

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

Appendix
House Legislative Sentiments
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Pages 1488-2248

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
47th Legislative Day
Tuesday, May 23, 2006

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

Prayer by Reverend Richard A. Bamforth, Augusta (retired).

National Anthem by Messalonskee 6th Grade Chorus, Messalonskee Middle School, Oakland.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 857)

**JOINT RESOLUTION RECOGNIZING MAY AS ALPHA-1
AWARENESS MONTH**

WHEREAS, Alpha-1 Antitrypsin Deficiency, also known as AAT Deficiency or Alpha-1, is one of the most common serious genetic disorders in the world and can result in life-threatening liver disease in children and adults or in lung disease in adults; and

WHEREAS, Alpha-1 is one of the 3 most common lethal genetic diseases among adult Caucasians, although the gene is carried by all races, affecting one per 3,000 to 5,000 individuals. Severe Alpha-1 affects an estimated 100,000 Americans, and approximately 25,000,000 people in the United States carry at least one deficient gene; and

WHEREAS, Alpha-1 is widely under-diagnosed, and currently less than 10% of those predicted to have Alpha-1 have been diagnosed. Although it often takes an average of 5 doctors and 7 years from the time symptoms begin before proper diagnosis is made, a simple blood test can detect the disease; and

WHEREAS, responding to the need to educate people about this very prevalent hereditary and misdiagnosed disorder, the organizations devoted to bringing attention to this disease have instituted a month-long awareness campaign to take place throughout the nation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize that May is Alpha-1 Awareness Month in the State of Maine and to encourage the public and the medical community to be more aware of this disorder; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the American Lung Association of Maine and the Maine Alpha-1 Support Group.

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

READ and **ADOPTED** in concurrence.

The following Joint Resolution: (S.P. 863)

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS AND
THE PRESIDENT OF THE UNITED STATES TO SHIFT
FUNDING PRIORITIES AND SUPPORT THE EQUITABLE
DISBURSEMENT OF HOMELAND SECURITY FUNDS AS
OUTLINED IN UNITED STATES SENATE BILL 21,
SPONSORED BY SENATOR SUSAN COLLINS, IN ORDER TO
ENSURE THAT ALL STATES EFFECTIVELY CONTRIBUTE
TO OUR NATIONAL SECURITY GOALS AND EMERGENCY
PREPAREDNESS**

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the Congress and the President of the United States as follows:

WHEREAS, the success of our Nation's homeland security response strategy relies on the success of our cohesive federal, state and local prevention and response efforts; and

WHEREAS, the State of Maine's homeland security and emergency preparedness funding has dropped from \$35,000,000 in 2004 to a projected \$16,000,000 in 2006; and

WHEREAS, a baseline level of funding is necessary for every state and territory to effectively support emergency management, federal, state and local law enforcement and first responders in the continuation of their rigorous efforts to protect our citizens from security threats and vulnerabilities with respect to our ports, borders, agricultural food production and supply, water supply, fuel supply and computer systems; and

WHEREAS, every state and territory needs flexibility to address its unique local or regional needs, while working cooperatively to achieve national preparedness goals, and Congress has the responsibility to ensure that all states and territories have the tools necessary to make their own individual contributions to our collective national security; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress shift spending priorities and enact Senate Bill 21, the Homeland Security Grant Enhancement Act of 2005, sponsored by Senator Susan Collins, to provide each state with its fair and reasonable share of homeland security funding as well as public health bioterrorism grant funding, to establish essential capabilities to prevent and respond to a terrorist attack; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Maine Congressional Delegation.

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

READ and **ADOPTED** in concurrence.

Non-Concurrent Matter

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)

**PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "B" (H-1007) AS AMENDED BY
HOUSE AMENDMENT "A" (H-1028) thereto in the House on
April 28, 2006.**

Came from the Senate **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "B" (H-1007) AS
AMENDED BY SENATE AMENDMENT "G" (S-660) thereto in
NON-CONCURRENCE.**

Representative RICHARDSON of Brunswick moved that the House **RECEDE AND CONCUR**.

Representative DUPREY of Hampden **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. 565

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

NAY - Annis, Austin, Beaudette, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curtis, Duprey, Emery, Fitts, Flood, Goldman, Grose, Hall, Hamper, Hanley B, Hogan, Hotham, Jacobsen, Jodrey, Joy, Koffman, Lansley, Lewin, Lindell, McKane, McKenney, McLeod, Merrill, Millett, Mills, Moulton, Muse, Nass, Nutting, Ott, Perry, Pinkham, Plummer, Rector, Richardson D, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Seavey, Sherman, Shields, Smith W, Sykes, Tardy, Thomas, Thompson, Trahan, Twomey, Vaughan, Woodbury.

ABSENT - Cain, Crosby, Daigle, Davis K, Dunn, Jennings, Kaelin, Marean, Stedman.

Yes, 72; No, 70; Absent, 9; Excused, 0.

72 having voted in the affirmative and 70 voted in the negative, with 9 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

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

Non-Concurrent Matter

An Act To Change the Child Care Facility Licensing Laws
(H.P. 272) (L.D. 359)

PASSED TO BE ENACTED in the House on May 20, 2005.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-346)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-346) AS AMENDED BY SENATE AMENDMENT "A" (S-662)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Concerning the Taxation of Property Owned by Certain Veterans' Organizations
(S.P. 258) (L.D. 791)

PASSED TO BE ENACTED in the House on June 6, 2005.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-299)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-299) AS AMENDED BY SENATE AMENDMENT "A" (S-663)** thereto in **NON-CONCURRENCE**.

Representative DUGAY of Cherryfield moved that the House **RECEDE AND CONCUR**.

Representative CUMMINGS of Portland **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 PRO TEM: 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. 566

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosthwaite, Cummings, Curley, Curtis, Davis G, Driscoll, Duchesne, Dugay, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jodrey, 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, Ott, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Smith W, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Blanchette, Joy, Sampson.

ABSENT - Bryant, Burns, Cain, Crosby, Daigle, Davis K, Dudley, Dunn, Jennings, Kaelin, Plummer, Stedman.

Yes, 136; No, 3; Absent, 12; Excused, 0.

136 having voted in the affirmative and 3 voted in the negative, with 12 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act To Encourage the Preservation of Affordable Housing
(H.P. 808) (L.D. 1165)

PASSED TO BE ENACTED in the House on June 9, 2005.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-634)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-634) AS AMENDED BY SENATE AMENDMENT "A" (S-664)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Regarding Access to Mental Health Services (EMERGENCY)
(S.P. 411) (L.D. 1183)

PASSED TO BE ENACTED in the House on June 2, 2005.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-279)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-279) AS AMENDED BY SENATE AMENDMENT "A" (S-665)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Promote Training Centers for Entrepreneurship
(H.P. 964) (L.D. 1387)

FINALLY PASSED in the House on May 31, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-482)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-482) AS AMENDED BY SENATE AMENDMENT "A" (S-666)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Appropriate Funds for the School Breakfast Program

(S.P. 535) (L.D. 1540)

PASSED TO BE ENACTED in the House on May 23, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-195)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-195) AS AMENDED BY SENATE AMENDMENT "A" (S-667)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption

(H.P. 1093) (L.D. 1552)

PASSED TO BE ENACTED in the House on June 3, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-584)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-584) AS AMENDED BY SENATE AMENDMENT "A" (S-668)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Promote Economic Development by Enhancing Educational Opportunities

(S.P. 702) (L.D. 1785)

PASSED TO BE ENACTED in the House on March 28, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497) AS AMENDED BY SENATE AMENDMENT "A" (S-669)** thereto in **NON-CONCURRENCE**.

Representative DUGAY of Cherryfield moved that the House **RECEDE AND CONCUR**.

Representative CUMMINGS of Portland **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 PRO TEM**: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just a brief word before we do pass this bill, or it's my hope that we pass this bill. This is our higher education supplemental budget. As many of you know, and you may have gotten phone calls and e-mails about it, I certainly did, with both a Community College and a University sitting in my district. We haven't done all that we can do for higher education this session. We've nibbled around the edges. We have a tax deductible college savings plan that we didn't have before we got here, and that's good news. We made student loan interest deductible, that's good news. We slightly expanded the Maine State Grant Program so needy students can continue on with their education, but we didn't give enough money to the University or to the Community College. As we came back for this brief session, many of us thought that this had to be our top priority. I was quite happy that a unanimous report came out of the Education Committee that they wanted more money and a unanimous committee in Appropriations came through. There's \$4.2 million for the University of Maine System. This will help them. They have a \$15 million shortfall. This is a small part of helping them to solve their problems. They need to solve their contract issues with their unions. They need to make sure that they don't have double-digit tuition increases. This will help. For the Community College, they've already announced that they'll have a small tuition increase, but this will certainly help them to keep it lower. So, I certainly think that you all can proud today to cast your support, in your vote here, for higher education. Thank you Mr. Speaker.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, applaud the efforts of the other members of the committee and this body in finding some additional money for higher education. I think we went a long ways in funding K through 12 last year and this year and now it's time to help foot the bill for higher education. In the case of the University System, we're seeing more and more students go into debt, way over their heads in debt, coming out of our University and our Graduate Programs. It's not fair to them to require them to borrow or use financial aid in order to get through basic University education. I'm hopeful that the Trustees will change their mind about the extent of the tuition increase that they've just voted on, averaging 8.7%, and use some of this money to pay down some of the expenses that have resulted in the high tuition increases across this State. I'm also hopeful that they will settle their contract dispute with the staff employees whose average wages are in the low 20s and boost the morale of those University employees across the State. So, I too applaud this plan and source of funds and hope that the Trustees will do something wise and that they will also find savings within the central office and cut the administrative cost, because it's much more important to me that our students have an opportunity for affordable education than to pay more in administrative costs in the central office.

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

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to applaud both the Education Committee and the Appropriations Committee for providing this additional funding for the Community

College System and the University of Maine System. This bill will address an inequity that had existed at the York County Community College where students at that institution were paying a higher amount for their education than any other campus of the Community College System. This will now put all the students at YCCC on an even basis, of course, pending a vote by the trustees as with the other campuses within the System. Thank you very much.

The SPEAKER PRO TEM: 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. 567

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosthwaite, Cummings, Curley, Curtis, Davis G, Driscoll, Duchesne, Dudley, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jodrey, Joy, 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, Ott, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Cain, Crosby, Daigle, Davis K, Dugay, Dunn, Jennings, Kaelin, Simpson, Stedman.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act To Eliminate Administrative Preliminary Hearings for Probationers

(H.P. 1308) (L.D. 1868)

PASSED TO BE ENACTED in the House on March 21, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796) AS AMENDED BY SENATE AMENDMENT "A" (S-670)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Promote Youth Involvement in County and Local Government

(H.P. 1320) (L.D. 1880)

PASSED TO BE ENACTED in the House on March 14, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-768)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-768) AND SENATE AMENDMENT "A" (S-671)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

(S.P. 737) (L.D. 1936)

PASSED TO BE ENACTED in the House on March 28, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-498)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-498) AS AMENDED BY SENATE AMENDMENT "A" (S-672)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Prevent the Use of Performance-enhancing Substances by Maine Student Athletes

(S.P. 749) (L.D. 1952)

PASSED TO BE ENACTED in the House on March 16, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479) AS AMENDED BY SENATE AMENDMENT "A" (S-673)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Establish a Computer Crimes Unit within the Maine State Police Crime Laboratory (EMERGENCY)

(S.P. 779) (L.D. 2028)

PASSED TO BE ENACTED in the House on March 31, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-519)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-519) AND SENATE AMENDMENT "A" (S-674)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 457)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

April 28, 2006

The Honorable Beth Edmonds, President of the Senate

The Honorable John Richardson, Speaker of the House

122nd Maine Legislature

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	28
Unanimous Reports	12
Ought to Pass as Amended	8
Ought Not to Pass	4
Divided Reports	9
Committee Bills & Papers	3
Pursuant to Public Law	1
Pursuant to Statute	1
Pursuant to Joint Order	1
Gubernatorial Nominations	4

Respectfully submitted,
S/John M. Nutting
Senate Chair
S/John F. Piotti
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 458)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON BUSINESS RESEARCH AND ECONOMIC
DEVELOPMENT**

April 28, 2006
The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333
Dear President Edmonds and Speaker Richardson:
We are pleased to report that all business which was placed before the Joint Standing Committee on Business, Research and Economic Development during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	55
Unanimous Reports	28
Ought to Pass	5
Ought to Pass as Amended	16
Ought Not to Pass	6
Referred to Another Committee	1
Divided Reports	5
Gubernatorial Nominations	22

Respectfully submitted,
S/Lynn Bromley
Senate Chair
S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 459)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

April 28, 2006
The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333
Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Criminal Justice and Public Safety during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	31
Unanimous Reports	24
Ought to Pass	1
Ought to Pass as Amended	16
Ought Not to Pass	6
Referred to Another Committee	1
Divided Reports	7

Respectfully submitted,
S/Bill Diamond
Senate Chair
S/Patricia A. Blanchette
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 460)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 28, 2006
The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333
Dear President Edmonds and Speaker Richardson:
We are pleased to report that all business which was placed before the Joint Standing Committee on Education and Cultural Affairs during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	60
Unanimous Reports	28
Ought to Pass	5
Ought to Pass as Amended	12
Ought Not to Pass	11
Divided Reports	11
Committee Bills & Papers	4
Pursuant to Joint Order (1 divided)	4
Gubernatorial Nominations	17

Respectfully submitted,
S/Elizabeth H. Mitchell
Senate Chair
S/Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 461)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 28, 2006

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
We are pleased to report that all business which was placed before the Joint Standing Committee on Health and Human Services during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	67
Unanimous Reports	53
Ought to Pass	14
Ought to Pass as Amended	28
Ought Not to Pass	10
Referred to Another Committee	1
Divided Reports	11
Committee Bills & Papers	2
Pursuant to Joint Order	2
Gubernatorial Nominations	1

Respectfully submitted,
S/Arthur F. Mayo III
Senate Chair
S/Hannah Pingree
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 462)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 28, 2006

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
We are pleased to report that all business which was placed before the Joint Standing Committee on Inland Fisheries and Wildlife during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	21
Unanimous Reports	16
Ought to Pass	1
Ought to Pass as Amended	9
Ought Not to Pass	6
Divided Reports	4
Gubernatorial Nominations	1

Respectfully submitted,
S/Bruce S. Bryant
Senate Chair
S/Thomas R. Watson

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 463)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

April 28, 2006

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
We are pleased to report that all business which was placed before the Joint Standing Committee on Insurance and Financial Services during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	17
Unanimous Reports	8
Ought to Pass	1
Ought to Pass as Amended	4
Ought Not to Pass	3
Divided Reports	7
Gubernatorial Nominations	2

Respectfully submitted,
S/Nancy B. Sullivan
Senate Chair
S/Anne C. Perry
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 464)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON JUDICIARY**

May 1, 2006

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
We are pleased to report that all business which was placed before the Joint Standing Committee on Judiciary during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	58
Unanimous Reports	46
Ought to Pass	2
Ought to Pass as Amended	26
Ought Not to Pass	18
Divided Reports	3
Committee Bills & Papers	1
Pursuant to Resolve	1
Gubernatorial Nominations	8

Respectfully submitted,
S/Barry J. Hobbins
Senate Chair
S/Deborah L. Simpson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 465)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LABOR**

April 28, 2006

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
We are pleased to report that all business which was placed before the Joint Standing Committee on Labor during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	29
Unanimous Reports	18
Ought to Pass as Amended	12
Ought Not to Pass	6
Divided Reports	11

Respectfully submitted,
S/Ethan Strimling
Senate Chair
S/William J. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 466)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

April 28, 2006

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
We are pleased to report that all business which was placed before the Joint Standing Committee on Legal and Veterans Affairs during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	30
Unanimous Reports	17
Ought to Pass	1
Ought to Pass as Amended	12
Ought Not to Pass	4
Divided Reports	8
Gubernatorial Nominations	5

Respectfully submitted,
S/Kenneth T. Gagnon
Senate Chair
S/John L. Patrick
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 467)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

April 28, 2006

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:
We are pleased to report that all business which was placed before the Joint Standing Committee on Marine Resources during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	9
Unanimous Reports	2
Ought to Pass	1
Ought to Pass as Amended	1
Divided Reports	5
Committee Bills & Papers	1
Pursuant to Joint Order	1
Gubernatorial Nominations	1

Respectfully submitted,
S/Dennis S. Damon
Senate Chair
S/Leila J. Percy
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 468)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

April 28, 2006

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Natural Resources during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	36
Unanimous Reports	19
Ought to Pass	0
Ought to Pass as Amended	13
Ought Not to Pass	5
Referred to Another Committee	1
Divided Reports	10
Committee Bills & Papers	1
Pursuant to Resolve	1
Gubernatorial Nominations	6

Respectfully submitted,
S/Scott W. Cowger
Senate Chair
S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 469)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 28, 2006

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on State and Local Government during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	48
Unanimous Reports	28
Ought to Pass	3
Ought to Pass as Amended	15
Ought Not to Pass	8
Referred to Another Committee	2
Divided Reports	10
Committee Bills & Papers	3
Pursuant to Resolve	1
Pursuant to Joint Order	2
Gubernatorial Nominations	7

Respectfully submitted,
S/Elizabeth M. Schneider
Senate Chair
S/Christopher R. Barstow
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 470)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 28, 2006

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Transportation during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	34
Unanimous Reports	28
Ought to Pass	3
Ought to Pass as Amended	10
Ought Not to Pass	14
Referred to Another Committee	1
Divided Reports	6

Respectfully submitted,
S/Dennis S. Damon
Senate Chair
S/Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 471)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

April 28, 2006

The Honorable Beth Edmonds, President of the Senate
The Honorable John Richardson, Speaker of the House
122nd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

We are pleased to report that all business which was placed before the Joint Standing Committee on Utilities and Energy during the Second Regular Session of the 122nd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	33
Unanimous Reports	29
Ought to Pass	2
Ought to Pass as Amended	16
Ought Not to Pass	11
Divided Reports	2
Committee Bills & Papers	2
Pursuant to Resolve	2

Respectfully submitted,
S/Philip L. Bartlett II
Senate Chair
S/Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Bangor Troop Greeters, located in the Maine Highlands tourist region, who are the recipients of a 2006 Maine Tourism Association Award. The Bangor Troop Greeters were recognized for their efforts in greeting thousands of men and women in the military from all over the United States. We extend our appreciation to the Bangor Troop Greeters for their commitment to the State and congratulate them on their receiving this award;

(SLS 1144)

On **OBJECTION** of Representative ANNIS of Dover-Foxcroft, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative ANNIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I can think of no group more deserving of this award than the troop greeters at Bangor International Airport. Those people, so far, have welcomed home over 300,000 troops from all over the world and it's so impressive. They're there night and day. They're there at 4 o'clock in the morning when the plane comes in, they're there at 2 o'clock in the afternoon. Incredible people. I had the opportunity, my wife and I, to stand in that line and welcome those troops. I can tell you, by the time you're through, you're through, your hand is pretty sore. It was for a specific reason that we were there for that troop greeting day and that's because our grandson was coming home from Iraq. The surprise on his face was incredible. He said, "Grandma," and couldn't believe that we were there, but these people let us know that he was coming in and wanted us there in the reception line. If you ever have the opportunity to stand in that line, go there. The expression on the faces of those troopers is incredible. They're so surprised. It's hard to explain. Just be there folks. Thank you very much Mr. Speaker.

Subsequently, the Sentiment was **PASSED** in concurrence.

Recognizing:

Florence "Flossie" Elizabeth Wyman Jewell, of Bath, on the celebration of her 90th birthday. Mrs. Jewell was born May 28, 1916 on the family farm in Phippsburg. It was said that she was the first girl born on the farm in 110 years. She graduated from Morse High School in 1934, worked for the Bath Water District for 29 years, then worked in the banking industry for 14 years, and finally worked for Parkview Hospital for 6 years. Now a great-grandmother of 9, Mrs. Jewell married Robert Jewell in 1939. She taught Sunday school at Grace Church for more than 25 years, was a member of "The Thimble Club" for 25 years, and a member of the Daughters of the American Revolution, for whom she served as Regent and Treasurer. She volunteered in the library at Parkview Hospital for 11 years, as a driver for Meals on Wheels for 13 years, and at the Woolwich Museum and the Phippsburg Museum for 7 years. Mrs. Jewell moved to The Moorings senior citizen housing center in 1981 and in her honor and showing its appreciation for 25 years of her being a wonderful tenant, the Bath Housing Authority proclaimed April 3rd as "Flossie Jewell Day." We extend our congratulations to Mrs. Jewell on this very special occasion;

(HLS 2013)

Presented by Representative PERCY of Phippsburg. Cosponsored by Senator MAYO of Sagadahoc, Representative WATSON of Bath, Representative GROSE of Woolwich.

On **OBJECTION** of Representative PERCY of Phippsburg, was **REMOVED** from the Special Sentiment Calendar.

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

Representative PERCY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Guess what. We're luck enough that Flossie's here with us today. I know as soon as she stands up and waves and blows kisses to you, that you will realize that her name is so suited for her. Imagine being blessed with that name, Flossie Jewell, and she is a jewel. She brings incredible joy to the members of her family, who are also here with her, and she brings incredible joy to the communities Bath and Phippsburg. You'll notice in the sentiment is said she was a volunteer for Meals on Wheels. Please note, that was when she was in her 80s. She used to be wonderful because if any other older person needed a ride somewhere, Flossie would go and pick them up even though she was usually a lot older than they were. Her generous spirit is the kind of thing we celebrate in Maine so often. I had asked both Speaker Richardson and Speaker Dugay that when they ask Flossie to stand up, that the entire House of Representatives will stand as well and join me in singing Happy Birthday to Flossie.

Subsequently, the Sentiment was **PASSED** in concurrence.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

In Memory of:

Staff Sergeant Dale James Kelly, Jr., of Richmond, for his heroism in defending the freedom of all Americans. Staff Sergeant Kelly, a member of the Maine Army National Guard's 172nd Infantry, B Company, 3rd Battalion, served his country bravely for 18 years. He was killed by a roadside bomb while serving in Iraq. Staff Sergeant Kelly leaves behind his wife, Nancy, to whom he was married for 25 years, and 3 grown children. He worked in management positions at Bath Iron Works for 17 years. We acknowledge his dedicated service, and we recognize the ultimate sacrifice he made for his country. He

will be greatly missed and long remembered by his loving family, his friends and his grateful State and Nation;

(SLS 1160)

On **OBJECTION** of Representative HUTTON of Bowdoinham, was **REMOVED** from the Special Sentiment Calendar.

READ.

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'm always glad that we get this opportunity to stand up and do things like sing Happy Birthday and congratulate people for doing great jobs. It's also great that we have the opportunity to honor people who have served this country. Dale Kelly served for 18 years and he did it bravely and honorably, but his family also served as well. They gave him the opportunity to serve us and give his life for this country. I honestly wish that the Bangor greeters had been able to greet him on his way home rather than the way he came home. But, to honor his life he did an amazing amount in our community. He worked at BIW for 17 years. He and his wife, Nancy, just had a ceremony on December 17th to renew their wedding vows. There's not enough good to be said. He was involved in Scouting and in our community and did a great job. So, I just wish to send our condolences to his family and to thank them so much for their give to us, which is his life. Thank you Mr. Speaker.

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

Representative **VAUGHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Staff Sergeant Dale Kelly was a faithful and loving husband, a devoted father, a spiritual leader and a leader of men. He will be remembered most for his uncanny ability to use humor as a tool through all difficult situations and his willingness to rise to any occasion God placed before him. He lived life one day at a time and would always start his morning with a prayer that God would direct him through his thoughts and actions. Every life he touched, from the Scouting world, to the work environment at Bath Iron Works, to his church, St. Paul's in Brunswick, to two branches of the Armed Forces and to his family, friends and neighbors, all were enriched by his presence. Mrs. Nancy Kelly, I've never met such an amazing person, your strength, your pride and your unselfish love for all those you meet is overwhelming. Your courage during the last few days has been incredible. Mrs. Kelly is also a former member of the military. She told me, "We knew the danger of this when we signed up." But, I know that doesn't make it any easier. You and your husband have raised your children Julie, Jen and Chris to be great young adults, who, I'm sure, will be following in your footsteps. These family members are a tribute to the character and humanity of our friend who is a true American hero, Staff Sergeant Dale J. Kelly. Thank you to the Kelly family and to Staff Sergeant Kelly for you service to your community and to your country. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, would like to speak on Staff Sergeant Kelly. I happen to be in Brewer, that's where the 172nd is headquartered here in Maine, on the night they left. A wonderful group of people. Great leadership. Outstanding soldiers. The nation's very best. It is nice that we're here today to be able to honor him. It is a sad occasion, but also one that recognizes somebody who's gone above and beyond

the call, and also to recognize his family, who have also gone above and beyond the call. In talking with the soldiers, and I happen to be one of those troop greeters that my good friend Representative Annis talked about, they often talk about their wives and families left behind, and also, the husbands left behind, and how much sacrifice that they make for their country. To the family and to the friends, I salute him. It's a sad day.

At this point, the Members of the House stood and joined in a moment of silence in honor of the Staff Sergeant Dale James Kelly, Jr., of Richmond.

Subsequently, this Expression of Legislative Sentiment was **ADOPTED** in concurrence.

In Memory of:

the Honorable Frank J. Tarazewich, of East Waterboro, former member of the Maine House of Representatives during the 120th Legislature. Mr. Tarazewich served in the United States Marine Corps from 1953 to 1956 and played semi-professional football with the Portland Seahawks. After receiving his master's degree in education, he coached football at Thornton Academy and was a physical education teacher, football coach and later district principal for 10 years at Greenville High School. He then worked for Maine School Administrative District #57 for 22 years, first as a transportation coordinator and elementary school district supervisor and later as the principal of Alfred Elementary School. Mr. Tarazewich was a youth hockey coach in Sanford and president of Maine Club Ice Hockey Association for Massabesic High School. We acknowledge his longtime dedicated service to his community and to the State of Maine. He will be greatly missed and long remembered by his loving family and many friends;

(HLS 2008)

Presented by Representative TUTTLE of Sanford.

Cosponsored by Senator COURTNEY of York, Representative JACOBSEN of Waterboro, 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, Representative BROWNE of Vassalboro, 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 COWGER of Kennebec, Representative CRAVEN of Lewiston, Representative CRESSEY of Cornish, Representative CROSBY of Topsham, Representative CROTHWAITE 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, Representative DAVIS of Augusta, 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 DUPLESSIE of Westbrook, 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 GERZOSKY 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 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 LERMAN of Augusta, 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, Senator MITCHELL of Kennebec, 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 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.

READ and ADOPTED.

On motion of Representative TUTTLE of Sanford, the House **RECONSIDERED** its action whereby the Sentiment was **ADOPTED**.

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 is with great sadness that I speak to you today about former Representative Frank Tarazewich who passed away Saturday, April 29th in Plant City, Florida. Frank was born in Saco on November 2, 1935 and he was a graduate of Thornton Academy. At the University of Maine, he started in football from 1953 – 1956 and his nickname was the bowling ball. If you ever watched Frank play football, you'd see all the pins fly, so that's how he got the name. It's not often that you see a burley football player who loves literature, paints and writes great poetry. In 1966, after receiving his Master's Degree from the University of Maine in education, Frank moved to Waterboro and began a 22 year career at SAD 57. That included positions as transportation coordinator, elementary school district supervisor and later elementary school principal, from which he retired in 2000. In 1968, Frank was recognized and presented with the plaque from the Greenville Key Club for outstanding service as a faculty advisor. As mentioned earlier, he played semi-pro football in 1965 for the Portland Seahawks, and he spent much of his professional year coaching and promoting teams in the Southern Maine area. I'd like to share with you a poem that Frank wrote in 1999. It's called The Lost. It goes, "When a flower passes with age, you lose the material beauty and fragrant aroma of scent. When a child passes with age, you lose the maternal existence and external sense of wholeness. As is true in all events of life and death, we know that time brings forth spiritual cleansing and healing of the soul, leaving us with memories and thoughts for love everlasting." That's Frank J. Tarazewich, April 17, 1993. Rest in peace my friend. You'll be greatly missed by all whose lives you have improved and touched.

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. Frank was one of the freshmen that entered this House, with myself and any number of you that are sitting here, in the 120th. We're here today to pay homage to Frank because he has left us in his body, his spirit will never leave us. I had the privilege of staying at the same hotel that Frank did the first term down here and we had side by side rooms. We spent many an afternoon sitting out on the patio talking and having a good time. A more gentle man you will never meet. A more companionate man that loved his wife, his children and his grandchildren to almost a fault. They were his life. He loved them dearly and they, in turn, loved him and respected him. We have to celebrate the joy of Frank's life as we remember him. There was nothing anything more dear to him than the years that he spent coaching hockey and having one on one contact with the children that passed through his school system. This is a legacy that can never be taken away from him because every member and every child that passed through Frank, whether he was the Principal, the hockey coach or playing football will remember this gentle giant. He was a gentle giant. The face was always smiling. Soft spoken, ever the gentleman. He was one of the Maine Legislatures brightest stars. I was very, very sad when Frank was not reelected because he had great promise to serve the people of his district. But Frank, you're serving us now, you're serving your family and you have served your community. God rest dear friend, we do miss you.

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

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Frank Tarazewich sat behind me in the 120th Legislature. Above and beyond that, we both played on the Portland Seahawks and we went out to lunch many times and, as you can imagine, talked football. I liked him very much. He was a strong man, a real gentleman and a very, very good companion. I did go to the wake. I talked to his family. I talked to his grandson and I didn't know what to say. I said, "Be a strong person like your grandfather," and I got a little smile from the boy. Anyway, I will miss him. He was a very, very fine man. Thank you Mr. Speaker.

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. It's with regret that I rise today, but with pleasure that I remember this man. Frank Tarazewich was my first Principal. Actually, I'm going to tell a story in which I was a little aggravated with Frank. As a 24 year-old having to do lunch duty in the basement of Greenville High School, I recall a boy named Rocky who was misbehaving in some way and challenging the new teacher. Finally, I sent him to the office and he said, "I'm not going to the office," and I said, "Do you want to bet?" There were two sets of doors, a stairway, down the hall and into the main office. Ten minutes later, the boy flew into the main office and I arrived at the doorway holding on to the woodwork, totally spent and sucking oxygen. Frank roared with laughter for five minutes. This was not the reaction that I wanted from my Principal at the time. Laughter was very much a part of Frank's life. During my eight years in Greenville, he was my Principal for the first half of that and we shared many laughs. I remember during my entry interview he said, "We work hard up here, we play hard up here." His laugh could be heard for miles. He had a gruff exterior. He was indeed a gentle man. I want to

also mention that his wife Judy is a wonderful woman. One thing I'll be indebted to her for is, she stepped aside in 1980 so that I could attend my first political convention. Their daughter Kelly was my student council leader and one of the most able young students I've ever known. My heart goes out to Judy, Kelly and their young son Chris who's no longer young but when I knew him he was toddler. My life has been enriched by Frank Tarazewich and the world is a better place because of it. It's wonderful to have a visual, remembering people always with a smile. Thank you.

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. In the 120th, I remember that there were 4 freshmen Democrats serving on the Labor Committee. Representative Norton, Representative Smith, myself and Representative Tarazewich. It was a bond that we formed very quickly, not knowing what we were doing or how we were going to approach labor issues. The one thing that I remember about Frank was that he always had a smile no matter what the subject was or how depressed we were getting about what we were doing, he always had a smile. I just want to thank his family for allowing him to come up here and serve with us. I wish that he had won a second election. I do know that we will miss him. I will always remember that smile.

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had not heard of his passing until I was just out in the other room. I said "Who are they talking about?" and they told me and I said, "Oh my God!" We sat together. Monica McGlocklin was my seatmate and Frank was her seatmate. We always commented on his ties. He always had the greatest ties. You know, you get to know your seatmates better than most of the people in the House because you get to share things and he really liked to smile and he really liked a good joke. It was very hard, sometimes, when Representative Muse, when we had the Muse boys, they would sometimes come in and have little snacks that we're not supposed to have and set up a little table cloth on their desk. It looked like a little picnic. Frank got a big kick out of that. We worked hard, but there are times when there are lighter sides. When he lost his election, Monica was really upset. I was upset, I remember talking to her on the phone. We really, really loved him. So, in celebration of your life, Frank, I hope you're smiling. God bless you Frank. We will miss you.

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

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Frank Tarazewich was a neighbor, a friend and I won't say opponent because we didn't run against each other. We both ran for the same office. He was very hard to run against because I knew what he believed in, I knew what he wanted to do and I knew his obligation to his family. The day after the night that I decided that I would run, after being asked, I went down to see Frank and, like any of us, he was disappointed that he had an opponent. We weren't really opponents. I'll say it again, we were running for the same office. He was a real decent family man. I know the family, I know Judy, I know the kids and I know how much they all mean to each other. I know how much Frank meant to the community and to the students and faculty that he presided over. After I won the election, I saw Frank and he said, "You know, I really wanted to go back." I almost said, "Frank, I really wanted you to go

back." He was a great man. He was a quiet man. He was a craftsman. The past couple of years he's been spending time working on his house. He was spending time with his wife Judy in Florida. He was spending time with his family. I guess life balances things off. Although he wasn't here with the many friends that he made and the dedication he wanted to exhibit, he did get to spend the last few years with his family. I guess everything has a purpose. Frank will be missed and Frank has contributed to all of us. Thank you.

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've often thought about my own mortality, as I know all of my colleagues have thought about this as well. I've often thought about, you know, what will people say about you when you're gone. Frankly, one of the best things that people can say about me or anyone else, I think, is just simply he was a good person. If you can get people to stand up and sincerely say, "He was a good person, he was a good man." I think that says an awful lot for your life. Frank Tarazewich was a good man. He was our friend and colleague during the time that he was here, for those of us who were here in the 120th. He was a friend to us back home in the community. I had many dealings with Frank on a professional level back in York County. Frank was also a family member of mine. Frank's son, Christopher, who's a wonderful young man, married my ex-daughter-in-law and became the step-father to my grandson. I think all of you who have that sort of family situation can understand the trepidation that one has when you're turning over someone you love, in this case my grandson, to another set of parents and grandparents. I could not have personally selected more wonderful people to be surrogate grandparents to my grandson than Frank and Judy Tarazewich. They were decent, honest, God-fearing people who raised their son and family with values and helped to do the same for my grandson. I'm grateful for that. In addition to everything that was said, all the good things that were said, Frank Tarazewich was a good man.

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

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

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Primary Residences

(H.P. 7) (L.D. 2)
(C. "C" H-1014)

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

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

Emergency Measure

An Act To Amend the Boundaries between the City of Saco and The Town of Old Orchard Beach

(S.P. 861) (L.D. 2115)

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

Emergency Measure

An Act To Amend the Charter of the Starboard Water District

(S.P. 862) (L.D. 2117)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Provide Protection for Victims of Domestic Violence

(S.P. 860) (L.D. 2116)

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.

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

ENACTORS

Emergency Measure

An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007

(H.P. 1382) (L.D. 1974)

(H. "A" H-1053 and H. "B" H-1054 to C. "B" H-1037)

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

Representative TARDY of Newport **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. 568

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jackson, Jacobsen, Jodrey, Joy, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Perry, Pilon, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello,

Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Webster, Woodbury, Mr. Speaker.

NAY - Blanchette, Craven, Hutton, Marley, Percy, Rines, Watson, Wheeler.

ABSENT - Cain, Daigle, Davis K, Greeley, Jennings, Kaelin, Moody, Pineau, Sampson, Simpson, Stedman, Vaughan.

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

131 having voted in the affirmative and 8 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Establish the Hospital and Health Care Provider Cooperation Act

(S.P. 852) (L.D. 2110)

(C. "A" S-654)

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.

The House recessed until 3:00 p.m.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following item which was **TABLED** and today assigned:

TABLED AND TODAY ASSIGNED

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

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

(S. "A" S-639 to C. "A" H-840)

TABLED - May 22, 2006 by Representative BARSTOW of Gorham.

PENDING - Motion of Speaker RICHARDSON of Brunswick to **RECEDE** and **CONCUR**. (Roll Call Ordered)

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

On further motion of same Representative, the House **RECONSIDERED** its action whereby **Senate Amendment "A" (S-639)** to **Committee Amendment "A" (H-840)** was **ADOPTED**.

On further motion of same Representative **Senate Amendment "A" (S-639)** to **Committee Amendment "A" (H-840)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "B" (H-1107)** to **Committee Amendment "A" (H-840)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-840) as Amended by **House Amendment "B" (H-1107)** thereto was **ADOPTED**.

Subsequently, the Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-840)** as Amended by **House Amendment "B" (H-1107)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

ENACTORS

Acts

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)

(S. "G" S-660 to C. "B" H-1007)

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

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

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

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

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill, which passed this morning with a vote of 72 to 70, was never really debated so that the membership could understand exactly what was going to happen. Senate Amendment 660 creates a different scheme than the previous bill, but still a scheme which is going to be creating liabilities for the State year after year in increasing amounts. What we're talking about is one of the legacies of this Legislature. This bill, as amended by the other body, is going to create a legacy where we are going to be funding for, starting off, 950 law enforcement and firefighters, and increasing every year as the pool or retirees grows and going on for the life expectancies of those retirees. Certainly they're projecting \$2 million starting off. Certainly we know as the pool grows, the costs will grow for the State. We're doing this for one segment of our population, one group of workers in our population who already have pension plans, who already have opportunities to retire at the age of 50 and who have the strength and the ability to be here every day this Legislature met for at least the last three months. So, we're dealing with creating a continuing liability for the State, essentially recognizing the strength of a lobbying group and the persistence of a lobbying group. I find it an unwise policy for us to be looking to provide health insurance benefits primarily to the stronger groups in the State. We have too many equally deserving industrious citizens in this State who have no access to the health insurance. I ask you, think very carefully before you vote on this, do you want to create a continuing growing unfunded liability on our general fund? Keep in mind it is such an unfunded liability, that will not allow many of the programs that we use for our poorer people, that will be sacrificed year after year when the Appropriations Committee meets and has this block of money that's already been committed by us for years and years to come and generations to come. I ask you to consider whether the way we should implement our health insurance policy in the State is to take the more vigorous, strongest groups and insure them while leaving behind all those people equally deserving who don't have the lobbying strength to come here and spend three months here. I ask you to defeat this enactment so that when we do provide

health insurance, we do it for everybody, not just the strong. Thank you.

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. It's not often that I find myself in disagreement with the good Representative Smith from Van Buren, but I couldn't disagree any stronger than I am right now with what he has said. We have had a very intense and very active lobbying group out here in the halls since we came back into session for this very important bill. This has not been a paid professional lobbying group. If you think for one minute that these firefighters and these police officers that are out here standing at attention being very courteous to you and respecting your right to disagree with them in a very cordial manner are being paid, think again because they're not. They're using vacation days. I have firefighters standing out here in the hall right now that are leaving to go back to do a 24 or 48 hour shift in the Bangor Fire Department. They have come down here because they feel, not for their benefit personally, there are some of them out there that are years and years away from retirement, but they also know that the job pool in the police and fire not only in Bangor and in Portland, it's statewide, has become stagnant because people cannot afford to retire. We had made an adjustment and I'm not uncomfortable with this amendment that the other body submitted that raises the age to 50. Neither the police nor the fire are uncomfortable with this. I have to tell you, the liability on your municipalities and your county sheriffs and everyone else when an officer or a firefighter goes to fight a burning blazing building at age 55 or 60, the workers comp will eat you alive. It is a lifetime thing. Ladies and Gentlemen, vote for enactment on this. We need to take care of people that have taken care of us and that will continue to take care of us. I have to tell you, up or down, in or out, funded or not, these people will not drop their dedication to save your lives, your children's lives, your grandparent's lives or anybody's life that you want. In fact, they may even step up to the plate and save your puppy dog's life if it needs to be that way because they are public servants. I have empathy for everyone in this State. God knows I've dealt with the low income people that have no benefits and have nothing to fall back on. I would dearly, truly love to be able to sign the check to give universal health care to everybody in this State. It just isn't going to happen now and it won't happen until the United States Government steps up to the plate and says this is needed. Vote for enactment. This is a good bill. It's a fair bill to public servants that put their lives on the line to save yours every day of the week. Three hundred and sixty-five days per year, seven days per week they work 24 and 48 hour shifts. They're not asking for a handout. They're asking for the ability, the ability to go and open up the job market in law enforcement and firefighting throughout this State. We have 50 or 60 graduates graduate from the academy over here in Vassalboro every year and there are no jobs because the inn is full. We're going to have a large amount, if this is enacted, retire soon because they are of that age. But, then it's a graduated period the same as every other retirement is. Not everybody was hired the same day, not everybody will retire the same day. Thank you Mr. Speaker and thank you Ladies and Gentlemen for your attention.

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. First, I'd like to thank the Representative from Van Buren for his dedicated, I

guess, loyalty to his position on this issue. It took a lot of courage to stand by your conviction. This legislator appreciates that. Ladies and Gentlemen of the House, for those members that will be returning in the next biennium to face the next budget shortfall I just wanted to list a few items for you that you'll need to pay for. Also, I'd like to make a statement to the firefighters that are promoting this legislation. In no way do I want to restrict their ability to get access to healthcare, but we have to, as legislators, put every issue before us in context with all of the priorities that we have. We have to make tough decisions. Again, thank you to the Representative from Van Buren, Representative Smith for your courageous position. In the next biennium, we owe the hospitals \$400 million. The 55% education commitment that we have dedicated ourselves to fund is another \$280 million. There's a \$500 million shortfall in our general fund budget and another \$80 million to \$90 million shortfall in the highway budget. The new Medicaid expansions will cost us another \$146 million Ladies and Gentlemen. We have no money to pay for it. Personal service costs for employees, because of our new collective bargaining, agreement has gone from \$712 million to \$915 million and is climbing rapidly. The Maine State Retirement unfunded liability is \$2.5 billion and after 2018 blocks of \$300 million per year from that point on through 2025, we will have to find that money as well. The Maine State Retired Health Insurance Plan has a \$1.2 billion unfunded liability. Ladies and Gentlemen, that's not counting any increase in our biennium, the 3% increase that we might have to come up with to meet our general obligations. That's not counting any new programs that we may pass in this Legislature and have to fund. Ladies and Gentlemen, I'm not voting against this legislation because I'm against firemen, I'm voting against this legislation because I'm trying to be responsible with the taxpayers' money. We have obligations we cannot even begin to meet now. We will have two options facing us in the next Legislature, cut essential programs or raise taxes. That is the reality, that is the bottom line and when you vote today, don't think otherwise. You're going to have that option facing you. Thank you.

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

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will not repeat a number of the arguments that have persuaded me to vote in favor of this. I will simply say that what comes to my mind is having lived in Biddeford a number of years ago and watching a man about 65 years old go into a burning building because he thought someone was in there. There was no one in there but he came back out coughing and fell and collapsed on the porch and died of a heart attack. That man should never have been in that building. This is a young man's business. I got to know, a little bit, the family. He was hanging on to retirement to provide his family with insurance. So, I will be voting for this. Thank you Mr. Speaker.

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

Representative **SAMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As we were told would happen, there's already a pool of worthy recipients of this benefit who are just lining up with their hands outstretched saying, "Where's mine?" This is fiscally irresponsible. We have already, as far as I'm concerned, usurped the authority of our municipalities by doing this. It's going to hamstring their own negotiations at the municipal level. We have placed a cap on LD 1 on spending. We are already trying to jump through hoops to try to negate that. This is exactly what the people back home

look at and say, "What are they doing up there? That is irresponsible." That is why TABOR is looking so wonderful to the people back home. I implore you, do not put us in this situation where we're constantly trying to search for money to pay for this. It is irresponsible.

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It's not about money. We are the richest country in the world. You've heard that come from me all the time. It's about pitting one segment of our population against another. It's about saying firemen and policemen are more important than other people back home. When are we going to stop this? Does it pull at your heartstrings? Of course. Did they get to me? Of course. Who wants to go against firemen and policemen? That's the emotional issue. Then we bring in 9/11. Then we bring in burning buildings. None of us want to do that. It's all emotional. At the end of the day when I went home after I gave that letter, I talked to Mr. Laverriere who lives on Green Street in Biddeford who worked for the Humpty Dumpty potato chip factory for thirty-some-odd years. Then the Humpty Dumpty got sold out and now he's in his 70s and he's working at Shop 'n Save. He works there five days per week. When he saw me on the street he said, "Joanne, you know how much money I bring home for a paycheck? I said, "How much?" He said, "One dollar." I said, "One dollar?" He said, "Because the rest of it has to go for my health insurance." How do I go home and say that I had to balance his need against those very nice people who already have something. I want to tell you, you all know I'm running for the other body and I was just told, a few hours ago, this would be the end of my race. I will go back home and I will have to face this face on and I will lose. What am I thinking about? I am thinking about being fair to the people I represent. I told that person if that means I go down in an election, so be it. My friend behind me, who I love and respect, said will you be a politician or will you be a statesman? I choose to be a statesman because I can look at their faces and tell them why I'm voting the way I am. I cannot pit one group over another. That Mr. Laverriere who worked just as hard is having to face his reality and women who are alone with two children, who have no healthcare, how do I face them? Back home if you get a firemen's job, you're really lucky because it's almost like people who are in there get their family in there. It's really great if you can get one of those firemen jobs. There are other things to it. Retiring at 55 when I still see seniors working at 70 and 80. When I see women at the cash with their faces all red and I know they're exhausted, but they have no money and they have no choice. What did we get elected for here? Who are we supposed to represent? Just the powerful? The people who can organize? Or everyone in our district? Who wants to go against firemen and policemen? Who would dare? Oh my God, it's about the next election. It's about doing the right thing for all the people in Maine. If that means I lose a Senate race, so be it, because I can sleep at night. I can go home and tell those who don't have anything, those who usually don't vote, those are the people that don't vote, but I was their voice. Somebody from this House has to be that voice. Thank you.

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. My good friend across the aisle just said about voting for special interests. I understand about the elderly people that are bagging groceries,

but these gentlemen that have been out in the hallway haven't put any pressure on anybody. They turn around and try to do a good job and save people's lives. The other day, my good friend across the aisle was speaking against the teachers. She said the superintendent was going to support her so, she's probably already lost the firemen and the teachers, but she still has that superintendent to support her. I go back to when I praised you in the 121st of being one of the few who would stand up over there and vote against tax and Social Security at the State level, and that's why you're probably the Speaker and she's still sitting on the end of the aisle over there. Maybe I'd better say no more.

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. That's a hard act to follow, but I'm going to try. I came here two years ago as a naive freshman legislator thinking I was going to come down here and make a difference. For the most part, I don't know that I've been able to do that. It's hard in a body of 151 people for your one vote to make a difference on most occasions. I've gone on, I've tried and I've done my best for the people that I represent and for the people of the State of Maine. One thing that I've found here as we're winding down our session, there are a lot of people here that aren't going to be here anymore. People who I've grown to have a great deal of respect for. One of them is the good Chair of the Labor Committee, Representative Smith from Van Buren. I haven't always agreed with him, in fact, most of the time I've been in disagreement with him. One thing I have found from Representative Smith is he looks at everything with an open mind. He's honest and he gives everything a fair shake and when something is not right, he votes against it even though a lot of people want him to vote for it. I respect him for that. I've enjoyed working with him and I thank you Representative. Another one who, and I'm probably going to take a lot of ribbing for saying this, but someone who I respect a great deal is the Representative from Biddeford, Representative Twomey. You may not agree with her, I think I disagree with her 98% of the time on things that happen in here, but there's one thing for certain, she says what she means and she means what she says. Nobody but Representative Twomey tells Representative Twomey how to vote. I appreciate that. Another person who I've found a great deal of respect for is Representative Sawin Millett from Waterford. Representative Millett classified this amendment that's in front of us quite nicely when he said, "It's a fiscal train wreck that's coming right straight at us. It's going to be a mess." In this chamber, on the 13th of April, I offered an amendment which was a good amendment. This body overwhelmingly supported it 84 to 61 we passed an amendment that was fiscally responsible and that was a vehicle for the brave men and women that do this job to provide themselves with health insurance when they retire. It was a vehicle for the State, in better times, to provide more of a subsidy for them. A great many people on the other side of the aisle supported that amendment and I spoke to them and I thanked them for supporting my amendment. To the person they said, "Well, I had to support it. It was a good amendment. It makes sense. It's fiscally responsible." I don't know what happened between April 13th and this morning. I'm not going to speculate what happened, but I know that my amendment is still the most fiscally responsible thing. It's the only way this bill is going to get funded. I really, really urge everyone to vote against this bill at this point in time because quite frankly it's a fiscal train wreck. If we're going to fund this bill, where are we going to get the money from? Are we going to take money away from prescription drugs for seniors? Are we

going to take money out of the Dirigo program? Are we going to take money away from the hospitals? Are we going to shirk our responsibility to fund 55% of education? I was downstairs in the Hall of Flags today for an awards ceremony. One of my schools, the Dedham School, won an award for excellence in coordinated physical education. Unfortunately, due to budget cuts that they're facing, that program is being eliminated next year. How many more programs are going to be eliminated? We stood in this chamber this morning and yesterday and debated on a transportation bond to fix our roads, \$60 million. We decided no, it's too much. Now we're going to throw \$90 million or \$100 million at this. It's the wrong place to spend the money. We have a limited amount of money. This is the wrong place to put it. I'm all for putting it out there to fix the roads. What are we going to do next year? We're not going to have money for roads. Are we going to take money from the highway fund and use it to fund the firefighters health insurance and then look to be borrowing money for roads again? I ask you, please don't listen to me, but listen to the good Representative from Van Buren, listen to Representative Twomey from Biddeford and listen to Representative Millett and press the red light here on enactment. Thank you.

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

Representative **BISHOP**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Aside from the issue of how much these brave men and women deserve for retirement, aside from the issue of whether or not this retirement should be a local or a state issue, aside from the addition from our unfunded liabilities when next years structural gap is already estimated to be between \$425 million and \$450 million, aside from all that I'm voting against this bill because it is my understanding that this bill itself creates a grossly unfair situation for all the people of Maine. If passed as is, this bill favors workers who choose not to sign up for retirement at an early age. Let me repeat this because that's what this bill does. If passed as it is right now, it encourages workers not to sign up for this retirement benefit at an early age. The reason it does that is because those who choose to contribute at that early age and would be helping the State of Maine by offsetting the State's contributions don't have to. Rather, they can wait until the very last five years of their working career and sign up at that point. So, all that early time that they would have been contributing to their own retirement, in fact, will be picked up by the State of Maine if this bill is passed as it is in front of us. It encourages non-participation until the very last five years with no penalty. Is this fair to all of us who pay for retirement on an ongoing situation with ongoing contributions during our whole working career? Again, this is aside from all those other considerations. This bill, as written, in itself is not a good bill. It's not fair. It's not fair to the people of Maine. It's just not fair. For that reason, I'm voting against it. Thank you Mr. Speaker.

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 think I just need to put some correct information out here on this bill. This bill does not allow people to wait until the last five years until their retirement to jump in and participate. This bill will allow, if enacted today, firefighters that are eligible now, under all other circumstances, to retire to pay in their amount of money for the five years and retire. Once you are employed tomorrow, if this bill was enacted tonight and became law, if you applied to a fire department or a police department within the State of Maine

tomorrow, you would have exactly 60 days from your date of hire to make a decision as to whether were going to participate in this plan. No exception. No exceptions. So, you are not funding an unfunded liability on this. These people are going to sign up within 60 days of their date of employment. They're going to contribute to this fund all of the time that they are employed either in the police or fire department. I just think the people, before you vote to enact this, need to know what the facts are. Thank you Mr. Speaker, Ladies, and Gentlemen.

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. I'd like to address the question that was raised a little bit ago about is this fair to all of us. It's kind of a different perspective on this. My perspective is as the daughter of a firefighter for 25 years and as the mother of a firefighter for about 2 years. I'm also the sister-in-law to about three firefighters. I want to touch briefly on two parts of my dad's experience. He was a volunteer firefighter for about 25 years before he retired from that. I will forever remember the day that he was paged out of church to go fight a fire and by the time my mom got herself and us kids home, my dad's chief showed up on a tear at the house saying my dad had collapsed and took mom to the hospital. That day is forever in my psyche. The other memory of my dad's experience is my mom telling me, one of the few times she'd seen my dad cry, is when one of his firefighters came out of a burning building, collapsed in front of him and died of a heart attack. There's something about firefighting and police work. There is a physical strain. There is a mental strain. Even though one of the things I've heard is, "Yea, but they only have to do that very rarely." But they're on call all the time for the potential to do it. If we have people who have been on this job for 25 years or more and are now 50 years or older, there is a strain, mentally and physically, that comes with 25 years of wondering what's going to happen today and of going into burning buildings. So, the question, "Is it fair to us all?" My other perspective of this, I've been sitting thinking through this. I've had two chimney fires in the house I live in now. When I lived in Mattawamkeag in an apartment at Opal Troutt's house, her house burned to the ground. My apartment over the garage was nearly destroyed. In 1998, we had a barn fire where my boys were there at the time, spontaneous combustion with the hay and we lost about 10 calves. All of those were fairly horrifying experiences. All of you, I'm sure, have, if not your own experiences, friends and neighbors who have needed these emergency responders. People become firefighters and police officers, I believe, for the same reason we are lawmakers, the same reason I am a farmer and the same reason one of my friends is a pastor. You sure don't do it for the money. You do it for a calling. If people have been at these jobs of police and fire for 25 years and more and are at the age of 50 and find that it is time for them to retire because either bodies or their psyches or both have given all they can give, then I think it's appropriate for allowing that to happen. The Representative from Bangor, Representative Blanchette mentioned the fact that there are fresh graduates from, I know Southern Maine Community College has a great program, more graduate from there than can find jobs here. In order to allow the guys who have put in, who have paid their time in these jobs, to retire and the young guys to come in, look at it form the, "What's best for all of us." There's no polite way to say it. Do you want the 60 year old who's been doing it for 30 years, who's knees are shot, to be the one who shows up at your house or in this building if there's a calamity? It makes sense for all of us to pass this bill. Thank you.

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'll be brief because I know we're going to have a long night. The one thing I haven't heard from all the debate is the talk about, what we passed in the Senate Amendment, it has a spending cap exemption in there. One of the areas that troubles me is we passed a spending cap in LD 1 to put the brakes on our spending. By not having our brakes on spending, we're forced in a position where we're having to cut programs, every session, to pay for programs we passed sessions ago. If we make an exception for this one bill, then what's the sense of having a spending cap? Why don't we just repeal the spending cap provision in there? It just doesn't make sense. Nobody's mentioned that yet. It's something that really troubles me. It's something we really should consider before we vote on this. That we're just saying, "Sure we can spend \$100 million without blinking an eye," we have no fiscal responsibility here. I feel bad for the people that have to pay the bill, future generations, our grandkids. But, at least if we could live within that spending cap, you know what, I could say, "Okay, I could live with this bill if it's within the spending cap because, you know, we had fiscal restraint." I'm just not ready to tell the senior citizens in my district they're not going to get those prescription drugs next year because it was more important to fund this bill. I just don't know if I'm ready to say my priorities were that place yet. Anyway, thank you Mr. Speaker.

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. One point that I missed when I spoke before, and I will be brief, one of the things that we heard here is that it is good policy to get guys who are 55, 60 and 62 years old off the job. I agree whole heartedly with that. One of my big, big, big issues with the bill that we have before us that we're about to vote on is that it spends a lot of money on people who have been retired already four or five years. It is accomplishing no public policy goals whatsoever. Somebody who was retired five years ago who's now 55 years old is going to write the State of Maine a check for approximately \$3,000 and then get a \$7,000 per year benefit for the next 10 years. That, to me, is just absolutely fiscally irresponsible. My amendment saved a great deal of money and the way it saved a great deal of money was by not doing that. That is what this bill is going to try to do. Someone writes a check for \$3,000 today and gets \$7,000 per year for the next 10 years or 12 years depending on how old they are. It's just absolutely irresponsible and it accomplishes no public goal of getting older people off the job. I urge you to vote against the pending motion.

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

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think we do ourselves credit by the debate tonight. I know the Speaker had mentioned, in the debate on this issue, that there are certain issues that bring out the eloquence to this institution. I'm a very proud member to be here tonight. It's very difficult for me to disagree with my good Chair Representative Smith of Van Buren, but it is my intent and the intent of the people who presented this legislation that eventually this is a starting point where we are going to get all those groups involved and covered under healthcare. I also always admire the good Representative from Biddeford, Representative Twomey who always speaks with a very strong

heart. I will tell her that having been a fireman and an EMT for 30 years, whatever which way you vote on this bill will not make a difference. I still know you're a very great person and I admire your service here. To Representative David Trahan, who always speaks with a strong, clear voice and he mentions the issues that we are going to have to deal with in the next Legislature, it is a daunting task, Mr. Speaker, but I believe this is the right thing to do. To Representative Hall and Duprey who I've gotten to know very well as members of the Labor Committee, you have done your best, not only in this legislation, but in others. You should be very proud of that. I'm asking that you would support this amendment. It is one that I think has been worked on over the period in its attempts to make the issue more palatable to members of this institution. It exempts from the general fund an appropriations limitation of the State costs of retired county, municipal and law enforcement officers and municipal health insurance under this program. It establishes a minimum age of participation of 50 years, which is something that a lot of us talked about and thought was important. It requires a person to pay into the fund for at least 60 months before becoming eligible as you've heard Representative Blanchette say. Upon retirement, to obtain a subsidy, a person who retires without making 60 months of contribution, may participate in this program by making a payment to the fund. The amount of the payment is based on the person's age at the date of enrollment in the program. The person's average monthly final compensation and any payments made by the average monthly final compensation payment ranges from 2%, as Representative Hall recommended in his amendment, for retirees who are at least 50 years of age, to 1.5% for a retiree. So, they actually are paying into the system, Mr. Speaker. As I had mentioned before in my previous remarks a few weeks ago, I need to remind this body that Legislators, after eight years, can leave here with State paid health insurance. Many in this chamber will take advantage of that benefit. I believe that this amendment and this bill enhances the recruitment and retention of well-qualified candidates. We received a number of letters from Chiefs and fire departments around the State. It reduces the loss of public safety employees from Maine to neighboring states, like New Hampshire and other areas who offer similar or better packages. It allows older employees to retire in a timely manner, bringing younger qualified candidates into the public safety. I get very emotional on this issue. I know I was in caucus today listening to some of the questions and there are certain things from your life's experience that can really hit home hard. I remember a gentleman by the name of Gerard Martell who I had worked with as a young man. Gerard, I think, was 58. I saw him die on duty and it's something that has stuck with me for the rest of my life. I see some of the guys that I work with that are retired and having to spend, I mean, if you're a fireman or policeman, if you're lucky you pull down \$30,000 per year and if you get out with 20 or 25 years, if you're lucky you get half pay. Three quarters of that or a half of that goes to helping you and your wife survive, and health insurance is an issue. I'd be less than disingenuous to you if I didn't explain to you how I feel and it's something I really think is the right thing to do. I think it will incur municipal cost savings through the replacement of senior employees at the top salary levels. I think the senior public safety employees who are more prone to duty injuries, as Representative Blanchette has told you and the worker's compensation issues, which has killed municipalities. I was selectman for 10 years and I can tell you that I saw that as particularly the fire and police got older, the worker's comp issues killed us. So, I'll sit down. I hope that you will support this. I think the funding issues are legitimate concerns, but this

Legislature has always done the right thing. I think this is the right thing to do. Thank you Mr. Speaker.

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. 569

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

NAY - Annis, Austin, Beaudette, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Cummings, Curtis, Daigle, Duprey, Edgecomb, Emery, Fitts, Flood, Goldman, Grose, Hall, Hamper, Hanley B, Hogan, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McKane, McKenney, McLeod, Merrill, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rosen, Sampson, Seavey, Sherman, Shields, Smith W, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan, Woodbury.

ABSENT - Cain, Davis K, Fletcher, Greeley, Jennings, Kaelin, McFadden, Patrick, Perry, Pineau, Saviello, Stedman, Thompson.

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 Bill **FAILED PASSAGE TO BE ENACTED**.

Representative CUMMINGS of Portland moved that the House **RECONSIDER** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

On further motion of the same Representative, **TABLED** pending his motion to **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENACTED** and later today assigned.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Primary Residences

(H.P. 7) (L.D. 2)
(C. "C" H-1014)

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

This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken. 70 voted in favor of the same and 67 against, and accordingly the Resolution **FAILED FINAL PASSAGE** and was 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:

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Create the Taxpayer Bill of Rights"

(I.B. 1) (L.D. 2075)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket
WOODBURY of Yarmouth
HUTTON of Bowdoinham
WATSON of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1106)** on same Bill.

Signed:

Senator:

COURTNEY of York

Representatives:

CLOUGH of Scarborough
BIERMAN of Sorrento
HANLEY of Paris
SEAVEY of Kennebunkport

READ.

On motion of Representative WOODBURY of Yarmouth, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

ENACTORS

Acts

An Act To Change the Child Care Facility Licensing Laws
(H.P. 272) (L.D. 359)
(S. "A" S-662 to C. "A" H-346)

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

An Act Concerning the Taxation of Property Owned by Certain Veterans' Organizations
(S.P. 258) (L.D. 791)
(S. "A" S-663 to C. "A" S-299)

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

Acts

An Act To Encourage the Preservation of Affordable Housing
(H.P. 808) (L.D. 1165)
(S. "A" S-664 to C. "A" H-634)

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 Access to Mental Health Services
(S.P. 411) (L.D. 1183)
(S. "A" S-665 to C. "A" S-279)

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

Resolves

Resolve, To Promote Training Centers for Entrepreneurship
(H.P. 964) (L.D. 1387)
(S. "A" S-666 to C. "A" H-482)

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

Acts

An Act To Appropriate Funds for the School Breakfast Program
(S.P. 535) (L.D. 1540)
(S. "A" S-667 to C. "A" S-195)

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

An Act To Prevent the Use of Performance-enhancing Substances by Maine Student Athletes
(S.P. 749) (L.D. 1952)
(S. "A" S-673 to C. "A" S-479)

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. 126 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Establish a Computer Crimes Unit within the Maine State Police Crime Laboratory
(S.P. 779) (L.D. 2028)
(C. "A" S-519; S. "A" S-674)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Promote Economic Development by Enhancing Educational Opportunities
(S.P. 702) (L.D. 1785)
(S. "A" S-669 to C. "A" S-497)

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

Acts

An Act To Eliminate Administrative Preliminary Hearings for Probationers
(H.P. 1308) (L.D. 1868)
(S. "A" S-670 to C. "A" H-796)

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

Acts

An Act To Promote Youth Involvement in County and Local Government
(H.P. 1320) (L.D. 1880)
(C. "A" H-768; S. "A" S-671)

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

Acts

An Act To Improve the Oral Health of Maine's Children
(S.P. 737) (L.D. 1936)
(S. "A" S-672 to C. "A" S-498)

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

Acts

An Act To Make Changes to the Laws Regarding Pine Tree Development Zones
(H.P. 1483) (L.D. 2091)
(H. "A" H-1065 to C. "A" H-1026)

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

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

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

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 Enact the Tax Fairness Act"

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

- In House, Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** on April 28, 2006.

- In Senate, Majority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-812) in **NON-CONCURRENCE**.

TABLED - May 22, 2006 (Till Later Today) by Representative WOODBURY of Yarmouth.

PENDING - **FURTHER CONSIDERATION**.

Representative WOODBURY of Yarmouth moved that the House **RECEDE AND CONCUR**.

Representative BOWLES of Sanford **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. 570

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

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

ABSENT - Blanchette, Cain, Crosby, Davis K, Greeley, Jennings, Kaelin, McFadden, Pineau, Saviello, Stedman.

Yes, 71; No, 69; Absent, 11; Excused, 0.

71 having voted in the affirmative and 69 voted in the negative, with 11 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

The House recessed until 7:45 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

Non-Concurrent Matter

Resolve, To Facilitate Implementation of the Sports Done Right Program

(S.P. 26) (L.D. 84)

FINALLY PASSED in the House on February 14, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438) AS AMENDED BY SENATE AMENDMENT "A" (S-677)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Create the Maine Asthma and Lung Disease Research Fund

(S.P. 312) (L.D. 904)

PASSED TO BE ENACTED in the House on June 6, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-294)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-294) AS AMENDED BY SENATE AMENDMENT "A" (S-681)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Appropriate State Funds To Protect Potato Farmland in Aroostook County from Blight and Other Diseases That Could Occur with the 2004 Crop Unless Cull Potatoes Are Dumped Properly

(H.P. 131) (L.D. 180)

PASSED TO BE ENACTED in the House on May 16, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-206)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-206) AS AMENDED BY SENATE AMENDMENT "A" (S-678)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education

(S.P. 81) (L.D. 228)

PASSED TO BE ENACTED in the House on May 10, 2005. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-679)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide Funding for Dues for the International Northeast Biotechnology Corridor

(H.P. 187) (L.D. 248)

PASSED TO BE ENACTED in the House on May 9, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-597)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-680)** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act To Fund Youth Mentoring Programs

(H.P. 689) (L.D. 979)

PASSED TO BE ENACTED in the House on May 18, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-332)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-332) AND SENATE AMENDMENT "A" (S-682)** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources

(H.P. 852) (L.D. 1234)

PASSED TO BE ENACTED in the House on May 16, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218) AS AMENDED BY SENATE AMENDMENT "A" (S-683)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act Relating to the Handling of Firearms Confiscated by Law Enforcement Officers Pursuant to a Court Order"

(H.P. 1507) (L.D. 2118)

PASSED TO BE ENGROSSED in the House on May 22, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-695)** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

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

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

PASSED TO BE ENACTED in the House on April 28, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-637)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-637) AND SENATE AMENDMENT "A" (S-694)** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act To Implement Certain Recommendations of the Washington County Economic Development Task Force

(S.P. 743) (L.D. 1944)

PASSED TO BE ENACTED in the House on April 26, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-597)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-597) AS AMENDED BY SENATE AMENDMENT "A" (S-692)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act To Increase Funding for Meals on Wheels Program

(H.P. 931) (L.D. 1348)

PASSED TO BE ENACTED in the House on May 17, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279) AS AMENDED BY SENATE AMENDMENT "A" (S-684)** thereto in **NON-CONCURRENCE.**

Representative RICHARDSON of Brunswick moved that the House **RECEDE AND CONCUR.**

Representative GLYNN of South Portland **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. 571

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

NAY - NONE.

ABSENT - Browne W, Cain, Collins, Davis K, Goldman, Greeley, Hogan, Kaelin, Marraché, Mazurek, McFadden, Merrill, O'Brien, Pineau, Stedman, Thomas, Tuttle.

Yes, 134; No, 0; Absent, 17; Excused, 0.

134 having voted in the affirmative and 0 voted in the negative, with 17 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

Non-Concurrent Matter

An Act To Increase Wheelchair Van Services Reimbursement Rates

(H.P. 1355) (L.D. 1914)

PASSED TO BE ENACTED in the House on March 31, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-871)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-871) AS AMENDED BY SENATE AMENDMENT "A" (S-687)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Assist Visually Impaired Persons and Persons with Disabilities in Obtaining Information Regarding Current Events

(H.P. 1376) (L.D. 1964)

PASSED TO BE ENACTED in the House on March 16, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-788)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-788) AND SENATE AMENDMENT "A" (S-689)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide Funds for the Preservation of Digital Records

(S.P. 360) (L.D. 1043)

PASSED TO BE ENACTED in the House on May 16, 2005. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-691)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Collect Information about Employer-based Health Coverage

(S.P. 727) (L.D. 1927)

FINALLY PASSED in the House on April 26, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-580) AS AMENDED BY SENATE AMENDMENT "A" (S-604)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-580) AS AMENDED BY SENATE AMENDMENT "B" (S-688)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Exempt Trail-grooming Equipment from the Personal Property Tax

(S.P. 716) (L.D. 1799)

PASSED TO BE ENACTED in the House on March 7, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-452)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-452) AS AMENDED BY SENATE AMENDMENT "A" (S-685)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Purchase the Department of Labor Building at 19 Union Street in Augusta

(H.P. 1311) (L.D. 1871)

FINALLY PASSED in the House on April 14, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-576)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-576) AS AMENDED BY SENATE AMENDMENT "A" (S-686)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Allow a Second Opportunity for Retired Teachers To Elect To Rejoin the Teacher Group Accident and Sickness and Health Insurance Plan

(H.P. 1484) (L.D. 2092)

PASSED TO BE ENACTED in the House on April 14, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986) AS AMENDED BY SENATE AMENDMENT "A" (S-690)** thereto in **NON-CONCURRENCE**.

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

ENACTORS

Acts

An Act To Provide for an Advisory Referendum on Tax Restructuring

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

(C. "A" H-812)

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

On motion of Representative CLOUGH of Scarborough, 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 Passed to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 572

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Bliss, Brannigan, Brautigam, Bryant, Burns, Canavan, Clark, Craven, Cummings, Driscoll, Duchesne, Dudley, Dugay,

Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Miller, Mills, Moody, Norton, Paradis, Patrick, Percy, Perry, Pilon, Pingree, Piotti, Rines, Sampson, Schatz, Simpson, Smith N, Smith W, Thompson, Tuttle, Valentino, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

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

ABSENT - Cain, Davis K, Goldman, Greeley, Kaelin, McFadden, O'Brien, Pineau, Stedman.

Yes, 68; No, 74; Absent, 9; Excused, 0.

68 having voted in the affirmative and 74 voted in the negative, with 9 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**.

Representative WATSON of Bath moved that the House **RECONSIDER** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

On further motion of the same Representative, **TABLED** pending his motion to **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENACTED** and later today assigned.

SENATE PAPERS

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Primary Residences

(H.P. 7) (L.D. 2)
(C. "C" H-1014)

FAILED of **FINAL PASSAGE** in the House on May 23, 2006.

Came from the Senate **FINALLY PASSED** in **NON-CONCURRENCE**.

Representative RICHARDSON of Brunswick moved that the House **RECEDE AND CONCUR**.

Representative CLOUGH of Scarborough **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 Phippsburg, Representative Percy.

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to say thank you because this bill has been before us two terms. I really appreciate all the effort that Representative Woodbury and the Taxation Committee and all of you did on trying to help us deal with rising property taxes in the State of Maine. I just wanted to say thank you and I know that the issue is still before us and this bill will come back, whether in this flavor, or another, but I look forward to further debate on the issue. Thank you.

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

ROLL CALL NO. 573

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

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

ABSENT - Cain, Davis K, Dudley, Goldman, Greeley, Kaelin, McFadden, O'Brien, Pineau, Rines, Stedman.

Yes, 73; No, 67; Absent, 11; Excused, 0.

a two-thirds vote of all the members elected to the House being necessary, a total was taken, 73 having voted in the affirmative and 67 voted in the negative, with 11 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

Non-Concurrent Matter

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)

PASSED TO BE ENACTED in the House on April 28, 2006. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-693)** in **NON-CONCURRENCE**.

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

ENACTORS

Resolves

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

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

(H. "B" H-1107 to C. "A" H-840)

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

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

Mandate

An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption

(H.P. 1093) (L.D. 1552)
(S. "A" S-668 to C. "A" H-584)

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. I want to thank all of the members. We had 106 cosponsors on this bill and I'm very happy tonight that we're going to pass, I hope by two-thirds margin or better, this bill to correct an issue that was not foreseen when LD 1 passed to allow owners of cooperative housing the same rights afforded to all other tax payers in Maine, the \$13,000 homestead exemption. I would appreciate your votes tonight and I thank you for all your support.

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. 118 voted in favor of the same and 14 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Non-Concurrent Matter

An Act To Amend the Maine Wind Energy Act

(S.P. 477) (L.D. 1379)

PASSED TO BE ENACTED in the House on June 15, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-365)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-365) AS AMENDED BY SENATE AMENDMENT "A" (S-696)** thereto in **NON-CONCURRENCE**.

On motion of Representative BLISS of South Portland, the House voted to **RECEDE**.

On further motion of the same Representative **Senate Amendment "A" (S-696) to Senate Amendment "A" (S-365)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "A" (H-1108) to Senate Amendment "A" (S-365)**, which was **READ** by the Clerk.

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

Representative BLISS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I'll try to make this as unconfusing as possible. This is a bill about wind power. It's a bill that passed the Utilities and Energy Committee unanimously. We have, for this whole season, been promoting alternative sources of energy including wind power and promoting wind power and solar power and other possibilities as vigorously as we possibly could. One iteration of this bill included something called "community wind" and authorized the Commissioner of DECD to make some decisions about those community wind projects, because in that version of the bill they were automatically granted pine tree zone status. Senate Amendment "A" to Senate Amendment "A" was an amendment in appropriations which took all of those pine tree zones out of this bill. Not a bad thing. Not a good thing. Just a change. But, now this bill is clearly about energy and there's no reason for the Commissioner of DECD to have anything to do with it. So, this

amendment replaces the Commissioner of DECD with the Commissioner of the Public Utilities Commission. This is, in fact, an amendment that changes the commission of jurisdiction, if you will, to the commission that most properly deals with issues of energy. Thank you very much.

House Amendment "A" (H-1108) to Senate Amendment "A" (S-365) was ADOPTED.

Senate Amendment "A" (S-365) as Amended by House Amendment "A" (H-1108) thereto was ADOPTED.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Senate Amendment "A" (S-365) as Amended by House Amendment "A" (H-1108) thereto in NON-CONCURRENCE** and sent for concurrence.

SENATE PAPERS

Bill "An Act To Comply with the Federal Commercial Motor Vehicle Safety Act of 1986"

(S.P. 864) (L.D. 2119)

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

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further 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** in concurrence.

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

The House recessed until 9:15 p.m.

(After Recess)

The House was called to order by the Speaker.

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-1012) - Minority (6) Ought to Pass as Amended by Committee Amendment "B" (H-1013) - Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Increase Access to Health Insurance Products"

(H.P. 1285) (L.D. 1845)

TABLED - April 14, 2006 (Till Later Today) by Representative PERRY of Calais.

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

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

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to explain what is in this bill so that we know what we're voting on. 1845 is set up to outline what needs to be done to put forth a self-administered plan. In the original legislation, there is already permissive language that allows Dirigo to bid for a third party administrator. This gives the guidance and outlines for them to be able to accept that bid. In this legislation there are a number of things that occur. One, there are changes in the Dirigo Board and also changes in the responsibilities that allow it to bring on more financially knowledgeable people. The legislative oversight on this will be with the Insurance and Financial Services Committee. What does going self-administered mean? One of the things that is in this bill is that the relationship with the insurance laws and mandates of the State remain the same, that this bill, self-insured, requires that the Dirigo program, under this, will honor all of the State mandates, will continue with guaranteed issue and community ratings. The other thing is this will also allow them to contract for services as if they are an insurance company. This is not MaineCare doing this again. This is an insurance product with a market rate reimbursement that the providers will be provided as an insurance product. The triggers that allow it to happen is there is a minimum requirement that there be, in reserve, two and a half months of claims. Also, that they need to be able to have, in place, stop loss insurance before they can go forward with this. The other piece of this bill also allows for some marketing changes. The option to go self-insured is only one of the options. If Dirigo chooses to, or it ends up being less expensive to stay with the fully insured, there is another piece of that bill that opens up the ability for other insurance carriers with training or other insurance brokers to be able to sell the Dirigo product. This, I think, will allow us to open up options for Dirigo getting out into the community. I'm going to ask that you vote for this.

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

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, Point of Order.

The SPEAKER: The Representative may state his Point of Order.

Representative GLYNN: Thank you Mr. Speaker. As a Point of Order, I wish to raise to you and the body a question of germaneness of this amendment that has been presented. My question is whether or not this amendment is properly before the body. The original bill, LD 1845, the purpose of the bill was to establish an alternative organizational structure. At the public hearing, those testifying in support of the bill showed up advocating a model very similar to a MEMIC or a private non-profit organization. This amendment to LD 1845 is very different from that. It's turning Dirigo into a self-insured plan. I don't believe it's germane. I'd like a ruling from the Chair.

Representative GLYNN of South Portland asked the Chair to **RULE** if **Committee Amendment "A" (H-1012)** was **GERMANE** to the Bill.

The SPEAKER: To answer the Representative's question, the issue is the amendment to which you're speaking is not before us. This is acceptance of the report. It would be proper, at the time in which we take up the amendment, would be the proper time to challenge questions of germaneness.

Subsequently, the Chair **RULED** that **Committee Amendment "A" (H-1012)** was **GERMANE** to the Bill.

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

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I withdraw my question at this point and will be offering it at a more appropriate point. I had raised the issue too early. I wish to speak to this motion.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1012)** was **READ** by the Clerk.

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

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Again, I apologize for jumping the gun on getting up to raise my issue of germaneness. I wish to raise that issue of germaneness for all of the reasons I had mentioned prior.

Representative GLYNN of South Portland asked the Chair to **RULE** if **Committee Amendment "A" (H-1012)** was **GERMANE** to the Bill.

The SPEAKER: The answer from the Chair is that it is, for the following reasons. If you look at the summary of the original bill, it indicates that it's establishing the Board's authorization to establish an alternative organizational structure to an existing public plan without seeking legislative approval. If you look at Committee Amendment "A" set forth in its summary, you will note on page 15 of the bill that the amendment gives authority to Dirigo Health to provide access to health benefit coverage through the Dirigo Health self-administered plan after the Board evaluates bids for a self-administered plan. In other words, as advertised, this was a public plan to which the bill was seeking to give the Board, Dirigo Health Board, authorization to establish an alternative organizational structure. Under the summary on page 15 of Committee Amendment "A" it is a public plan which is establishing, or it attempts to establish a self-administered plan, which is by its definition a public plan. That being that it is administered by the State Government. For that reason, I see that the amendment, Committee Amendment "A" is germane to the original bill itself. The Representative may proceed.

Subsequently, the Chair **RULED** that **Committee Amendment "A" (H-1012)** was **GERMANE** to the Bill.

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will not appeal the decision of the Chair. I, of course, do disagree with it, but I will not appeal that decision. This bill, the Committee Amendment that's before us seeks to do something that's quite remarkable, a little bit too remarkable. It puts the State of Maine in the insurance business and I disagree with this Committee Amendment and feel that it's a poor direction for the State. The original bill that was presented to the Committee actually had a lot of hope and I think if it was actually worked probably would have received a bipartisan vote out of our Committee, because a number of us legislators, who have worked on Dirigo Health bills over the course of the year, such as myself, have supported Dirigo Health. What's being contemplated under this amendment of a bill will allow the State of Maine to go out and form an insurance company. They're not going to bother to come back, the Dirigo Board's not going to bother to come back to the Legislature and get approval. It's going to be their option whether or not they want to do it. They presented no models of operation, no financial models, no organizational models, nothing to the

Insurance and Financial Committee showing that this was a viable solution, a working model on revenues that would coincide with the structure. Additionally, the bill was originally painted as a way to dump Anthem as an insurance company and a method to get out from under the Anthem contract that the State of Maine is currently engaged in. That simply is not the case. This does not get rid of Anthem, it shifts Anthem's role. This bill calls for a third party administrator to be involved. Instead of Anthem being on the hook for the liabilities for health insurance enrollees, instead, they're going to get all of the profits and none of the risk. That's not a good deal for the people of Maine. For these reasons, I urge you to vote against this Committee Amendment and we do have a great plan that is an alternative that I can't talk about until we get it before the body, but when I do have that plan, you're going to be very delighted at the ability of providing subsidies for people without having to bother to become an insurance company and compete with the private sector.

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

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is not the State going into its own insurance business. This, like any large employer, and we looked at a model that the State did for its own employees, allows Dirigo to contract with a third party administrator who would administer the claims and insurance product. It also has the guidelines of the State mandates. The guidelines of the fact that if the assets are not in place, they cannot do this. It does not preclude that the option of staying fully insured can occur and reoccur. The oversight is the guidelines given in this bill, like we did when we did the self-insured for the State employees.

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. Suppose we had before us, Ladies and Gentlemen, Mr. Speaker, a bill that would take away the health insurance from 10,000 people. Do you think this body would approve it? I don't think so. Suppose we had before us a bill to set up a trust with unlimited potential liabilities and a very limited funding source. Would this body approve it? I don't think so. Suppose we had before us a scheme to set up an unregulated authority to sell an unlicensed product masqueraded as health insurance, which is not health insurance, to the public by unlicensed and unregulated individuals. Would this body approve it, Mr. Speaker? I do not think so. Mr. Speaker, what I have described is what is before us. LD 1845 purports to offer an alternative to Maine's stuttering experiment with a subsidized public health insurance product. What 1845 does is, in fact, allows an appointed Board of Directors without Legislative approval, other than this bill, to set up a trust that would replace the health insurance, the real health insurance product that approximately 10,000 individuals in this State have purchased from licensed health insurance agents with a trust fund. A trust fund to which they will contribute premiums and to which the State will also add some funding which will then purport to cover the insurance claims that these individuals who enroll in this program have, without any insurance to back it up other than some nebulous promise to go out and buy some reinsurance in the future. Now, Mr. Speaker, there are those who might say, "Well, this sort of self-insurance scheme is exactly what some businesses do in this State." Indeed it is true. Some businesses have chosen to abandon their health insurance because the premiums are so high and instead go self-insured. When an individual goes self-insured, we call it uninsured. When

an individual goes self-insured, he no longer buys health insurance, he just decides to take the risk and if he has a medical claim, pay it out of his own pocket, or his own trust fund, if he has one. When a company goes self-insured, there's a regulated process for undertaking this venture. Under that process, the company must apply to the Bureau of Insurance and demonstrate that they have adequately funded the trust. Not only that, they must take on complete liability, the liability that's shared between the employer and the employees in this group for the claims that might be made upon this trust fund. Sometimes it works. Sometimes it doesn't. Indeed, there're companies in this State that have gone bankrupt by attempting to self-insure. In this case, in LD 1845, read the bill, Ladies and Gentlemen, not only does it say this is not insurance, and it's not regulated by the Superintendent of Insurance, but it says that it's backed by the full faith and credit of the State of Maine. In other words, if the claims exceed the premiums that go into this scheme, it is this Legislature or future Legislatures that will have to pony up and pay the bill. This is, Mr. Speaker, one of the most ill-conceived, muddleheaded, ideologically driven, irresponsible and dangerous proposals that I have seen come before this body. I've been here a short time, but I've seen a few, Mr. Speaker, and this one takes the cake. The ideology that drives this is some belief, with no facts to back it up, that somehow; the government is going to be more efficient at administering a health insurance plan than a private company that's been in the business to do this for years and years. Well, heavens know we've driven most of the private companies that write health insurance out of this State. We have precious few to choose from. One of the largest, the largest that's left in the State, Anthem, is often on the one hand berated, and on the other hand coddled in various forms in this body, but Anthem is indeed the current insurance provider of the DirigoChoice product. It's a real health insurance product. A real health insurance plan. The proponents of this proposal suggest taking Anthem out of the picture as far as the health insurance provider but, perhaps, rehiring them as a third-party administrator. Well, Mr. Speaker, if I were looking at this from Anthem's point of view, I might not think this is such a bad deal. I might not be too pleased about competing about an unregulated entity out there with my other health insurance products, but if it comes to a choice of taking on the liability of being the underwriter of a real health insurance plan versus just collecting fees to administer a plan where the State takes on all the liability, seems like a pretty good deal for Anthem from my point of view. Now, let's talk about the efficiencies of this program, shall we. On your desks you will find a goldenrod sheet which details the current payroll of the Dirigo Health Agency. Now, I haven't attached names here. I'm not here to embarrass any individuals, but the fact of the matter is, we have here an agency that handles a very small, very limited health insurance plan with a payroll of \$1 million for 16 individuals. Does this look like a model of efficiency to you? It does not look like the model of efficiency to me. In fact, this to me looks like the "tax-achusetts-fication" of the State of Maine. This, to me, Mr. Speaker, looks like the payroll of the President of the University of Massachusetts when the Honorable William Bulger was the President of that institution. I will note, however, that this payroll does not even include the additional payroll under the Chief Executive's Office where there're additional individuals with \$100K plus salaries directing this plan. No, I consider it very unwise, Mr. Speaker, to turn this agency from a mere conduit, collecting premiums, administering subsidies and passing on premiums to a private market insurer that they've partnered with in order to administer this program, and instead hand over all the premiums and let them handle the

trust fund. What will the payroll look like then Mr. Speaker? I wonder. No, Mr. Speaker, this is a very ill conceived proposal and I urge my fellow members to think hard, think about their responsibility to the people who elected them, think about our collective responsibility to the people who are enrolled in this program to do the right thing and to vote against Committee Amendment "A" that stands before us today. Thank you Mr. Speaker.

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

Representative **PILON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I believe we have to do the right thing for the people of Maine. What 1845 actually does, it allows us to take Dirigo to the next step. It allows us to look at either doing a self-insured program or looking at perhaps finding another carrier to take on this product. This product now has had one year, or actually a few years, of experience. We have loss experience of one year. That's a good model to put out into the marketplace. We should be able to attract other carriers to bid on it. But, 1845 is not just looking at it from a self-insured product, but also looking at putting it out to bid and perhaps identifying another insurance carrier to come in and take over the product. That's one thing. My colleague on the other side of the aisle has termed this a scheme. It truly is not a scheme. Those members of the House and the other body that are participating in the State's insurance product that is a self-insured product. I believe that that's not a scheme. I've used their benefit program. It's worked quite nicely. Anthem is the administrator of the plan. I don't think that's a scheme. That's a self-insured product. With a self-insured product we will have more flexibility. It will allow us to do a much broader benefit package. We would be able to market the product in a much broader area. Right now, the way the product is marketed, it's controlled. Only appointed agents are allowed to sell this product. I believe that that is one of the reasons why we have not been successful in attracting more people into this product. With a self-insured product, more and more agents will be allowed to sell this product and we'll be able to use the services of direct writers and we will have more flexibility as a self-insured product. Thank you.

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

Representative **RICHARDSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What I'd like to do is present four reasons that were presented at our Committee hearing, of concern for legislation presented in LD 1845. The first concern was the cost of running an insurance program would be very high. Even with current enrollment numbers, it would likely require \$10 million to \$15 million. In our view, this money would be better spent in either subsidized premiums for low-income enrollees or to preserve MaineCare enrollment standards, ensuring that most in need receive coverage. The second point that was submitted that day was it would not be possible for a state-run insurance program with limited enrollment to negotiate competitive rates in the insurance market. The third point is the State has demonstrated no administrative capacity to operate an insurance program. On the contrary, the recent experience with MECMS includes bleak managerial expertise to even pay claims, let alone manage risk and administer an insurance plan. Fourth, the bill authorizes the Dirigo Board to develop an insurance plan without jurisdiction from the Bureau of Insurance. The question comes, who will monitor if premiums are insufficient and funding is insufficient and, therefore, what type of impact can we expect on future budgets due to this proposed legislation? My fellow

members, please vote no on this proposed legislation. Thank you.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The people who will be running the program will be the third-party administrator working the claims and administering the product. This will be a certified insurance company. In terms of oversight, like any self-administered plan, the superintendent does have guidance over the liquidity of any self-insured with assurances that they have the assets to cover that. That includes the State plan. It will include the Dirigo plan. The intent of this program is not to bypass regulation. As a matter of fact, we've placed that in the law so that there is assurance that there will be no bypassing of the mandates in terms of the product and the oversight as any self-insured would have in terms of liquidity.

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. While I'm loathed to rise a second time to address this issue, I must, however, squelch some misconceptions that are floating about the chamber here. First, as to the good Representative from Calais, Representative Perry's assertion that this proposed scheme would be overseen by the Superintendent of Insurance, I would urge the good Representative to read the bill. It specifically says this is not an insurance product and the Superintendent of Insurance will not be regulating this product. Not only does it say that, but it specifically permits for unlicensed individuals, people who do not have an insurance license to sell the product. Something that otherwise would be a civil violation in this State. Now, as to the final matter, the issue that this is no different than a company self-insuring their employees. I beg to differ. Much has been made of the State employee's health plan. Indeed, in committee we saw a cute attempt by one presenter to present the plan as the good Representative from South Portland, Representative Glynn's own plan, failing to find out that Representative Glynn is not covered by the State employee's plan. There is a huge difference, Mr. Speaker, and this should not be confused. It should be understood very well. When an employer chooses to self-insure, the employer has a very well defined pool of people that it is insuring. Those people are employees. They are gainfully employed. They get up, they put their clothes on, they brush their teeth and they go to work. They are healthy, generally, when they start work. You have a pool of healthy people that are covered under a self-insured plan. Mr. Speaker, this scheme is open to all takers. Anybody can sign up for it whatever their health circumstances. While it might be nice to sign people up from their hospital beds with severe illnesses that can, cause great claims upon this trust fund from day one. While that may be a great altruistic thing to do, it is certainly not the financially responsible thing to do and it is particularly irresponsible when you're doing it by risking the health insurance coverage of 10,000 people who have already signed up for this plan and already have a real health insurance product, as opposed to this fake product that is being proposed here. It's a big difference, Mr. Speaker, and let the members not be confused. Thank you.

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think a lot's been made of LD 1845 and I really think it's really simply a common

sense measure. It's not a revolutionary approach to anything. It's an evolutionary, incremental step in improving primarily the cost effectiveness of the Dirigo program. It doesn't make the State into an insurance company any more than it makes the Maine State Employee's an insurance company. It's an option any prudent business would want to, at least, have to explore, to put out to bid, to see what kind of cost savings the market might bring. In fact, it's a very market-driven approach to cost savings for the State. Ninety-eight percent of businesses, groups the size of Dirigo, what Dirigo has grown to be, utilize this option. Having this among the tools when going out to procure the next contract for Dirigo puts the State in a better bargaining position and will create the opportunities or savings cost that's been entrusted to us. I would really like to say, it really continues the tradition the Dirigo began with of a public/private partnership. This is not the State taking over all of the aspects of running an insurance product. You can either buy insurance at retail and in doing so one company does all the different pieces of the insurance operation, but really, insurance is a bundle of different function from developing a network of providers, administering claims, managing the risk and so on and so forth. It's prudent to consider whether breaking apart that network, breaking apart that bundle into its separate pieces and administering them in a different way might be an opportunity to save money. In fact, that's what almost any business would want to do and, in fact, does do. I'd also like to reiterate Representative Pilon's comments about improving the sales force. One of the issues with Dirigo's growth has been a question about whether there's an adequate and appropriately trained sales force. This addresses that in a very proper way. In general, I view it as a responsible, careful, prudent and incremental step forward that's going to save some money. It stepped on a well trod path and I think we can feel very comfortable supporting this and I hope you'll support the motion. Thank you very much.

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: How often have we been told that Dirigo is a work in progress, that it just needs a little more tweaking? I think if you look back, it's through its entire life we've been told it's a work in progress. It's still a work in progress. LD 1845 is a giant leap, even further, into that unknown world of nebulous State-run insurance than we're in now. We really don't know where it's going. It'll be assured this ability, though, to morph and change through Section 9 of 1845, which states, "Dirigo Health self-administered plan is not an insurer under the laws of this State." With that language Dirigo health insurance will not have to abide, necessarily, by the laws of this State. It will have a free hand to morph and change even more as it has been doing over the past three years. It's a really big work in progress. Make no mistake, LD 1845 allows the State of Maine to become an insurance company. It's not a self-insurance plan such as Bath Iron Works or any large corporation. This is an open insurance plan except for one big difference, or many big differences, but, there's no preexisting clause. That alone will result in extreme adverse selection, among other things. We're going to be venturing further into uncharted territory, well, except for two other states that have actually tried something like this very similar, Kentucky and Tennessee. KentuckyCare and TennCare, and both of them failed miserably. TennCare actually had to, I don't know what you'd say, kick off 100,000 people who were on their medical insurance plan. It was a miserable failure. This is what we're following. Before we venture into 1845 we really have to look at where Maine has

been with its administrative record. Let's look at the Department of Health and Human Services cash management. We know the horror stories from that. We've misplaced hundreds of millions of dollars. Most of it's been found, but it's not a good record. Look at the MaineCare computer debacle. That's not a good record. Look at hundreds of millions of dollars that are owed to our state hospitals right now. That's bad management. Look at the \$450 million borrowing plan last year that was going to be used for current expenses to pay this budget. That is not a good record. This would be a huge bureaucracy. This new plan would be a huge bureaucracy. It would essentially be the fourth branch of government. It would have the power to tax and spend.

Representative PERRY: Point of Order.

The SPEAKER: The Representative will defer just for one moment. The Chair recognizes the Representative from Calais, Representative Perry.

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My request for a point of order is the germaneness about talking about every other agency in this State.

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

The SPEAKER: The Representative would be reminded that what is before the House today is adoption of Committee Amendment "A." Though it is, I think, arguably the right, though maybe a little adrift, to argue parallels with respect to other agencies. The Representative may continue.

The Chair reminded Representative MCKANE of Newcastle to stay as close as possible to the pending question.

Representative MCKANE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I point those out simply because of the trouble that we've had in the recent past with our budget and with administration. This is the biggest bureaucracy yet. This plan that we're proposing is bigger than any program we've got yet and we're going to dive right into it. We're having a little bit of a problem in this State with administration right now. I'm going to leave it at that. Do we really believe that at this point in time we should undertake the biggest program ever proposed in this State? Thank you Mr. Speaker.

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

Representative MARRACHE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Sorry to subject you to our committee, every single member spoke so I figured I'd say something about this. If you look at Committee Amendment "A" that you have before you, if you look at Section 8 and that is under number five, Administration, you will see elucidated numerous throughout that page and the next one, the various requirements that will be expected of this organization to follow. It is not a rogue bureaucracy that is being created here. They have to follow the same rules and the same regulations, if not a little bit tighter than any other self-insured product in this State. It will not be out there spinning on its own wheels. It will be followed closely and it will be monitored by the Superintendent. I also want to point out that we got numerous e-mails, letters and phone calls from hospitals, providers and everybody under the sun who had been told these same things, that they weren't going to be paid at market rate and that this rogue entity was going to just take 10,000 people that are enrolled and send them off on their own. That is not the case. They will be paid at the same rates of any other insurance product because an insurer will be running this program. They're not something that we're

going to be running on our own. We are going to have somebody who knows how to do it running the program. Please remind yourselves this is not another bureaucracy. Thank you.

The SPEAKER: The Chair recognizes the Representative from Appleton, Representative Merrill.

Representative **MERRILL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I also believe that this bill sets the State on a very dangerous path, in all due respect to my colleagues who really believe in this bill. Allowing the State of Maine to self-insure Dirigo is like giving an alcoholic a bottle of gin and trusting him to take only one drink. As previous speakers have reminded us, this administration hasn't demonstrated the ability to manage well what it currently has responsibility over. Men and Women of the House, it really, I do not believe, would be prudent to give it this responsibility. Thank you.

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

Representative **VAUGHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Here we are again. Some of you were here previously when Dirigo was enacted. Perhaps you remember the Kentucky train wreck which Representative McKane referred to where the State of Kentucky enacted a similar proposal, a similar program which burned through hundreds of millions of dollars. In referring to the remarks of Representative Merrill, what you're doing is you are giving carte blanche permission to an agency, to a group of people, and I do not see anyone in this particular group of people who's capable of establishing and running an insurance company, which is what this is going to pretend to be. To take the taxpayer's money, since there is no specific, laid out, reserve fund to cover the claims, but otherwise relying on the public coffers to cover any costs. Either they're going to have to spend as they see needed, or they're going to have to deny benefits and deny claims similar to what we're seeing right now and, pardon me, but there is a connection between MaineCare and Dirigo in their own policies where they refer to the number of insured and the expansion utilizing funds, Dirigo funds, to expand MaineCare. MaineCare people are being denied coverage or acceptance by doctors right now because they don't pay their bills. I don't see any difference in the attitude or the mindset that is coming right up, looming in front of us right now. So, the taxpayers will be on the hook for any massive amount debt incurred by the claims, or the claims will be denied. So, what I'm seeing as another parallel is what's just happened in Canada, which is the self-destruction of single-payor. I realize we're not talking about single-payor, at least I don't think we are. Maybe I'm wrong. Thank you Mr. Speaker.

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

Representative **PILON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Basically, you have three sources of income with this self-insured product. You have premiums being paid into the program, you have the savings offset payment and you have reinsurance to insure against catastrophic losses. So, my colleague on the other side of the aisle, I don't see how the State of Maine is going to have any great risk with this product with the reinsurance market, the savings offset payment and the premiums that are being paid into this program. All these factors coming into play with reinsurance will cover the catastrophic losses. Thank you.

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

Representative **BRYANT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I sponsored this

legislation primarily because of the significant timing issue we face with Dirigo Health program. By the end of this year, Dirigo's initial contract with Anthem Blue Cross/Blue Shield will be up. This bill is about creating options for the Dirigo Health program as well as securing the future for the program itself. There are three main pieces to this bill. First, to be able to put the contract for Dirigo back out to bid to ensure enrollees get the most for their money, in keeping with this mission and initiative. Next, the bill offers the Dirigo Board the ability to explore and adapt the self-insurance plan now or any time in the future if the insurance carrier is not fulfilling Dirigo's promise to its enrollees. This avenue, which is used most by Maine's largest employers, would allow the board the opportunity to contract out each piece of the plan to find out the best rates and coverage for Dirigo enrollees. Finally, and perhaps most importantly, this legislation would allow the Dirigo Health agency to provide coverage should Anthem, or any insuring carrier in the future, decide not to renew its contract with the Dirigo Board. This would protect the people already enrolled in DirigoChoice coverage. I don't claim to be an expert on healthcare or the complexities of the insurance plans, but I do know that healthcare is an issue for fairness and quality. Affordable healthcare should be an option for every Mainer. Dirigo is more than a health insurance plan. It's about putting people first. We need to provide people with the best opportunities for healthcare and that means making meaningful improvements to Dirigo Health. Thank you Mr. Speaker, Ladies and Gentlemen of the House.

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

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative who sponsored the bill raised an interesting point. That is, what happens when the current contract comes up for renewal? Well, if one looks to the current law, presently, in fact, we don't have the problem that the good Representative points out. This is a solution looking for a problem that's not there. Under Maine law, presently, the Dirigo Board has the ability, if no entity comes forward and bids, to have the Dirigo contract, when this contract is up, that, in fact, the State of Maine, through the Dirigo Board, presently has the ability to go this model of self-insured. They have the ability to set up an alternative. So, the first thing is, is that option's there already. The second piece is about money and it is about competition and looking at the options for competition. If the Dirigo Board decides, and the Legislature decides, that the current Anthem contract is not a good deal and they don't want to do business with Anthem and they want to go ahead and do something else, or if Anthem decides they don't want to do business with Maine, they have the responsibility, under Maine State law, to continue to carry those folks. Under guaranteed renewability statutes of this State, no insurance company can desert you. Nobody's going to go without health insurance. If Anthem decided today they're moving out and that's the end of it, they are still required by Maine law to offer health insurance products to these Dirigo enrollees. Maine law will not allow them to treat Maine people that way no matter how they feel or whatever motive you think that they're suspect of doing. This is the same State law, guaranteed renewability that covers every other insurance product in the State. If any company decides to pull out of the State of Maine, they have a responsibility to their enrollees. They may not leave them high and dry. That is Maine law and that has been Maine law well before Dirigo. When we start looking at the actual money and we start talking about the administrative costs, one of the other reasons why this sold, that we need this because

obviously we don't based on the renewability of the contract, we have options now, is the administrative costs. The most commonly made argument in favor of selling Dirigo is that it's going to save money because the State no longer is going to have to pay administrative costs including profit margins for Anthem. That argument really ignores the realities of the ongoing administrative and consulting costs Dirigo is going to face if it goes into a world of self-administrating its own plan. They're going to have in-house consultants for actuaries. They're going to have claims. There are going to be all kinds of claims that are going to come in that Anthem won't be paying, Dirigo will be paying. This agency will be paying. They are going to need stop loss catastrophic insurance. They have not provided any evidence to us that in fact they can even obtain stop loss insurance. They're going to have broker fees to producers selling the Dirigo products. They're going to have a consultant to perform disease management unless Dirigo intends to let that cost go awry, and they have to have reserves for paid claims. They have produced no plan as to where these reserves are going to come from. What's going to happen when these claims come forward? Are we going to take all of the money that's being collected right from the Dirigo SOP payments and use it for funding reserves and paying claims when that money was promised to be subsidies for the poor. We specifically put in the original Dirigo legislation that those were going to be subsidies for the poor and now we're going to take and we're going to spend that money on every thing else. That's not right. That's going back on our word. That is not what that was for. There is going to be all kinds of upfront funding before this program can begin January 1, 2007 and that funding needs to come from someplace to pay these paid claims. We spoke about the reserves. We mentioned the reserves. The reserve requirements, required under this law, will not need to meet the same requirements as every other insurance company that does business in the State of Maine. We've exempted them from it because they're not an insurance company and because we're not going to oversee it. So, what's going to happen? Well, in the law it says that hopefully they'll get stop loss insurance, but it also extends liabilities for this entity, DirigoChoice, to be able to be sued just like other insurance companies. Well, that's a good thing if you're a client or if you're a customer that has it, it's not such a good thing if you're in the Legislature and now you have law suits that no longer go to the Legal and Veterans Affairs Committee and have the Legislature vote on whether or not someone has a case to sue, they're going to have direct liability access. The State is going to be on the hook for that unless we have somebody that's going to take over this stop loss insurance. Who's going to assume this responsibility? What are the rates? Who's going to pay them? What is going to happen to the Dirigo rates? These questions, these models were never presented to our committee. We had a bill originally that came to our Committee dealing with setting up a non-profit like a MEMIC and there was a lot of bi-partisan support for looking to alternatives. Instead, we have another bloated bureaucracy that has been appointed. One of my biggest frustrations since I have been in the Legislature is how the State of Maine handles, or doesn't handle, medical claims and how it doesn't handle risk management. Look at the problems. If you think that healthcare is going to be more efficient when it's run by the government, you need to look no further than DHHS. That has been the biggest train wreck that has ever happened as far as doing business with providers out in the community. We have crisis after crisis after crisis. The same crises. The same road that Dirigo is going to experience. I have doctor's offices down in the Greater Portland

area, podiatrists, pediatricians, dentists; they're not accepting MaineCare clients anymore. They're not accepting MaineCare clients because of our poor administration of the program and our inability to make timely payment. And now we're going to take on Dirigo? Do we really want the people enrolled in DirigoChoice to face these same hurdles? What's going to happen when Dirigo's claims come in? What's going to happen when we have all of these expenses that we have not anticipated, that we have signed on the line? What is this with this romance with Anthem? Why does this Legislature continue to allow the second floor to go enter into these ridiculous arrangements with Anthem? It wasn't a good idea when we decided to grant monopoly status to Anthem and have them do the Dirigo product. It's no better of an arrangement to have them be the third party administrator. It's great for Anthem for them to get off the hook for paying all of these claims. It's not a good idea for us to hand over that kind of administration. There's two ways to save money in the healthcare system that have been presented to the Legislature that we see enacted in DHHS. Those ways are, cutting services, limiting them, and the other is cutting rates. Those are the two ways that the Legislature has saved money in the healthcare system. We are moving MaineCare to an HMO. We're limiting benefits. We limited benefits as a Legislature for the noncategoricals, limiting them to 16 services. Those people weren't getting care. What's Dirigo going to do to save money? What is this Dirigo Board going to do? Are they going to adopt an HMO policy, a form of governance just like DHHS does? Is that their model? Is that what they're going to do? Well, we don't know. We haven't seen their model. What about rates and costs? You heard the good Representative from Calais, Representative Perry proudly announce that Dirigo, under this new model, will be paying insurance reimbursement rates. Well, I have to tell you, the mental health community isn't exactly enthused by that because insurance negotiated rates are a fraction of the MaineCare reimbursement rate is for mental health services. Where are those deficits going to come from? It goes on and on and on and on and on and on and the bottom line here is you have no model in front of you. You have no reason to believe that this scheme can be pulled off. We've been presented with no financial data. We have not seen where the reserves are coming from. All we know is it's an enormous liability of undefined proportions and no plan and a promise of, "Trust us. We're from the government and we're here to help you." I've heard that promise from DHHS and it doesn't fly. I can't support that. That is why I believe that this amendment, this Committee Amendment "A" was a poor plan. It was not something that was bi-partially negotiated in our committee. There are a number of options that we can look at. We can continue the current road we're on and Dirigo enrollees will continue to be covered because under Maine State law, they cannot lose their insurance if Dirigo decides not to renew. Anthem must provide the contract. The subsidies is something that's by the Dirigo Board. So, I urge you to please vote against Committee Amendment "A."

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I knew nothing about Dirigo prior to my making a decision to come here. The primary reason why I made a decision to come here, to serve in this Legislature, had a lot to do with the healthcare crisis that has existed through much of our lives. I don't recall, maybe my grandparents recall a time or maybe even my parents, where healthcare wasn't an issue, but all of my life, the provision of healthcare, access to healthcare for the vast majority of those of

us who work for a living has been, you know, yesterday I referred to it as a game. If healthcare was a game some people are winning and some people are losing. The people that are losing are the people of the State of Maine. The people that are winning, I heard somebody say earlier that Dirigo has 16 employees who receive a combined salary of \$1 million. I don't know about you but I have recollections of a CEO from an insurance industry who got a \$44 million bonus on top of a multi-million dollar salary. I know enough about the corporate structure to know that that CEO has subordinates that rank up high with him who also receive multi-million dollar salaries and bonuses that are in the million-dollar range. I believe at one point during this session somebody referred to the median income in the State of Maine, the annual income being something around \$39,000. There's something wrong. I'm happy that finally the State of Maine has engaged in an initiative. We call it Dirigo and it's goal is to lead the way in providing a solution for this healthcare crisis of which there is a winner and losers. Again, we are the losers. The people of the State of Maine are losing and they're looking to us. They're looking to us to help solve that problem. As I am a member of this body and a part of this government, I know that when I go home the people who I serve do not look at government with the kind of disdain that I hear some people suggest they look at this government with. They do look to us for a solution. This, I urge you to support because if it does anything at all, it puts us in a position where we can offer some competition in that free market that we all value so much. Again I urge you to support this on behalf of the people of the State of Maine who are craving for an opportunity to not worry about their own healthcare and the healthcare of their children and the future. Thanks.

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

Representative HARLOW: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Self-administered plans do cost less to administer, at least that's according to the Office of Health, Policy and Finance. Currently, about 25% of every dollar goes to Anthem for administration, broker's fees, profits and etc. The State employees self-insured program spends less than 6 cents of every dollar on administration. If we look at the average health insurance policy of being \$10,000, that means Anthem gets \$2,500 for profit, whereas the State self-insured program gets \$600 in profits. So, there are savings under this plan. Thank you very much.

Representative RICHARDSON of Brunswick REQUESTED a roll call on the ADOPTION of Committee Amendment "A" (H-1012).

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 Committee Amendment "A" (H-1012). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 574

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Canavan, Clark, Craven, Crosby, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Miller, Moody, Norton, Paradis, Patrick, Percy, Perry, Pilon, Pingree, Piotti, Rines, Sampson, Schatz, Simpson, Smith N, Smith W,

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

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

ABSENT - Cain, Davis K, Goldman, Greeley, Kaelin, McFadden, O'Brien, Pineau, Stedman.

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

69 having voted in the affirmative and 73 voted in the negative, with 9 being absent, and accordingly **Committee Amendment "A" (H-1012) FAILED ADOPTION.**

Representative CUMMINGS of Portland moved that the House RECONSIDER its action whereby **Committee Amendment "A" (H-1012) FAILED ADOPTION.**

The same Representative moved that the Bill be TABLED pending his motion to RECONSIDER whereby **Committee Amendment "A" (H-1012) FAILED ADOPTION.**

Representative SYKES of Harrison REQUESTED a roll call on the motion to TABLE pending the motion of Representative CUMMINGS of Portland to RECONSIDER whereby **Committee Amendment "A" (H-1012) FAILED ADOPTION.**

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 Reconsideration whereby Committee Amendment "A" (H-1012 failed of Adoption. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 575

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

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

ABSENT - Brown R, Cain, Davis K, Goldman, Greeley, Jennings, Kaelin, McFadden, O'Brien, Pineau, Stedman.

Yes, 71; No, 69; Absent, 11; Excused, 0.

71 having voted in the affirmative and 69 voted in the negative, with 11 being absent, and accordingly the Bill was **TABLED** pending the motion of Representative CUMMINGS of

Portland to **RECONSIDER** whereby **Committee Amendment "A" (H-1012) FAILED ADOPTION** and later today assigned.

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

SENATE PAPERS

Bill "An Act To Provide Funding for Infrastructure for a New Downtown in the Town of Canton"

(S.P. 865) (L.D. 2120)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

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

On motion of Representative HUTTON of Bowdoinham, the House adjourned at 10:56 p.m., until 9:00 a.m., Wednesday, May 24, 2006 in honor and lasting tribute to Staff Sergeant Dale James Kelly, Jr., of Richmond and the Honorable Frank J. Tarazewich, of East Waterboro.