woodbury** pointed out that the rate is high - the rate is 8.5%. It's one of the highest in the nation and what's worse it only takes \$16,500 to get to that rate. Our income tax system, like our sales tax system is antiquated, but in order to lower that top rate by a quarter of a percent, from 8.5% to 8.25% it costs \$40 million and that, ladies and gentlemen is where the term revenue neutral comes from. This is not any kind of trick, saying we're going to raise a bunch of taxes and then rush off and spend them. We're going to try and raise \$40 million by eliminating a couple of sales tax exemptions that were enacted, 30, 40, 50 years ago and are currently not valid in order to raise the money it takes to lower income tax. That's the plan, however, and we've had that plan and that's been the result of virtually, in conclusion of virtually every study on this matter for the last 30 years. I've read a dozen of them including the last one which is done by the former Speaker **Saxl** and his group. We lack the political courage to get started to do it, we know it has to be done, we know this is a good way to do it; we lack the courage to do it. All we're asking here is the people of Maine, give the 123rd that mandate. If it turns out in the Committee process that that is impossible, that it is not a good way to accomplish tax reform, fine, then let the 123rd look somewhere else. My experience in the 121st and my experience in the 122nd, shared by everybody in this room is that we can approach tax reform, but we can't go there because we don't have a mandate. We're listening to public opinion being cipher for us, synthesized, and filtered for us by the people who make their living in the lobby of this building. This is an opportunity to bypass them and go straight to the people who matter, the people who actually pay those taxes and let them express their opinion on this one method of tax reform. It cost us nothing, it obligates us nothing, but it does give us, it give the

123rd at least, an idea what may or may not work in the minds of the people who actually pay the taxes. I can not understand any argument against asking the question that is all we were doing is asking the question. If the response comes back, no, fine. The 123rd can find some other way to tackle this or like us can avoid it. If it comes back, yes, then the 123rd has just a little bit of backing in order to stand down the pressures they will feel as soon as they start looking at that list of antiquated, antique tax exemptions many of which are decades old and no longer have any applicability in this economy. Just like our income tax structure does, just like our property tax structure does, but instead we ignore that problem, we salami slice, we salami sliced today when we did BETR, we salami slice every time we approach this reform this session. All we do is give a little relief to get somebody off our backs, that's dishonesty, that's improper, that's not our job. Our job is tax reform and we need the support the people of Maine in order to accomplish that. I think asking a simple question is a good idea and one that the answer to which, I think, will be of great interest to the 123rd and to the people of Maine. 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. I obviously disagree with my good friend from Bath, Representative Watson and I disagree for this reason. If we lack political courage then I don't know what changes just because we have a meaningless question on the ballot that people we know the answer they will give us because nobody is going to say no because they have been telling us for years that they want us to do tax reform. I think what this questions is meant to do is to provide the answer that says you must do it and now it's a mandate and we're mandated to do it and we've got to do something so we'll do something, but we can do something already if we want to stop and think about it and plan it out and don't wait to the last days of each session to start on it. I still repeat my appeal to you to vote against the pending motion.

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, too, think that this is a distraction. I can't believe we don't know what our people want, we go to the doors, we hear them, and there's been referendum after referendum saying we need tax reform. This is a smoke screen; this is smoke and mirrors saying well we've sent a referendum out to have to tell us what you want. They sent us here to do the job, we lack political courage to do it. 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. The idea of asking the voters whether they want this kind of tax relief or tax reform or not is, I think, a good idea. I think this question is a bit misleading. It does not say we're going to broaden the sales tax, it says, do you favor the elimination of certain sales tax exemptions. It's like, maybe that one, there and maybe that one there. It doesn't say, do you favor broadening the sales tax to include such items as, services, home cleaning, hair cuts, movie tickets, plumbing, electrical, ski tickets, home repair, and on and on and on. It doesn't make that point and it's unclear and I think it's unfair in the way it's worded. I would vote against this for that reason. Thank you.

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

Representative **RICHARDSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think one of the problems in trying to come up with a tax reform is because we don't have the courage to take on spending reform. Until you know what you're going to have to spend I don't know how you're going to reform your taxes so you can get it. So, I think the basic problem here is, lets figure out how we're going to reform spending and what we are going to do for that particular item before we try to do the tax reform and then I think you'll be able to come up with a correct plan.

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. 550

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

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

ABSENT - Berube, Brown R, Greeley, Grose, Kaelin, Moody, Moore G, Ott, Pineau, Robinson, Simpson, Walcott.

Yes, 67; No, 72; Absent, 12; Excused, 0.

67 having voted in the affirmative and 72 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

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

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

#### REPORTS OF COMMITTEE Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Make Revisions to the Laws Governing Pesticide Control"

(H.P. 1330) (L.D. 1890)

has had the same under consideration, and asks leave to report: That the Senate **RECEDE** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-862).**

That the Senate **READ** and **ADOPT** Committee of Conference Amendment "A" (S-642) and **PASS TO BE ENGROSSED AS**

**AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-642), in NON-CONCURRENCE.**  
That the House **RECEDE** and **CONCUR**.

Signed:

Senators:

- NUTTING of Androscoggin
- BRYANT of Oxford
- RAYE of Washington

Representatives:

- PIOTTI of Unity
- TWOMEY of Biddeford
- FLOOD of Winthrop

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (S-642) in NON-CONCURRENCE.**

The Committee of Conference Report was **READ** and **ACCEPTED.**

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

**ENACTORS**

**Acts**

An Act To Require the Commission on Governmental Ethics and Election Practices To Produce a Register of All Registered Lobbyists

(H.P. 1262) (L.D. 1822)  
(S. "D" S-622 to C. "A" H-822)

An Act To Strengthen Maine's Craft Brewers

(S.P. 792) (L.D. 2048)  
(C. "A" S-588)

An Act To Clarify the Sales Tax Exemption for Air Ambulance Services

(S.P. 816) (L.D. 2085)  
(C. "A" S-589)

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

**Resolves**

Resolve, Directing the Department of Public Safety To Study the Issues of Alcohol Regulation and To Review the Impact of Out-of-state Sales and Direct Distribution to Maine Consumers

(H.P. 415) (L.D. 560)  
(H. "C" H-1055 to C. "B" H-975)

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 744) (L.D. 1946) Bill "An Act To Ensure the Continued Ability of the Maine Economic Growth Council To Produce the Measures of Growth Report" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

There being no objections, the above item was ordered to appear on the Consent Calendar later in today's session under the listing of Second Day.

**COMMUNICATIONS**

The Following Communication: (H.C. 452)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

April 28, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1911 An Act To Provide Funding for Tribal Economic Development for the Penobscot Indian Nation and Other Federally Recognized Tribes

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Margaret Rotundo

Senate Chair

S/Rep. Joseph C. Brannigan

House Chair

**READ** and **ORDERED PLACED ON FILE.**

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1079)** on Bill "An Act To Appropriate Matching Funds for the Construction of a Convention Center in Oxford Hills" (EMERGENCY)

(H.P. 405) (L.D. 550)

Signed:

Senators:

ROTUNDO of Androscoggin

MARTIN of Aroostook

NASS of York

Representatives:

BRANNIGAN of Portland

DUDLEY of Portland

CRAVEN of Lewiston

FISCHER of Presque Isle

MILLS of Farmington

MILLETT of Waterford

NUTTING of Oakland

BOWEN of Rockport

CURLEY of Scarborough

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

Signed:

Representative:

LERMAN of Augusta

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1079)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1079)**.

On motion of Representative SMITH of Van Buren, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1079)**.

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

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

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just ask that somebody inform us exactly how much money is involved in this and I would also ask for a roll call.

The same Representative **REQUESTED** a roll call on **PASSED TO BE ENGROSSED**.

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

The **SPEAKER**: The Representative from Van Buren, Representative Smith has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The bill is my bill, it has an amendment as you perhaps have noted on your desks, H-1079. The bill would establish a matching fund of \$50,000 for support of the construction of an Oxford Hills Community Center which is a concept that is being discussed for the Oxford Hills Fairgrounds and the concept would require local match of an equal amount.

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

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

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

Representative **HUTTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Fifty thousand dollars is all that it's going to cost, is that the entire fiscal note?

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The actual concept involved here is estimated to cost about one quarter of a million dollars. The project is being designed by the students at the Oxford Hills Comprehensive High School who have done a computer assisted design project of a post and beam structure that would be constructed on land that is owned by the Oxford Hills Fairground Association. The intent is to utilize local material, local pledges to match the \$50,000 and obviously it would require about a five time match in order to get to the goal. The concept again is one that involves local students, there would be a considerable amount of labor offered through the Comprehensive High School and the amount of the fiscal note is as I said before \$50,000.

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. 551**

**YEA** - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Bowen, Bowles, Brannigan, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Duplessie, Duprey, Eder, Edgcomb, Emery, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Hamper, Hanley B, Hanley S, Harlow, Hotham, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lansley, Lewin, Lindell, Lundeen, Marean, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Mills, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Perry, Pilon, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Valentino, Vaughan, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Ash, Blanchette, Bliss, Brautigam, Canavan, Dunn, Eberle, Faircloth, Finch, Gerzofsky, Hogan, Hutton, Jackson, Lerman, Makas, Marley, Marraché, Miller, Percy, Rines, Thompson, Twomey, Watson.

**ABSENT** - Berube, Brown R, Dudley, Farrington, Greeley, Grose, Hall, Kaelin, Moody, Moore G, Ott, Pineau, Robinson, Simpson, Walcott.

Yes, 113; No, 23; Absent, 15; Excused, 0.

113 having voted in the affirmative and 23 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1079)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**COMMUNICATIONS**

The Following Communication: (S.C. 665)

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

April 28, 2006

Honorable Millicent MacFarland  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised that on April 28, 2006, Bill, "An Act To Protect Victims of Domestic Violence" (S.P. 739) (L.D. 1938) was placed in the Legislative File.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

**ENACTORS**

**Acts**

An Act To Make Minor Technical Changes to Maine's Spending Growth Benchmarks

(H.P. 1350) (L.D. 1909)

(C. "A" H-1063)



An Act To Save the Marine Technology Center and Strengthen Maine's Boatbuilding Workforce

(S.P. 746) (L.D. 1948)  
(C. "A" S-637)

An Act To Recapitalize the Maine Downtown Center

(H.P. 1370) (L.D. 1956)

An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Seed Potato Board

(H.P. 1472) (L.D. 2081)

An Act To Facilitate the Maine Quality Forum

(H.P. 1490) (L.D. 2097)  
(C. "A" H-1077)

An Act To Implement the Recommendations of the Freedom of Access Advisory Committee

(H.P. 1503) (L.D. 2111)

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

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**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act Concerning Multiple-item Bond Issues"

(H.P. 99) (L.D. 123)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1064)** in the House on April 28, 2006.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

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

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 93) (L.D. 273) Bill "An Act Regarding the So-called Katie Beckett Benefits in the MaineCare Program" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-647)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

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**SENATE PAPERS**  
**Non-Concurrent Matter**

Resolve, Directing the Cumberland County Commissioners To Establish a Task Force To Establish New County Commissioner Districts

(H.P. 1236) (L.D. 1728)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-840) AS AMENDED BY HOUSE AMENDMENT "A" (H-926)** thereto in the House on March 31, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-840) AS AMENDED BY SENATE AMENDMENT "A" (S-639)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH**.

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The House recessed until 8:00 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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

**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act To Make Changes to the Laws Regarding Pine Tree Development Zones"

(H.P. 1483) (L.D. 2091)

Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1026)** in the House on April 14, 2006.

Came from the Senate with the Minority (1) **OUGHT NOT TO PASS** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative DRISCOLL of Westbrook, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "A" (H-1065) to Committee Amendment "A" (H-1026)**, which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-1026) as Amended by House Amendment "A" (H-1065)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1026) as Amended by House Amendment "A" (H-1065)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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**ENACTORS**

**Acts**

An Act To Replace Municipal Revenues Subject to Business Equipment Property Tax Exemption

(H.P. 1452) (L.D. 2056)  
(C. "A" H-1078)

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

On motion of Representative SIMPSON of Auburn, was **SET ASIDE**.

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

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

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

**ROLL CALL NO. 552**

**YEA** - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes, Cain, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Edgecomb, Faircloth, Farrington, Fischer, Fisher, Fitts, Flood, Gerzofsky, Glynn, Goldman, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lansley, Lerman, Lewin, Lindell, Makas, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson M, Richardson W, Rines, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Vaughan, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Ash, Blanchette, Bryant, Burns, Campbell, Canavan, Eder, Finch, Fletcher, Hutton, Jackson, Lundeen, Marean, Patrick, Pinkham, Richardson E, Smith W, Twomey.

**ABSENT** - Berube, Emery, Greeley, Grose, Kaelin, Moore G, Ott, Pineau, Robinson, Walcott.

Yes, 123; No, 18; Absent, 10; Excused, 0.

123 having voted in the affirmative and 18 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED** signed by the Speaker and sent to the Senate.

**CONSENT CALENDAR**

**Second Day**

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

(S.P. 744) (L.D. 1946) Bill "An Act To Ensure the Continued Ability of the Maine Economic Growth Council To Produce the Measures of Growth Report"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence. **ORDERED SENT FORTHWITH**.

**ENACTORS**

**Acts**

An Act Regarding the Sentencing of Persons Convicted of Gross Sexual Assault against Victims under 12 Years of Age

(H.P. 1224) (L.D. 1717)

(C. "C" H-1058)

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Enhance the Protection of Maine Families from Terrorism and Natural Disasters" (EMERGENCY)

(S.P. 789) (L.D. 2044)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575) AS AMENDED BY HOUSE AMENDMENTS "C" (H-1035) AND "D" (H-1066)** thereto in the House on April 28, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575) AS AMENDED BY HOUSE AMENDMENT "D" (H-1066) AND SENATE AMENDMENT "B" (S-651)** thereto in **NON-CONCURRENCE**.

Representative **BLANCHETTE** of Bangor moved that the House **ADHERE**.

Subsequently, Representative **FISCHER** of Presque Isle moved that the House **RECEDE AND CONCUR**.

Representative **BLANCHETTE** of Bangor **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

**ROLL CALL NO. 553**

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

**NAY** - NONE.

**ABSENT** - Berube, Eder, Emery, Greeley, Grose, Kaelin, Moore G, Ott, Pineau, Robinson, Walcott.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.



**COMMUNICATIONS**

The Following Communication: (S.C. 666)

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

April 28, 2006

The Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland,

Please be advised the Senate today adhered to its previous action whereby the Majority Ought Not To Pass Report from the Committee on Appropriations and Financial Affairs was accepted in non-concurrence on Bill "An Act Concerning Multiple-item Bond Issues" (H.P. 99 L.D. 123).

Sincerely,

S/Joy. J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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

**ENACTORS  
Acts**

An Act To Amend the Crime of Aggravated Criminal Mischief  
(S.P. 706) (L.D. 1789)  
(C. "A" S-504)

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

On motion of Representative BLANCHETTE of Bangor, was **SET ASIDE.**

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

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 do have the right bill this time. It has been a long, long week. I do apologize on that bill previously before us. LD 1789 was a bill that was presented to Criminal Justice and its original title was environmental terrorism. We have gone through some debate and the committee voted Ought Not to Pass and it has gone down and had Senate Amendments tacked on it. They have changed the name of the bill. The law is already on the books that this LD, LD 1789, covers. It is one of those I want to do this for someone because it feels good and I can go home and say that I have taken home something. I am going to ask you to follow my light on this and to vote to Indefinitely Postpone this and all its accompanying papers because we have enough laws

to sift through without duplications. I do thank you for your indulgence. Thank you Mr. Speaker.

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

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to ask the chamber to defeat this pending motion and vote this bill straight up and down. I have noticed a pattern of votes this session that I have really grown to respect the chamber for refusing to Indefinitely Postpone bills and giving us a straight up and down vote. With that being said, I would like to tell you a little bit about this bill and how it has changed since we have had our last debate. Occasionally, ladies and gentlemen, we can make a mistake and say some things on the floor that we don't mean to say, but it just ends up being misinformation and needs to be corrected. There was something that was said about this bill last time that the Criminal Law Advisory Commission had opposed this bill. That is not true. We made some calls and we found out that that wasn't accurate. I just wanted to correct the Record.

I am doing a handout to you, ladies and gentlemen, and I would like you to read that handout.

The SPEAKER: Would the Representative please defer. The Chair recognizes the Representative from Bangor, Representative Blanchette and inquires as to why she rises.

Representative **BLANCHETTE**: Thank you Mr. Speaker. I am inquiring as to the topic we are supposed to be discussing. It is the Indefinite Postponement, not a past history of incorrect information.

On **POINT OF ORDER**, Representative BLANCHETTE of Bangor asked the Chair if the remarks of Representative TRAHAN of Waldoboro were germane to the pending question.

The SPEAKER: The motion before us is the motion to Indefinitely Postpone. Therefore, what is germane to be discussed and debated is the question of why or why not should we not Indefinitely Postpone. Obviously some of the merits of that bill can then be discussed. The focus should then be on why or why not we should Indefinitely Postpone LD 1789. The Representative may proceed.

The Chair reminded Representative TRAHAN of Waldoboro to stay as close as possible to the pending question.

Representative **TRAHAN**: Thank you Mr. Speaker. That being said, ladies and gentlemen, it appears I can't debate this bill. That gives you more reason to allow me to explain this handout that I have in front of you and why I think it is important that we change the Record and we understand what happened. Whether you vote for the bill or not, I respect your vote. You can vote anyway you want, but please let me correct the Record. Defeat this motion so that I can get to that.

Mr. Speaker, when the vote is taken, 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 Lincoln, Representative Carr.

Representative **CARR**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do want to take just a minute to talk a little bit about this bill. This bill was sponsored by Senator Nutting in the other chamber, myself and several other people. We had a good reason for doing that. I went into some detail last time that I will avoid to go into this time, because I think most of us already know how we will vote on these issues. This is a very important bill for many of us. Those

of us who live in certain areas are targeted more than those in other areas. I do live in a mill town where some of the people who are looking to cause destruction to equipment and in some cases harm to the people who operate the equipment have come and visited the town in which I live. I think that we really do need to have some laws on the books that tells people that this is not an open door state where people can come in and cause destruction to people's property and that we do look unfavorably on it. I would ask that we defeat the pending motion so that we can move this bill along. Thank you Mr. Speaker.

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. 554

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

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

ABSENT - Berube, Emery, Gerzofsky, Greeley, Grose, Kaelin, Moore G, Ott, Pineau, Robinson, Walcott.

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 the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Representative **BLANCHETTE** of Bangor **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **TRAHAN**: Thank you Mr. Speaker and thank you Ladies and Gentlemen of the House. I really appreciate the opportunity to speak to this bill, whether you vote for it or not is irrelevant to me, but I really do want you to know that I appreciate having not Indefinitely Postponed it. I would like to correct the Record. I have sent a handout to you that discusses the Criminal Law Advisory Commission's position on this bill. It appears that they drafted this amendment. They didn't take a position. They didn't come out and take a vote to support it, but they did draft it. You can see by the letter that I sent out that they saw a weakness in the law or a place that needed to be addressed and the Attorney General's Office, in fact, wrote this amendment. I thought it was important that that be corrected for the Record so that when you do finally vote on this that you know that that happened and that that information was corrected.

I do ask that this chamber support this legislation. I think it has been debated many years. I think it will be back before this body again until it is resolved. It is an issue that affects not only this state, but all the states of this nation who are facing this issue. I think it is time that we, I have said it before in previous debates, do something to address it. I think this is professionally done. It is done by the people that we have asked to do it. The CLAC Commission was established to this Legislature to do this type of thing. I would hope that this body would pass this. 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. I would invite you to read this bill so you have some knowledge of what you are voting on. You are creating a whole new kind of crime here, which is completely unnecessary. We are dealing with making felons out of people who would intentionally damage, destroy, tamper with the property of another having no reasonable ground to believe the person has a right to do so for the purpose of causing substantial harm to the health, safety, business of a paper company, picketing, perhaps, calling, financial condition, reputation, personal relationships of the person with the property industry or any other person. What do we have here? We have a broad, broad kind of crime that can be used to try and stifle people from going and protesting, people from complaining, people from trying to assert their First Amendment rights. This is a bill, which has been intended Legislature after Legislature to stifle people who want to protest things that are happening. If there are people who have concerns about environmental damage, people have concerns about solid waste disposal, be very careful. We are about to give a tool to those companies that want to get their way that way. We don't need additional definitions for criminal mischief. We already have laws that more than cover it. What we don't need to do here in this state is create an avenue for companies to stifle descent or stifle people from speaking out about problems with environmental hazards and speaking out for the things that need to be brought out. I ask you to vote this unnecessary law down and let the state continue to operate as it has. It is unnecessary. We don't need it.

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 know the hour is late and we are all tired. I think you just have to understand that I fully understand where the good Representative from Waldoboro, Representative Trahan, is coming from and the good Representative from Lincoln, Representative Carr. They come from areas and they work in the woods and they are loggers. You have to know that if you want to read your book that the Legislature has enacted laws that make it illegal to spike trees. We had a very, very serious problem within this state within the logging community of people wanting to demonstrate and when they stepped over the line and they put people's lives in danger, the Maine State Legislature enacted laws and it is on the books to protect those people. This law that I am asking you to oppose enactment of will do nothing. I don't know how I can say that any plainer. It will do absolutely nothing for anybody, because to begin with you have to catch them before you can prosecute them. Has anybody been caught? No, are the laws on the books if they are caught to prosecute? Yes. This is just a duplication of a set of laws, depending on whether it is aggravated mischief or criminal mischief with intent. We are not going to do what you hope to do. A law does not enable the law enforcement, the warden service, the State Police, any pinkerton agency you want

to bring in here that wants to try to track them down, they have to catch them first. They have to prove that they actually meant to do this. Nobody has ever been apprehended in this and prosecuted and this set of laws will not enable anybody to apprehend any of these people that are doing this. I would urge you to not put another set of laws on the books that are going to stop people's freedom of expression. Whether you agree with it or not, people have a right to demonstrate. People have a right to protest within the United States. We are family. Our founding fathers fought and died for this freedom. Because you don't agree with them and because they are doing malicious mischief, this set of laws is not going to stop that. What is going to stop it is the police protection to go out and correct these people, catch them, convict them and jail them. Another set of laws will not enable that to happen any faster. Thank you Mr. Speaker.

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

Representative **CARR**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to touch a bit upon the previous speaker and she brought up some valid points that there are laws that would cover this. I think it is important for us to remember that we deal with bills, legislation every day here that already has laws that will cover what we presently have. In this particular case what we would like to do is to have penalties included in that law that would have some teeth in the same as the other bills that we have been dealing with here like "Tina's Law" and some of the other things. I know that the Criminal Justice Committee spent a great deal of time this year dealing with the situation involving the bill that was passed on "Tina's Law." All of the things that happened in that were already covered by laws on the books that could have been prosecuted. That committee and all of us here in this body thought that it was much more important to have laws that fit the crime. I believe that this bill here fits the crime in which we are trying to protect.

I think it is very important to have it on the books, whether we do catch them or don't. We don't always catch the bad guys, but sometimes we do and when we do we should be prepared to make sure that they receive the punishment that they deserve. Thank you Mr. Speaker.

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. My objections to this bill are somewhat different than those of the previous speakers. Let me clarify what is in the law right now if I may. First of all, aggravated reckless conduct is a Class B felony carrying a penalty of up to 10 years. That is when a person with terrorist intent engages in conduct that, in fact, creates a substantial risk of serious bodily injury to another person. That is a Class B felony. The higher than Class C felony that is being proposed here today. It is already a Class C felony to damage or destroy the property of someone else in excess of \$2,000 in value. It is not hard to do. Almost every car scratching amounts to that these days. It is a Class C felony now to damage or destroy property in an amount exceeding \$2,000 to collect insurance or to damage or destroy or tamper with the property of another and thereby recklessly endanger human life.

Those are valid concerns when there is a high value involved, a danger to human life. These are some of the things, these elements that people have talked about on the floor when debating this bill. They are already in the law.

My problem with this bill, and I mentioned before in debate when we defeated this bill before on April 5 by a vote of 73 to 68. I have already prosecuted, a dozen or so years ago, some acts of

so-called environmental terrorism and actually sent people to jail for spiking trees and the like and acts of what some would call free speech, but many of us called it aggravated criminal mischief in that case. Those people were duly punished because we caught them and prosecuted them. They went to trial. My problem with this bill is that it is so overbroad it is not directed at one particular kind of speech or kind of act. It actually makes a felony out of the roughly 2,000 misdemeanor criminal mischief cases that we see in the courts in the course of a year in the State of Maine. Criminal mischief cases that range from throwing eggs on Halloween to scratching somebody's car, your enemy's car, your former best friend's car to throwing pails of water out the window or something like that.

Criminal mischief ranges the gamut. My fear is the language of this bill makes a felony out of every kid who commits a prank on Halloween night because a lot of those pranks are done for the purpose of interfering with personal relationships of other people. What does that mean, interfering with personal relationships? It isn't just interfering with logging industries relationships with their lawyers or their agents or their business operations in Maine. It is about any personal relationship. If your 16 year old son has a fight with his former best friend and throws an egg at that friend's bicycle on Halloween because the other friend has made friends with somebody else or asked his girlfriend out or something. That is interfering with personal relationships. This bill carries an enormous price tag, ladies and gentlemen, because every one of those misdemeanor crimes that carries up to a year in jail now, would now, under this bill, carry up to five years in prison for a simple prank, an act of simple criminal mischief.

I beg you. Don't distort the laws, the proportionality that has been viewed in our criminal code now by enacting this disproportionate bill. Thank you.

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. 555

YEA - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Dugay, Duprey, Edgcomb, Fischer, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hotham, Jackson, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, Marraché, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moody, Moulton, Muse, Nass, Nutting, Paradis, Percy, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Tardy, Thomas, Trahan, Vaughan, Woodbury.

NAY - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Canavan, Churchill, Craven, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fisher, Goldman, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Mazurek, Miller, Mills, Norton, O'Brien, Patrick, Perry, Pilon, Pingree, Piotti, Rines, Sampson, Schatz, Simpson, Smith N, Smith W, Sykes, Thompson, Tuttle, Twomey, Valentino, Watson, Webster, Wheeler, Mr. Speaker.

ABSENT - Berube, Emery, Gerzofsky, Greeley, Grose, Kaelin, Moore G, Ott, Pineau, Robinson, Walcott.

Yes, 74; No, 66; Absent, 11; Excused, 0.

74 having voted in the affirmative and 66 voted in the negative, with 11 being absent, and accordingly the Bill was

**PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Make Revisions to the Laws Governing Pesticide Control

(H.P. 1330) (L.D. 1890)  
(CC. "A" S-642)

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

**Acts**

An Act Regarding the So-called Katie Beckett Benefits in the MaineCare Program

(S.P. 93) (L.D. 273)  
(C. "A" S-647)

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

**Mandate**

Resolve, Establishing an Apportionment Commission To Develop New Cumberland County Commissioner Districts

(H.P. 1236) (L.D. 1728)  
(S. "A" S-639 to C. "A" H-840)

Was 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 being necessary, a total was taken. 96 voted in favor of the same and 42 against, and accordingly the Mandate **FAILED FINAL PASSAGE** and was sent to the Senate.

**Resolves**

Resolve, To Lower the Cost of State Government by \$1,000,000 Annually

(S.P. 457) (L.D. 1330)  
(C. "A" S-636)

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

On motion of Representative MILLS of Farmington, was **SET ASIDE**.

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

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

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I believe this was a bill we dealt with earlier in today's session. Many questions were left unanswered, in my view at least, about how this bill will be implemented. What kind of report is expected back in October of this year by the administration? What kind of savings is intended to be achieved and exactly how? The bill seems to assume, if I recall its language correctly, that there are certain "political positions" in which they would easily be terminated at the whim of the supervising officials, thus saving the state \$1 million. It seems a bit fanciful to me to suggest that we can just wave a magic wand and save such a large amount of money by cutting

unnamed and unidentified positions in state government. It seems to me that the various committees of jurisdiction did the yeomen's work last year and earlier this year in cutting the state budget. We cut about \$110 million last year towards the end of the session by cutting positions in just about every department of state government. Some of them were so-called "political positions" and some of them not. Some of them were state funded. Some of them were special revenue funded. Some of them not.

I would ask that you vote against final passage of this Resolve because I don't think it is necessary and I think it diminishes and demeans the work of all the committees, not just Appropriations in what they have done in the last year in cutting positions in state government.

On motion of Representative CUMMINGS of Portland, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

**Acts**

An Act To Appropriate Matching Funds for the Construction of a Community Center in Oxford Hills

(H.P. 405) (L.D. 550)  
(C. "A" H-1079)

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

On motion of Representative BLANCHETTE of Bangor, was **SET ASIDE**.

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

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

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

**ROLL CALL NO. 556**

**YEA** - Adams, Annis, Austin, Barstow, Beaudette, Bierman, Bishop, Blanchard, Bowen, Bowles, Brannigan, Brown R, Browne W, Bryant, Bryant-Deschenes, Cain, Campbell, Carr, Cebra, Churchill, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Dudley, Duprey, Eder, Edgecomb, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Hall, Hamper, Hanley B, Hanley S, Harlow, Hotham, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lansley, Lewin, Lindell, Lundeen, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Mills, Moulton, Muse, Nass, Nutting, O'Brien, Paradis, Perry, Pilon, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rosen, Saviello, Schatz, Sherman, Shields, Simpson, Stedman, Sykes, Tardy, Thomas, Trahan, Valentino, Vaughan, Webster, Mr. Speaker.

**NAY** - Ash, Babbidge, Blanchette, Bliss, Brautigam, Burns, Canavan, Clark, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Gerzofsky, Hogan, Hutton, Jackson, Lerman, Makas, Marley, Marraché, Miller, Moody, Norton, Percy, Rines, Sampson, Smith N, Thompson, Tuttle, Twomey, Watson, Wheeler, Woodbury.

**ABSENT** - Berube, Dugay, Duplessie, Emery, Greeley, Grose, Kaelin, Mazurek, Moore G, Ott, Patrick, Pineau, Robinson, Seavey, Smith W, Walcott.

Yes, 99; No, 36; Absent, 16; Excused, 0.

99 having voted in the affirmative and 36 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Ensure the Continued Ability of the Maine Economic Growth Council To Produce the Measures of Growth Report

(S.P. 744) (L.D. 1946)

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

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**Emergency Measure**

An Act To Enhance the Protection of Maine Families from Terrorism and Natural Disasters

(S.P. 789) (L.D. 2044)

(H. "D" H-1066 and S. "B" S-651 to C. "A" S-575)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**UNFINISHED BUSINESS**

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

Bill "An Act To Encourage Reporting of Potential Fraud in State Government"

(S.P. 658) (L.D. 1741)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-543)**.

TABLED - April 14, 2006 (Till Later Today) by Representative SIMPSON of Auburn.

PENDING - **ADOPTION OF HOUSE AMENDMENT "B" (H-1027) to COMMITTEE AMENDMENT "A" (S-543)**. (Roll Call Ordered)

Representative TRAHAN of Waldoboro **WITHDREW** his request for a roll call.

Subsequently, Representative SIMPSON of Auburn **WITHDREW** her motion to **ADOPT House Amendment "B" (H-1027) to Committee Amendment "A" (S-543)**.

The same representative **PRESENTED House Amendment "C" (H-1081) to Committee Amendment "A" (S-543)**, which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-543) as Amended by House Amendment "C" (H-1081) thereto was ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-543) as Amended by House Amendment "C" (H-1081) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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After Midnight

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**SENATE PAPERS**

The following Joint Order: (S.P. 858)

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Monday, May 22, 2006, at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

**READ** and **PASSED** in concurrence.

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

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On motion of Representative RICHARDSON of Brunswick, the House adjourned at 1:00 a.m. on April 29, 2006, until 10:00 a.m., Monday, May 22, 2006 pursuant to the Joint Order (S.P. 858).