

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
Index

Pages 1488-2248

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
48th Legislative Day
Wednesday, May 24, 2006

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

Prayer by Honorable John L. Tuttle, Jr., Sanford.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

An Act To Recapitalize the Maine Downtown Center

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

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-699)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 472)

STATE OF MAINE

DEPARTMENT OF AUDIT

66 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0066

Senator Beth Edmonds

President of the Senate

Representative John Richardson

Speaker of the House of Representatives

The Honorable John E. Baldacci

Governor of Maine

We are pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2005. This report complies with the State's audit requirements, including those placed upon the State as a condition for the receipt of over \$2.6 billion in federal financial assistance. The audit was conducted in accordance with Government Auditing Standards, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.

This document contains the following reports and schedules:

Independent Auditor's Report

Basic Financial Statements and Notes to the Financial Statements

Management's Discussion and Analysis

Report on Compliance and on Internal Control over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards

Report on Compliance with Requirements Applicable to each Major Program and Internal Control over Compliance in Accordance with OMB Circular A-133

Schedule of Expenditures of Federal Awards

Schedule of Findings and Questioned Costs

Summary Schedule of Prior Audit Findings

Corrective Action Plan

On behalf of the Department of Audit, I would like to express my gratitude to employees throughout State government who have assisted us during the conduct of our audit and in the issuance of

this report. We continue our mutual effort to improve financial reporting and accountability to the citizens of our State.

We would be pleased to respond to any questions or comments about the 2005 Single Audit of the State of Maine.

Respectfully submitted,

S/Neria R. Douglass, JD, CIA

State Auditor

May 19, 2006

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 63)

ORDERED, that Representative Robert A. Berube of Lisbon be excused Wednesday, April 26th, Thursday, April 27th and Friday, April 28th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jacqueline A. Lundeen of Mars Hill be excused Monday, April 10th for health reasons.

AND BE IT FURTHER ORDERED, that Representative John L. Patrick of Rumford be excused Wednesday, April 26th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Michael Sockalexis of the Penobscot Nation be excused Monday, April 3rd, Tuesday, April 4th, Wednesday, April 5th, Thursday, April 6th, Friday, April 7th, Monday, April 10th, Tuesday, April 11th, Wednesday, April 12th and Monday, May 22nd for health reasons and Wednesday, April 26th and Thursday, April 27th for legislative business.

READ and **PASSED**.

REPORTS OF COMMITTEE

Pursuant to Joint Rule 309

From the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue To Stimulate Economic Growth and Job Creation through Investments in the Maine Economy"

(H.P. 704) (L.D. 1020)

Received by the Clerk of the House on May 23, 2006, pursuant to Joint Rule 309.

On motion of Representative BRANNIGAN of Portland the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 742) (L.D. 1943) Bill "An Act Regarding Preferences in Bidding on Maine State Housing Authority Contracts" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-619)**

On motion of Representative CUMMINGS of Portland, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

ENACTORS
Emergency Measure

An Act To Increase Funding for Meals on Wheels Program
(H.P. 931) (L.D. 1348)
(S. "A" S-684 to C. "A" H-279)

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

Representative DAVIS of Falmouth **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. 576

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Duplessie, Duprey, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jodrey, Joy, Koffman, Lansley, Lewin, Lindell, Lundeen, Makas, Marean, Marraché, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, 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 - NONE.

ABSENT - Canavan, Crosby, Dudley, Dugay, Dunn, Eberle, Emery, Greeley, Jennings, Kaelin, Lerman, Marley, McFadden, Moore G, Piotti, Rines, Stedman.

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

Emergency Mandate

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

(S.P. 716) (L.D. 1799)
(S. "A" S-685 to C. "A" S-452)

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. 110 voted in favor of the same and 12 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

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)
(S. "A" S-678 to C. "A" H-206)

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

(S.P. 81) (L.D. 228)
(S. "A" S-679)

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

(H.P. 187) (L.D. 248)
(S. "A" S-680)

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

(S.P. 312) (L.D. 904)
(S. "A" S-681 to C. "A" S-294)

An Act To Fund Youth Mentoring Programs

(H.P. 689) (L.D. 979)
(C. "A" H-332; S. "A" S-682)

An Act To Provide Funds for Online Reference Materials

(S.P. 360) (L.D. 1043)
(S. "A" S-691)

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

(H.P. 852) (L.D. 1234)
(S. "A" S-683 to C. "A" H-218)

An Act To Increase Wheelchair Van Services Reimbursement Rates

(H.P. 1355) (L.D. 1914)
(S. "A" S-687 to C. "A" H-871)

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

(S.P. 743) (L.D. 1944)
(S. "A" S-692 to C. "A" S-597)

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

(S.P. 746) (L.D. 1948)
(C. "A" S-637; S. "A" S-694)

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

(H.P. 1376) (L.D. 1964)
(C. "A" H-788; S. "A" S-689)

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)
(S. "A" S-690 to C. "A" H-986)

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

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

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 Facilitate Implementation of the Sports Done Right Program

(S.P. 26) (L.D. 84)
(S. "A" S-677 to C. "A" S-438)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Purchase the Department of Labor Building at 19 Union Street in Augusta and To Determine the Feasibility of Acquiring a Parcel of Land for Use as a Parking Lot by the Maine Criminal Justice Academy

(H.P. 1311) (L.D. 1871)
(S. "A" S-686 to S. "A" S-576)

Resolve, To Collect Information about Employer-based Health Coverage

(S.P. 727) (L.D. 1927)
(S. "B" S-688 to C. "A" S-580)

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

An Act To Ensure the Continued Ability of the Maine Economic Growth Council To Produce the Measures of Growth Report and Provide Financial Assistance for Flood Damage

(S.P. 744) (L.D. 1946)
(S. "A" S-693)

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

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

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

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

(H.P. 1507) (L.D. 2118)
(S. "A" S-695)

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

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

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

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Act 1016, LD 2118 is a bill that is related to the handling of firearms confiscated by law enforcement officials pursuant to a court order. I have asked for a roll call on this vote because I needed to go on record as officially opposing this act because it is, in fact, a duplication of existing laws that are already on the books. I don't want to repeat what I said before when we talked about handling of firearms, but we already, at the police academy over here in Vassalboro, offer 16 hours of intensive classroom and on-hands training for the confiscation and handling of any and all, whether it's guns or property, equipment that is confiscated by a court order for criminal prosecution or protection orders. I know, deep within your heart, that you don't want to put duplication of laws that are already on the books back on there again. It just muddies the waters. They have to cross reference all the time. This is a real simple thing. We have the laws on the books. They are being enforced now. I have not had a complaint from anybody from any of the municipal police departments or sheriff's departments on the inability of police personnel to handle confiscated weapons. So, I ask for a roll call and I would encourage you to vote against enactment of this just to clear up some muddy waters. Thank you Mr. Speaker.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I rise just to go on record as supporting this bill. Of course, I'm the sponsor, it goes without saying, I suppose, but just let me add that I think the bill is necessary and important. The previous speaker suggested that this is a duplication of laws already on the books. It raises the query, in my mind, about why it was necessary for the other body to postpone the effective date of this bill in order for the academy to get geared up in some fashion to provide additional training which they feel is necessary in accordance with the terms of this bill. Apparently the Academy feels not enough is being done to fulfill the proposed requirements of this bill. I'm satisfied that the terms of this bill properly respect the provisions of Article I, Section 16 of the Maine Constitution and specifically this bill deals with firearms that are not seized pursuant to probably cause or a search warrant or exigent circumstances, but those firearms in particular that are taken pursuant to a temporary order where no criminal activity is alleged or suggested. I think that the training provided by this bill will enhance information proved to both sides of a protection order so that all people fully understand what prohibitions do apply so people do not feel they can still go ahead and purchase a firearm when a Federal Law says that they cannot when there's a certain court order. In addition, it brings parties to the table who are not currently at the table. Statewide organizations involved in advocacy for victims of domestic violence and organizations having statewide membership representing the interests of firearms owners. I don't know what harm that can do. So, I respectfully ask for your support for this bill. Thank you.

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

ROLL CALL NO. 577

YEA - Annis, Austin, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Bowen, Bowles, Brannigan, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Duplessie, Duprey, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Hall, Hamper, Hanley B, Hanley S, Hotham, Jackson, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Lundeen, Marean, Marraché, McCormick, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Ott, Paradis, Patrick, Perry, Pilon, Pineau, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Vaughan, Wheeler, Woodbury.

NAY - Adams, Ash, Babbidge, Blanchette, Bliss, Brautigam, Cain, Canavan, Craven, Cummings, Dudley, Gerzofsky, Grose, Harlow, Hogan, Hutton, Koffman, Lerman, Makas, Mazurek, Norton, O'Brien, Pingree, Simpson, Smith N, Smith W, Twomey, Walcott, Webster, Mr. Speaker.

ABSENT - Crosby, Dugay, Dunn, Eberle, Emery, Greeley, Jennings, Kaelin, Marley, McFadden, Moore G, Percy, Piotti, Rines, Stedman, Watson.

Yes, 105; No, 30; Absent, 16; Excused, 0.

105 having voted in the affirmative and 30 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate

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:

COMMUNICATIONS

The Following Communication: (H.C. 474)

STATE OF MAINE

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

May 22, 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 Taxation 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	52
Unanimous Reports	31
Ought to Pass	1
Ought to Pass as Amended	13
Ought Not to Pass	17
Divided Reports	21

Respectfully submitted,
S/Joseph C. Perry
Senate Chair
S/Richard G. Woodbury
House Chair

READ and ORDERED PLACED ON FILE.

ENACTORS

Acts

An Act To Amend the Maine Wind Energy Act

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

(H. "A" H-1108 to S. "A" S-365)

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.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-939) - Minority (5) Ought Not to Pass - Committee on LABOR on Bill "An Act To Implement Recommendations of the Study Commission

Regarding Liveable Wages Concerning the Definition of a Liveable Wage"

(H.P. 1424) (L.D. 2023)

TABLED - April 26, 2006 (Till Later Today) by Representative SMITH of Van Buren.

PENDING - ACCEPTANCE of the Majority OUGHT TO PASS AS AMENDED Report.

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

Representative **LERMAN**: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House. You know, over the last four years I've heard, on a number of occasions from members of both sides of the aisle, the use of the term "liveable wages." You know, we've used it in a variety of contexts because what liveable wage reflects and affects is a variety of things. It's the ability of people to make ends meet, as we say. Making ends meet means a lot of different things. It means having transportation. It means having a home. It means being able to put food on the table. It means being able to pay taxes and getting an education. There are a lot of things that are fundamental to keeping our families safe and whole that all falls under the context of making ends meet, which relates to the whole notion of a liveable wage. What has been missing in the debate is a common understanding of how we define what constitutes a liveable wage. It means, at this point, different things to different people. The result of that in precision is a lot of confusion and also lack of focus in terms of having meaningful discussion around liveable wages. This bill, which was one of the recommendations of the Study Commission on Liveable Wages, defines it. It was the first order of business of the Commission last fall. We were very conscientious in looking at what other states, other municipalities and counties have done in defining liveable wage. We reviewed various methodologies and found, in fact, that in our own back yard there was an organization that had done a very good job of coming up with a method for calculating and defining what constitutes liveable wage. The Commission, early, recognized the need to make a recommendation on how to define the term and, in fact after being very thoughtful and listening to presentations from a number of entities, unanimously voted to recommend to this body the definition that's included in LD 2023. Let me take a step back just so you're clear. All this bill does is it defines what constitutes a liveable wage and assigns the responsibility for calculating a liveable wage, periodically, to the Department of Labor. The Commission, as I said, unanimously came to the conclusion that the methodology, having been developed by the Maine Center for Economic Policy was sound and was actually conservative in the sense that one of the assumptions built in, for example, having to do with housing was very conservative. The members of the Commission included Representative Duprey, Representative Hutton and myself from the House, Senator Dow and Senator Bartlett from the other body, representatives of Labor, representatives of the Chamber, representatives of Maine Municipal Association and an advocacy group. It was, in fact, a well balanced group. Senator Dow, for example, was the one who pointed out that following the methodology and following the measures to be built into the calculation as recommended by the Maine Center for Economic Policy as it pertains to the housing components of the liveable wage calculation, the people in his area would probably not be able to afford housing because, in fact, the definition was so conservative. This is an effort to, again, create some meaning to our discussions around liveable wages. Just to go on briefly, the methodology includes a calculation of food, housing, telephone, healthcare, transportation, childcare and then miscellaneous household goods. It is broken down by region. It is broken down

by household type and then there is some State averaging. So, we certainly heard the concern about making sure that this definition is relevant given regional variations. That it's relevant given different household sizes and makeups. So, the methodology being proposed accounts for all of that. Is it precise? No. Is it going to give us better information to use in making very important policy decisions over the years? Absolutely. The major benefit of this bill is that it gives us better data, better information to use as we go forward in evaluating very difficult and important policy issues that come before us in the future. Another way to think about the definition of liveable wage is to think about those things that we have come to rely on as indicators of significance to us. You know, we often rely on the unemployment rate to give us some sense for how our economy is doing. We often rely on the poverty rate that's calculated by the Federal Government as a way of indicating how we're doing overall as a society. The liveable wage adds more precision to that because it takes into account all those basic expenses that any household needs to meet to be able to get by these days. We sometimes debate tax bills and tax policy here and some of the discussion focuses on how it impacts different people in different economic brackets, but we don't look at it in terms of overall. How does that impact how people, in general, can make ends meet, because, you know, we know that tax policy influences how much people have to spend to meet their basic needs. We know that housing is such a big component of things, so to the extent that we can provide to those people who don't make as much money, working class housing, low income class housing and subsidies, that makes a difference in terms of them being to make ends meet. So, this gives us a broader overview so that we can look at the impact of different policy decision we make in a variety of areas on different people on different economic brackets within our society. This past summer, I had an opportunity to participate in a leadership workshop. The instructor was David Gergen, who some of you may be familiar with. He's a political consultant and has been the advisor to Presidents going back to President Nixon and at least he is a self-avowed conservative. He made a number of points. It was actually very fascinating because it was like looking into the Oval Office through the keyhole, listening to somebody who has been there and understands the discussions that had taken place in the Oval Office. He just reinforced the notion that this is a particularly challenging time in the history of our country and, subsequently, it's a particularly challenging time in the history of our state. We know that the global economy is changing. We know that the traditional ways of thinking about how do we create jobs, where do we make the best investments and what is our economic future look like is not going to prevail. You cannot extrapolate from the past where we need to go and where the opportunities are in the future. We need to create new thinking about what we do as far as economic development is concerned. He said that, in his opinion, there is no more important time to be able to provide a safety net for people than now. As people of all economic strata, not just low income folks, but middle income and even high income folks have to redefine themselves and recreate their opportunities within society. It's within the context of making sure that we understand what kind of supports we're providing to all residents of Maine, regardless of their economic status. It's within that context that the liveable wage gives us a meaningful context for having the important public discussions and debates that we will be having in the future. This bill, not surprisingly, has become not a bill that's being viewed on its merits, but a bill that's being debated and discussed and the outcome of which will be mostly political. The Commission did its work in the fall when we were not in session. We honestly, and I

think very open-mindedly, reviewed the options and came to a unanimous decision. The only difference that came out of the Commission vote, if you will, on this particular thing, was whether or not we put it in statute or we simply pass it as a resolve. But, there was unanimity among all members that there was value in defining what constitutes a liveable wage. When this bill was heard by the Labor Committee, initially the votes were split, but they were all in support of defining what constitutes a liveable wage because of the value that I've already described to you. The Majority Report, at that time, supported the bill that's before us today, the Majority Report, which is to put it in statute. The Minority Report, initially, was let's define it but let's put it in as a resolve as opposed to putting it in statute. There's value in putting it in statute for the reasons I've described before. Unfortunately, the Minority Report was pulled back to Committee and for politics as opposed to policy sense reasons, the Minority Report went from supporting the notion of defining a liveable as a resolve, to an "Ought Not to Pass." This is an important issue. The notion of liveable wages is going to be important as we go forward. This is an opportunity for us to provide more clarity, and frankly to provide us, as policymakers, with better information to use in the future as we have important debates of the day. I urge you to support this motion to accept the Majority "Ought to Pass" vote and appreciate your consideration. Thank you Mr. Speaker.

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

Representative BURNS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I know that we don't want to spend a lot of time here, this being the very last day of this Legislative session, but truth be told, this may be the very last time that I, personally, get to give voice to all those people out there, or on behalf of all those people out there that work for a wage that's below what we define as the Federal poverty level. As a carpenter, and I'm sure you all know this, it is important to be able to measure accurately those things that we construct. I wanted to share with you some information that I had learned regarding this liveable wage movement that seems to pervade this nation. The State of Missouri has done this. I've heard people here in this body ask, "How do you define a liveable wage in York County versus a liveable wage in Aroostook County?" In Missouri they've done it on a county by county basis. In Santa Fe, New Mexico, they've actually implemented a living wage ordinance almost a decade ago. Because they have a liveable wage in their municipality, they've been able to measure what the impact of that was. Ten cents on a ten dollar lunch is what it costs to provide a liveable wage to the people of Santa Fe, New Mexico. If you buy a television in Santa Fe, New Mexico, you might pay an extra dollar. A dollar is the price that we pay to give a liveable wage to those people in that municipality. I haven't measured yet what it would cost for us to implement a liveable wage in the State of Maine. Defining what that liveable wage is, is the first step. In terms of measurement, when we persistently measure poverty, we're moving in the negative direction. When we measure what it takes to give the people of our state, the working people of our state, these people who have a very strong and nationally renown work ethic, a liveable wage. We're moving in a positive direction, a positive direction. This is an opportunity for us to shape another indicator as the good Representative from Augusta pointed out. A positive indicator that can lead us in the direction that we want to go. In the direction of self-sufficiency. People who work for a sub-poverty level wage can never be self-sufficient, we shouldn't be proud of the fact. I've listened to, even in my own school district, that my superintendent is proud of the fact that we have the lowest paid

clerks in the State of Maine. Personally, I find that nothing to be proud of. Thank you.

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

Representative **EDER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Good morning. I'll be brief and say that I come to this from a practical angle where I've introduced several pieces of legislation concerning liveable wages and what I'll invariably hear from the Committee over the course of the past four years is, "Well, what is a living wage mean?" We can't agree on a definition so we don't have common language. That's just really not fair. Whether or not you agree with the liveable wage, let's have a fair debate. Let's get past the word go and be able to agree with one another on what we mean when we say a liveable wage so that we can just have an honest debate on the issue. The debate generally has gotten shut down along the lines of, "We have no idea what that is, and so we have no idea what you're talking about." It doesn't go much further than that. So, I ask if you'd just give this a fair shake whether or not you agree with the liveable wage. Give it a fair shake so that we can have an honest and open debate about the issue. Thank you.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We make laws creating crimes, we make laws spending money, we make laws granting privileges to few, but the occasions when, as Legislators, we aim for a higher goal and we make a statement of principle. Let me give you an example of a statement of principle made sometime about 1820 when members of the Legislature met for a Constitution and they said for the State of Maine, there would be natural rights. From Article I, Section 1, "All people are born equally free and independent, and that certain natural, inherent and unalienable rights, among which are those of enjoying and defending live and liberty, acquiring, possessing and protecting property and of perusing and obtaining safety and happiness." This bill recognizes that a liveable wage is a basic need and goal for our people. A liveable wage is to hope for, not just for financial solvency, but for human dignity. So, I would ask you, think about it. All you're doing here is having a chance to express the will of the people of Maine to vote for a standard that is going to set and express our support for human dignity. Vote to pass this bill.

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

Representative **HUTTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to add a few words about this and reinforce the fact that this is really not putting anything into law that anyone has to follow, that they have to go out tomorrow and every business in the State would have to pay a liveable wage. That's not what it's about. It's about a tool. It's about a tool and a guideline and giving us a definition so that when we're all talking about a liveable wage, we're all talking about the same thing. Just to give you an example of how this tool could be used, I was looking at a New Hampshire website and there was a woman by the name of Donna Simmons who's a board member of the Downtown Brattleboro Business Association and she co-owns an import business. She pays a liveable wage to her employees, but what she said about it, I think is the key. It's a matter of trying to get employees that you know are going to be safe and secure and you're competitive with other places. So, it says, "When you can offer a living wage, the quality of your employees rises and I think they have more appreciation for you as an employer and are willing to stay on the

job longer. I think it's extremely important. Over the long-run, you save money." I think that's a real key here, is that I've had places say to me, "Well, I keep getting employees and they can't even add." I asked them, "Well, how much are you paying?" And they say, "Well, I'm paying teenagers minimum wage." So, this is a tool. If they want to hire people, they can go out and they can say, "Well, what would it take for somebody to live in this community?" And they can use this definition as a tool, as a guideline and as something to help them improve their business. I urge you to vote in favor of this. Thank you Ladies and Gentlemen.

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, would like to part this chamber with words for people that I support throughout the state. I think this debate always comes down to studies instead of implementation. It's something we need. I always listen to programs that people, the first thing they like to say is, "Those people on welfare." I always cringe when I hear that because it puts everybody in this one place. If people took time to educate themselves on who those people are on welfare, people who work. People who go to work every single day, they don't sit on their porch and drink beer, you know that portrait we paint every time we say those words. We live in a country where people are working two jobs and they still can't make it. They can qualify for assistance, that's what's happened in this country, the richest country in the world. This is an issue that we need to address. It is about dignity and I agree with my colleagues, that this is the time. Thank you.

The Chair ordered a division on the motion to **ACCEPT the Majority Ought to Pass as Amended Report**.

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

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

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

ROLL CALL NO. 578

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

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

ABSENT - Crosby, Dunn, Emery, Kaelin, McFadden, Moore G, Stedman, Woodbury.

Yes, 69; No, 74; Absent, 8; Excused, 0.

69 having voted in the affirmative and 74 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

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

An Act To Provide for an Advisory Referendum on Tax Restructuring

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

(C. "A" H-812)

TABLED - May 23, 2006 (Till Later Today) by Representative WATSON of Bath.

PENDING - Motion of same Representative to **RECONSIDER** whereby the Bill **FAILED OF PASSAGE TO BE ENACTED.**

Representative TRAHAN of Waldoboro **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill **FAILED 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 Bath, Representative Watson.

Representative WATSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have another chance at this. I've tried to figure out why it's not advisable to ask this question, to put this question out to the voters and to deprive the voters the opportunity to chime in on tax restructuring. The only think I can decide is that there is a suspicion that mostly I believe...

Representative LINDELL: Point of Order!

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

Representative LINDELL: Thank you Mr. Speaker, it is improper for a member to question the motives of other members for their actions in this chamber.

On **POINT OF ORDER**, Representative LINDELL of Frankfort objected to the comments of Representative WATSON of Bath because he was questioning the motives of other members of the House.

The SPEAKER: The Chair will remind members the motives of members of this body are not proper for discussion. Opinion, however, is.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House.

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

Representative WATSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My sincere apologies to the Representative from Frankfort who apparently thought my word suspicion meant to impugn the motives. I don't mean to question motives of anything. I believe there is a persistent opinion among some people that if this advisory question appears on the referendum and if, in fact, it comes back with a strong "yes" vote from the people of Maine, then whichever party is in power, at that time in the 123rd, may well in fact see that as a mandate to raise taxes and spend that money. I would suggest to you that that is a problem of the 123rd, it is a problem of the Taxation Committee in the future and it is a problem of

Appropriations Committees in the future. I don't think it has anything to do with this advisory question appearing on the ballot. If this advisory question does not appear on the ballot, it means that we are satisfied with the current tax system. That is simply not the case. I feel that there is no reason to deprive the citizens of Maine from chiming in their opinions on tax restructuring. That's why I ask for your support on this motion to Reconsider. Thank you very much.

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

Representative SEAVEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We have defeated this bill three times, I think, and yet we seem to table it after every defeat. Why the bill is so important to the proponents, I don't really understand. I really view it as a waste of the taxpayers time and dollars. This is something that should not be on the ballot. It is nothing more than a simple polling question. It really belongs on your questionnaire that you send out to your constituents or in some media news poll. I think to clutter up the ballot with things of no significance does not use our democratic process very wisely. Also, I think it could be a cruel hoax because it may lead to a lot of confusion. Will the voters believe that they are actually voting to remove the sales tax exemptions instead of simply giving us their opinion? It makes no mention, also, of what form of property or income tax relief, what shape it would be. I think it would give the citizens greater expectations than what this Legislature I'm sure would ever deliver. I urge you to defeat this bill once again.

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

Representative CLOUGH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have spoken on this bill three or four times previously and I'm going to repeat some of what I said because there isn't a lot you can say about this bill. There isn't much to it. I refer to it as a do-it-yourself kit, as it came to us. One paragraph, a concept draft, and we're sending that same type of concept out to the voter because we ask the voter a question, "Do you favor elimination of certain sales tax exemptions in order to provide income tax relief and property tax relief in a revenue neutral manner?" What does "certain" refer to? What are we offering? We say nothing about what we have in mind. There's nothing to this bill other than the question. We say, "If we would provide income tax relief and property tax relief." We don't give any idea of what we have in mind, to who and how. The revenue neutral manner is equally difficult to understand because to many people here revenue neutral means that no matter how much money we raise, if we spend it all we have a revenue neutral situation. I don't think the people would understand that. This is a mandate, as has been mentioned, to do something undefined. I don't think that it's responsible at all. I also take exception with the remark that if we don't put this on the ballot, the people will believe that we have no interest in doing tax reform. If we do put this on the ballot, they still won't know what we intend to do. The people know very well that we talk about tax reform up here every day. So, it isn't that we don't know what we want to do, it's that we can't agree on what we want to do. So, I would ask you, again, to vote "no" on the pending motion and Mr. Speaker, has a roll call been requested? Thank you.

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

ROLL CALL NO. 579

YEA - Adams, Ash, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, 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, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Simpson, Smith N, Smith W, Thompson, Tuttle, 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, Davis K, Duprey, Edgecomb, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Merrill, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan.

ABSENT - Barstow, Crosby, Emery, Kaelin, McFadden, Moore G, Stedman.

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

73 having voted in the affirmative and 71 voted in the negative, with 7 being absent, and accordingly the House **RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

Representative **TRAHAN** of Waldoboro **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. 580

YEA - Adams, Babbidge, Beaudette, Blanchard, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Craven, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fisher, Goldman, Grose, Harlow, Hogan, Hutton, Jackson, Koffman, Lerman, Lundeen, Marley, Mazurek, Miller, Mills, Moody, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Simpson, Smith W, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Berube, Bierman, Bishop, Blanchette, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Dugay, Duprey, Edgecomb, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Hotham, Jacobsen, Jennings, Jodrey, Joy, Lansley, Lewin, Lindell, Makas, Marean, Marraché, McCormick, McKane, McKenney, McLeod, Merrill, Millett, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan.

ABSENT - Barstow, Crosby, Emery, Kaelin, McFadden, Moore G, Smith N, Stedman.

Yes, 58; No, 85; Absent, 8; Excused, 0.

58 having voted in the affirmative and 85 voted in the negative, with 8 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

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

Bill "An Act To Increase Access to Health Insurance Products"

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

TABLED - May 23, 2006 (Till Later Today) by Representative **CUMMINGS** of Portland.

PENDING - Motion of same Representative to **RECONSIDER** whereby Committee Amendment "A" (H-1012) **FAILED ADOPTION**.

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. In reflection of the action we took on this bill yesterday, I would ask for a ruling from the Chair if the reconsideration motion is properly before the House and I'd like to explain why I ask that question. There was a motion made by the Representative from Portland, Representative **Cummings** to reconsider and to further table this item. I don't believe that we can make two motions in the same motion. There was no action taken on the reconsideration motion, so I believe that the current bill before us is not in order.

The **SPEAKER**: The answer is that it is properly before the us. You can make the two motions. He made the motion to table pending reconsideration. So, as a result of that, we have, before us, a reconsideration, which has not yet occurred, but is sitting on the table for our consideration. He first made the motion to reconsider and then made the motion to table pending reconsideration thereby keeping the matter before us. The motion then for tabling was, a roll call was established, then the tabling motion was upheld. Now it puts us in the posture of reconsideration. The Chair recognizes the Representative from Waldoboro, Representative **Trahan**.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, according to Mason's, Section 473, a vote to reconsider is required and so I believe the action to go on to a tabling motion, we hadn't yet acted because you didn't gavel the reconsideration or we didn't vote on it. We went then to the tabling motion. There was no action taken to reconsider.

Representative **TRAHAN** of Waldoboro asked the chair to **RULE** if the Bill was properly before the body.

The **SPEAKER**: There was a motion to table pending reconsideration thereby allowing reconsideration to remain after the tabling motion prevailed. It's no different than if somebody got up and said, "I move to reconsider," and then you got up, for instance, Representative **Trahan** and said, "I move to table." There's no difference between what Representative **Cummings** did and what I just described. So, the answer is, it is properly before us at this time.

Subsequently, the Chair **RULED** the Bill was properly before the body.

Representative **LINDELL** of Frankfort **REQUESTED** a roll call on the motion 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**: The Chair recognizes the Representative from Frankfort, Representative Lindell.

Representative **LINDELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Barely 12 hours ago we had this same item before us. In a bipartisan vote, we defeated this Majority report. This ill-conceived, muddleheaded, ideologically driven, irresponsible and dangerous proposal to strip health insurance from 10,000 individuals who have a commercial health insurance product within the DirigoChoice plan. LD 1845 is no different now than it was 12 hours ago Mr. Speaker. Now, as 12 hours ago, this proposal would terminate the insurance and set up a trust with unlimited potential liabilities and a very limited funding mechanism. It would permit an unregulated, unlicensed...

Representative **DAIGLE**: Point of order!

The **SPEAKER**: Would the Representative defer for a moment? The Chair recognizes the Representative from Arundel, Representative Daigle. The Representative may state his point of order.

Representative **DAIGLE**: The matter before the body is a roll call on whether to reconsider or not the merits or other aspects of the bill.

On **POINT OF ORDER**, Representative **DAIGLE** of Arundel asked the Chair if the remarks of Representative **LINDELL** of Frankfort were germane to the pending question.

The **SPEAKER**: The Representative is correct. The motion is to reconsider, the merits of whether to reconsider or not. It's not an argument of the bill itself. So, I would suggest to the Representative his remarks remain on the merits as to why we should or should not reconsider. The Representative may continue.

The Chair reminded Representative **LINDELL** of Frankfort to stay as close as possible to the pending question.

Representative **LINDELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. My point is Mr. Speaker that the motion to reconsider is to reconsider a bill that we've already rejected, and properly rejected, for a number of very good reasons, because it is a very dangerous proposal. We should not be reconsidering this proposal. If we open this up for reconsideration heaven knows we might change our minds and that, Mr. Speaker, could be disastrous and particularly disastrous for the 10,000 individuals who have a real commercial health insurance product through DirigoChoice who might suffer the consequence of having that real health insurance product replaced with this ill-conceived, poorly thought out, poorly planned and dangerous proposal. Thank you Mr. Speaker.

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

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wish to follow up my objection of a moment earlier to make a point about the motion to reconsider, previous motions to reconsider and any future motions to reconsider. I think there's nothing wrong and nothing inappropriate for making a perfectly legitimate parliamentary maneuver. Sometimes I wish I was doing it more often on my side, but in the interest of getting along with everybody and recognizing that, frankly, we can bring things up for a vote as many times as the process will allow and ultimately it's who's in their seat. I appreciate, and even, in fact, encourage we follow this very elegant process that allows us to make these steps. I will, therefore, be voting in favor of reconsideration and perhaps we won't need to do this any further.

The **SPEAKER**: The Chair recognizes the Representative from Turner, Representative Bryant-Deschenes.

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

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

Representative **BRYANT-DESCHENES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. May I ask a question to the Chair about whether the motion is properly before us at this point?

The **SPEAKER**: The Chair has ruled that on the motion. Will you restate your request Representative, I can't hear.

Representative **BRYANT-DESCHENES**: I want to make sure I understand what you told us when you made your ruling.

The **SPEAKER**: The question by Representative Trahan from Waldoboro was whether this is properly before the body. The answer is, the Chair ruled in the affirmative. The decision was not debated so, therefore we have to move on. The Chair recognizes the Representative from Turner, Representative Bryant-Deschenes.

Representative **BRYANT-DESCHENES**: I understood from your example you said there were two motions and in listening to the discussion last night, it was made in one sentence. I did not consider that was two motions. He made them all together.

The **SPEAKER**: Representative, the decision has been made with respect to the Chair's ruling. The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to speak to the reconsideration motion and why I will be objecting to these reconsideration motions as they come about. Yesterday I went to your office, Mr. Speaker, and I asked to submit an amendment and I was told by your staff that I couldn't submit an amendment to expedite the process. But, yet there's a bunch of us in this chamber that have been submitting amendments and they've been allowed. I personally don't believe that is fair. I believe that any deadline on amendments should be universal to everyone in the chamber, not arbitrary. I also believe that this reconsideration motion is keeping us here longer than we should be here. I guess, in an effort to expedite the process I will now be objecting to all these reconsideration motions because they're really just an attempt to get the bill passed when it has been failed. I've really just sort of had enough of it.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Reconsider whereby Committee Amendment "A" (H-1012) failed Adoption. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 581

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Daigle, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Greeley, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Joy, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Miller, Moody, Norton, O'Brien, Paradis, Patrick, Perry, Pilon, Pineau, Pingree, Piotti, Richardson D, Richardson E, Rines, Sampson, Schatz, Simpson, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, 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, Davis G, Davis K, Duprey, Edgecomb, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Lansley, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Merrill, Millett, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector,

Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Sykes, Tardy, Trahan, Vaughan, Woodbury.

ABSENT - Crosby, Dugay, Emery, Kaelin, McFadden, Mills, Percy, Smith N, Stedman, Thomas.

Yes, 75; No, 66; Absent, 10; Excused, 0.

75 having voted in the affirmative and 66 voted in the negative, with 10 being absent, and accordingly the House **RECONSIDERED** its actions whereby **Committee Amendment "A" (H-1012) FAILED ADOPTION.**

Representative LINDELL of Frankfort **REQUESTED** a roll call on the motion to **ADOPT 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:** The Chair recognizes the Representative from Frankfort, Representative Lindell.

Representative **LINDELL:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The bill we have before us, "An Act to Increase Access to Health Insurance Products," does not do what it's title purports that it does. What this bill does is it sets up a mechanism by which the Dirigo Board of Directors may, without any further legislative approval, establish a self-insured trust fund to provide health coverage to members enrolled in the DirigoChoice product. A self-insured trust fund is not health insurance Mr. Speaker. A self-insured trust fund is a mechanism used by some employers faced with very high health insurance premiums to abandon their health insurance and, instead, self-insure their employees. This is a proposition entered into by an employer with some great measure of risk. Indeed, these self-insured trust funds are very heavily regulated by the Superintendent of Insurance, very heavily regulated. They require that the employer and the employees who make contributions to this trust fund be all directly, jointly and severally liable for the claims upon that trust fund. One big claim can bankrupt the trust fund and can cause unexpected costs to the employer and to the employees themselves. So, here we have the model which proponents of single-payor insurance have decided to follow in order to abandon the public/private partnership which DirigoChoice is based upon, abandon a commercial insurance product which currently covers about 10,000 people and, instead, replace it with this concept. The problem, Mr. Speaker, is that we're not talking about insuring a well defined group of employees who get up in the morning each day, put on their clothes, brush their teeth, drive to work and work a full day or part day and in exchange receive compensation, pay plus health coverage, through one of these self-insured trusts. No, no, what we're talking about here is essentially allowing all comers, whatever their condition, whatever their circumstances, to enroll, to pay a premium and then to make unlimited claims upon that trust. This is a recipe for financial disaster, Mr. Speaker. It is, indeed, a very, very dangerous proposal. I'd urge the body to reflect, not to waiver and to please vote against LD 1845 as it is presented to us today.

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

Representative **CURLEY:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm opposing the proposal before us. I won't cast any aspersions on the people who drafted the bill, the reason why it was drafted or the insurance companies because I think we all have the goal in common to provide more health insurance at an affordable rate. But, timing is everything and the State, I feel, is not prepared to take on any more big projects of this kind. Just think about the past few years. We've merged the largest two departments in the State with 4,000 employees responsible for services for over a

third of the people in our State in one way or another. It's not complete and we've already spend over \$9 million in consulting fees to help make it happen and it's not done and it's not right yet. We've had an acting Commissioner of this large department three of the last four years. We have not had a director of the Medicaid program, the largest program in the State for the most vulnerable people in our State, and no director. We have a computer problem. We've overpaid \$502 million. \$502 million of overpayments to providers. When you look at the May 12th report, we still have over \$280 million that we can't retrieve. They're being researched. It's being worked on, but we may never retrieve that money. \$280 million. Imagine all the insurance you could buy with that if we did first things first. I have another list of all the hospital payments that are owed. I could read through them community by community. We're all affected by that. Almost \$100 million of State money has not been paid to the hospitals and that leaves almost \$200 million of Federal money laying on the table and we can't get it. This body may be willing to pass a new self-insurance program. I think the idea is right. The timing could not be more wrong. So, we all may be willing to pass it. I'm not because the State is not willing, and not able, to take on one more new project. Let's do what we have pending first so that we can really take care of the people of Maine. Thank you.

The **SPEAKER:** The Chair recognizes the Representative from Lewiston, Representative Walcott.

Representative **WALCOTT:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I've stood on the floor of the House and I've said this before and I think it needs to be reiterated today. I serve on the Health and Human Services Committee and most of what the previous speaker said is true. As people that serve on that committee with me know, I'm not really a defender of the Health and Human Services Department. Even to the point of, just a couple weeks ago, being one of three people on the Committee to vote against the new Commissioner for the basic reason that she has been there through all these problems. But, what I managed to stand up and say today, once again, is you can try to scare people to vote a certain way by bringing up the specter of DHHS, but Dirigo has its own Board of Directors and its own Agency which has absolutely nothing to do with the Department of Health and Human Services. Thank you Mr. Speaker.

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

Representative **PERRY:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to quickly go through what this bill does and doesn't do. First of all, it allows the option to go to a self-insured plan. The only triggers that allow that to happen is if, and in the legislation is says "shall have at least two and a half months of claims on board in trust," and only if they can purchase stop loss insurance in order to do that. The other things, in terms of being overseen by the Bureau of Insurance, all of that process is overseen by the Bureau of Insurance. The other requirements that this bill has is they are required to follow every mandate that the State has and Rule 850. In other words, this self-insured plan has no exemptions from any of the State regulations that we have on board now. I ask you to vote in favor of this.

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. We've heard a lot of arguments pro and con on this already, but I think there's a few more here in the Chamber of Commerce's analysis of both the Majority and Minority Reports in their *Impact* newsletter. I'll read

just a couple paragraphs, "The Majority Report still causes great concern for the Maine Chamber members. The premium rates, to be charged, are not subject to any oversight by the Bureau of Insurance or any other regulator. As a result, there is no guardian to ensure the rates are not adequate, excessive or unfairly discriminatory, the standards with which commercial health insurance carriers must comply. As a result, if the premiums charged and the reserves are insufficient to cover the claims, the State's general fund, meaning taxpayer dollars, may be expected to pay those claims. In addition, to concerns about financial solvency and viability of the proposal to self-fund DirigoChoice, there are also concerns about the lack of Legislative oversight. While the Majority Report requires that a report be submitted to the Joint Standing Committee on Insurance and Financial Services, if the Board decides to self-fund, it does not require affirmative approval of the Legislature to implement it's plan. Knowing what we know, hearing this analysis, looking at Kentucky and Tennessee and seeing the disasters that happened with those state-run plans, how can we possibly endorse this plan?" Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative SHIELDS: I'm not clear on what is the source of the reserves that should be there in proper amount in order to have this plan. Where do those funds come from?

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

Representative MARRACHE: I don't have an answer to that question, although, I can get that for you shortly. I do need to mention to everybody, I have heard multiple times the mention of TennCare and Kentucky. May I remind you all to look it up. I know many physicians who worked in those states. That was a Medicaid program. It has nothing to do with what we're talking about here at all. Thank you.

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

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise first to answer the question of the good Representative from Auburn, Representative Shields when he asked, "Where are the reserves coming from to set up this program?" The simple answer is, there is no plan. They have no idea where the reserves are coming from to set up this program to pay the claims for these poor people. My biggest concern with the plan that's been put forward to us is the manner in which it came to the Insurance and Financial Services Committee and the lack of a plan. I've heard, up and down the halls in the last two days, "You've got to vote for LD 1845 to save Dirigo." Really, indeed, to save Dirigo. I seem to remember the same claim last session when we voted on LD 1577 dealing with the funding of Dirigo. We all had to vote for that bill to save Dirigo. Why is it every time we do exactly what the administration and the Office of Health Policy requests, do we in turn need to save Dirigo three months later? Again and again and again. The simple reason why is because when these proposals come forward, there are absolutely no financial analysis and plans, no flow charts and nothing to back them up. When we considered this proposal, I was quite excited at the opportunity to talk about how to improve the Dirigo program and make this a viable health insurance product because I supported the original Dirigo legislation. My problem with Dirigo has been the funding source. The funding source is a nightmare on this program. It is the problem. Taxing health insurance does not

make it more affordable. We have 1.3 million Mainers that are being taxed. Every one of them. The good people, the people that get health insurance, they're getting taxed to help 10,000 people enrolled in the program, making their health insurance product unaffordable. The 16% rate increases that Anthem has passed on is unacceptable. So, we have this solution proposed, 1845. What a great opportunity it was for our Committee. What a great opportunity it is for the Legislature to shine. Instead, again, we don't have any plan. You have before you a bill, 1845, to allow the State, essentially, to become an insurance company. Has anybody seen a balance sheet as what kind of reserves are required to get this operation going? If you have, please send it over to my desk. I haven't seen it and I'm on the Committee and I asked for it. Where are the reserves coming from? Why is this important where the reserves are coming from? We're telling people we're going to cancel their Anthem policy for Dirigo and we're going to pay the claims. Don't you care that we have enough money to pay those claims and that we know where that money's coming from? I care. I care deeply and I think all of you do too. So, ask the question, how much reserves are we going to have and where is it coming from? Because, in January those reserves are going to be paying these claims. Now we start to take a look at the structure. Again, no financial analysis. No plan. If you vote for 1845, has anybody seen a chart as to how many additional uninsured people are going to now have health insurance? I haven't and I'm on the committee and I asked for it. I want to know, are more people going to be able to enroll in Dirigo and how many more people are going to be enrolled in Dirigo month one, month two, month three and month five? I want to know all the months. I want to know. Are more people going to be able to enroll in Dirigo if we buy this, if we go for this proposal? The simple answer is, we have never been given that information. We've seen no model, no expectation on enrolling the uninsured. We have seen no financial model. Nothing. Vote for this bill, save Dirigo. Do it now, save Dirigo. Again, why do we have to save Dirigo? We have a working product. You were told that when you voted for 1577 last session, that was going to save Dirigo. Then we've got another bill coming up, another companion bill to 1835, 1945. We've got to vote for that to save Dirigo. If you're doing everything the Office of Health Policy says, why do you need to keep saving the program? The reason why is, because we haven't got a model, one that we can follow. I got an e-mail this morning, a very important e-mail and one that really touches all of us. It was from my local hospital. I received this at 10:30 this morning unsolicited from Valerie Landry from Mercy Hospital. This ties in directly to the debate on 1845. What Ms. Landry says is Mercy Hospital just learned that it is one of only two calendar year, 2003 hospitals with amounts outstanding that will not be paid by the end of the current fiscal year, St. Joseph's Hospital and Mercy Hospital are the two, and they've been told that this payment isn't going to be made until October, 2006. The letter goes on to say, "As you know, Mercy Hospital has not taken an adversarial approach to being paid. It's been their understanding that the intent of the Legislature was that through the supplemental appropriation, they would receive payment for services rendered in 2003." By their calculations, less than \$2 million of the State monies would need to be drawn down from Federal monies necessary to pay Mercy Hospital the \$5.5 million owed for services rendered in 2003. Our cash flow has no longer...

Representative MILLER: Point of order!

The SPEAKER: The Representative will defer for a minute. The Chair recognizes the Representative from Somerville, Representative Miller.

Representative MILLER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I ask, Mr. Speaker, if this is germane to the issue at hand.

On POINT OF ORDER, Representative MILLER of Somerville asked the Chair if the remarks of Representative GLYNN of South Portland were germane to the pending question.

The Chair advised Representative MILLER of Somerville that the remarks of Representative GLYNN of South Portland were germane to the pending question.

The SPEAKER: The answer is in the affirmative. It is the adoption of Committee Amendment "A" that we are debating. The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you to the good Representative. Again, why this ties back to 1845 is the funding. The funding. Listen to what Mercy Hospital is going through. Their cash flow can no longer withstand these payments owed for Medicare and as we begin to draw down our line of credit, with a matter of weeks, to meet our payroll and vendor obligations. It goes on and states, point by point, the millions of dollars owed to our hospital by the State. Now, we have the Dirigo product. Under 1845 we are going to pay these claims owed to the hospitals now for the Dirigo product that Anthem has been paying. We have no plan for reserves. No cash. What's going to happen to our medical providers? Do we want to go to Mercy Hospital, to Maine Med and to all of our rural hospitals and show up and the first question is, "Do you have MaineCare or do you have Dirigo, because if you do, we're owed so much money we can't afford to treat you. This happens in other states. In other states, these Federal programs, run by the states that don't pay their bills, they send you to the county hospital. They won't take you at your local hospital because their states don't pay their bills. Maine is following that bad track record. This is serious stuff. If we are going to go down the road of looking at going self-insured, how about that financial model? How about that list of reserves? How about a plan showing how many Dirigo enrollees are going to enroll? If you vote for this, do you believe 10,000 more people are going to enroll in a Dirigo? Do you believe 2,000 more people will enroll in Dirigo? I know, right now from being on the Committee, less than 10,000 people are enrolled in Dirigo and thousands of people have dropped Dirigo. So then, the question becomes, "What are you buying with LD 1845 and how is 1845 going to save Dirigo?" I need those questions answered before I can vote for it. I hope you join with us in voting against Committee Amendment "A" and moving on to some other solutions which we think really, very much, will improve Dirigo.

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. 582

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, 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, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Miller, Moody, Norton, O'Brien, Paradis, Patrick, Percy,

Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Simpson, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Fitts, Fletcher, Flood, Glynn, Greeley, 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 - Crosby, Emery, Kaelin, McFadden, Stedman.

Yes, 73; No, 73; Absent, 5; Excused, 0.

73 having voted in the affirmative and 73 voted in the negative, with 5 being absent, and accordingly **Committee Amendment "A" (H-1012) was FAILED ADOPTION.**

The Bill was assigned for **SECOND READING** later in today's session.

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

BILLS IN THE SECOND READING
House

Bill "An Act To Increase Access to Health Insurance Products"

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

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

UNFINISHED BUSINESS

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

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)

TABLED - May 23, 2006 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - Motion of same Representative to **RECONSIDER** whereby the Bill **FAILED OF PASSAGE TO BE ENACTED.**

Representative HALL of Holden **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill **FAILED 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 Holden, Representative Hall.

Representative HALL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will try to keep my remarks here brief. It strikes me, in response to the Speaker's

remarks earlier, that a lot of these items are being debated over and over and over and over and over again. I would also like to make the point that the reason they're being debated over and over and over again is we keep having these reconsideration motions. Whenever a vote seems to go the wrong way, we have a motion to reconsider. I ask you, all of you who felt that this bill did not deserve passage when you voted before, please simply vote against the reconsideration motion. Thank you.

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

Representative CUMMINGS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am sincere when I say I have no desire to prolong this legislative session. I did ask for reconsideration for several reasons. One is that a number of people in this body had been talking about various amendments to this bill, on both sides of the aisle. There was a desire to try to do something to help those in our firefighter capacity and police capacity. There was a sincere desire among all of us in this body. A number of discussions were going on. We did not, and I did not, feel that those discussions were complete. Members, even of the other party, had talked about amendments that were of interest to us. Therefore, we felt that this body was not in a position to let go of that bill last night. Your position on the policy issue, I respect that, but I ask, out of respect for the body and for those who are trying to do the right thing, to please support the reconsideration motion. Let us get into the details of what it means policy wise and let's move forward. Thank you.

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

ROLL CALL NO. 583

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

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

ABSENT - Crosby, Emery, Kaelin, Marley, McFadden, Mills, Perry, Stedman.

Yes, 81; No, 62; Absent, 8; Excused, 0.

81 having voted in the affirmative and 62 voted in the negative, with 8 being absent, and accordingly the House **RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

Representative BOWLES of Sanford **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 Waterford, Representative Millett.

Representative MILLETT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, I would like to comment as to my good feelings about the healthy debate that we had on this bill yesterday. I felt that the points made on both sides of the issue were both heartfelt, constructive and generally reflect the difficulty with this very significant piece of legislation. It was said during the course of the debate that it is not about money. Things were said both positively about the group of people in the hall and the important public service function they play. Some comments about what comes later and whether or not this a complete package. I would like to say the issue here, for me, falls back to three basic principles that I try to take as I look at issues of major consequence that are new to this legislative process. The first being, I try to analyze whether or not there is a legitimate role for State Government, not only in the terms of affordability or the detail of the particular issue, whether it be language or a program, but whether it denies freedoms that people have the right to expect and/or whether it imposes consistent expectations on the affected population that we're sent here to represent. That consistency leads me to try a test of fairness. What we do today, we ought to be prepared to do tomorrow, next year and down the road and look at our actions over the long-term lens of forward thinking as well as big picture consideration. Finally, I try to look at, and this uniqueness to my role in the Appropriations and Financial Affairs Committee, to try to see the financial consequences, large and small, short-term and long-term and particularly long-term. No one can deny that the importance of having third-party assistance to purchase and support health insurance for all is a critical factor in every family and every citizen's thinking about their mortality, their long-term health and their short-term needs for preventive health. That's clearly part of the debate that we had last evening and again this morning on LD 1845, and it will occur again on any and all health insurance products that come before us. I thought I'd try to compare, for my own thinking, and I won't try to bore you with this logic that I am driven by, but, we have three major health insurance programs currently. There are many more pending. We have, certainly, a MaineCare program in which we have identified and committed to, appropriately so, I might add, supporting the low-income population through the Federally assisted programs of both MaineCare and Medicare. We control our involvement in those programs by three basic rules. We determine eligibility, we determine the rates of care and how much we pay for care and we determine service utilization. We also impose cost of sharing in the form of co-pays and sometimes deductibles. But, we are committed to that population and we have a way, in our Statutes and our State plan with the Federal agency and in our rules that we authorize DHHS to adopt, to actually see that that program is on a pay as you go basis funded. If not, we fund it as we deal with our biannual budgets. We clearly have a program for State employees and it has a health insurance component that follows retirement that many of us think is generous to the point of needing to be looked at as we look down the road from the point of view of whether we can continue to support single subscriber healthcare for retirees for the long-term future. Then we have the program for teachers. I've struggled and tried to do something this session, and in the past, for teachers. They are unlike State employees, but they are, certainly, somewhat like State employees in that education is a State function, and in many cases, we treat them like State employees, witness only the State Retirement System and the

way in which we have recently been raising our level of participation. I recall when there was no cost sharing on teacher health insurance for retired teachers. It's now up to 45%. I believe the 45% factor is what leads to the choice of the "parity" in the title of the bill before us. Of course we have other folks who we have a concern for at the local government level, at the county government level, at the non-profit provider level and on and on and on. We have, obviously concerns about the big picture on health insurance in terms of access affordability and cost sharing and the ability to fund those programs going forward. Now, in any good insurance program, and I listened to the debate last night and this morning on 1845 and I learned a lot, but I'm still not anywhere near expert on what health insurance products ought to contain. It seems to me they ought to start with a clear and direct relationship between the payer and the insured population. There ought to be a clear distinction and connection between the role of the paying party and the party of coverage, namely the affected employee group. I'm struggling to find a connection here other than the fact that we are representing State Government, we appreciate the work that our first responders do and clearly we want to do what we can to address at least the portability issue and many of us would like to address the issue of a good affordable product. But we would become the payer and we would become the payer with, ostensible, the big pockets, the deep pockets which we are severely challenged as having at the moment and for the long-term future that I am seeing. Secondly, there ought to be employer/employee participation both in the paying in and the reserving for the product. There ought to be a shared voice over the elements of the product, the content of the insurance package and the way in which its cost is controlled. Finally, and most importantly, it ought to be fully paid for and properly reserved. It is these last few elements of my own lay interpretation of what an insurance product ought to contain that trouble me greatly. We have absolutely no clarity in terms of the ability to control the product and the ability to see it fully funded and properly reserved. We have before us a fiscal note which is nebulous, at best, and lacking detail as to reserving in any capacity and in terms of the future cost. Well, let's apply the consistency test one more time. If we do it for this group of people, and we all love and respect them, where do we stop. We've seen the communications, we've seen them in distributed fashion earlier when we discussed this in late April, it said, for the record in writing that this is the first step to bring on board dispatchers and EMS personnel, that the Chief Executive has promised that that would be part of the next budget, that if you'd just be patient we'll add more, a little bit at a time, and I'm quoting communications that have been shared with all of you. I won't reread what I said in late April, but GASB 45, which is the Government Accounting Standards Board, directs all entities of government to identify their liability for post-employment benefits and how much it will cost to pay down that number each year. It requires that we make some effort to reserve that, and we haven't even talked about that today. We haven't talked about it yesterday and we haven't talked about it in the recent past. We know from a statement that was read into the record in late April that the original report would have required, at 45%, the reserving of approximately \$100 million. No mention here because this product, this amendment, came through a process that didn't have committee vetting and therefore, consequently, not a lot of time to do an actuarial study. I'm left with a question. Where are we headed? Where are we headed with this issue of both parity and portability knowing that portability is, to me, and I think a lot of people have said, an ideal goal? State Government can, and should, be thinking about how to assure that critical local employees, town employees and

perhaps other groups ought to have portability so they never have to go, even for a short time, without insurance coverage. But, where is the parity and where is the complete picture? It looks to me like we're headed down a road with no view of the destination or the trials and tribulations that lie ahead of us. I would love to be able to vote for something if I knew it would meet two basic tests. Is it properly the role of State Government to do this? Is it, at this point, properly funded and fully reserved? I can't make that conclusion on either count. I cannot see any way, in my mind, that I can go back home and say, "I made a decision that for the long haul was the right thing to do given the information that's now before me." I ask you all to seriously think about the slippery slope which we are about to tread upon.

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

Representative DUPLESSIE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the good Majority Leader from Portland said, I also do not want to belabor this issue. I do want to make a couple clarifying points and read something into the Record of the intent of this legislation. Before I do that, I want to back up a little bit. Previously, when this was debated a month ago, there were various concerns that were raised. Many of those concerns have been taken care of, seriously addressed in the current legislation that is before us. Senate Amendment "G" that is before us addressed some of those concerns having to do with a minimum age on participation for retirees. A pay-in by current retirees so they just would not start into the system, that has been addressed very clearly, that they will have to pay in five years of a subsidy, and a higher subsidy, than what the actives will be paying in. The percentage of the monthly final compensation payment for current retirees ranges from 2% for those who are at least 50 years old to 1.5% for retirees who are at least 60 years old. Pay-in towards the subsidy and the trust has been addressed. It also has been clear, and it has not been clear to some people, so I want to read this into the Record. The intent of this is someone cannot try to game the system, be an active employee today and decide not to get into the plan. After this is effective, they have to enroll within 60 days, the active employees. They cannot wait until they have 17, 20 or 21 years of employment and then decide to enroll for the last five years to be eligible. That option is not there. There was some concern that that's the way the language read in the Senate Amendment. When you read Committee Amendment "B" with Senate Amendment "G" it is clear. That is not the intent, so they cannot do that. That has been addressed. There's another concern as far as one minor piece in Senate Amendment "G" having to do with an exemption from the tax cap language we passed in LD 1. That piece will be addressed before we leave the end of this session today with other language. I've already been working with legal to address that. That piece will be deleted, having to exempt this from the tax cap language. So, that issue will be addressed as soon as we get this bill enacted and down to the other body, then that bill will be going through a legal process that we will have today. I please ask you to support this effort. We worked very hard to try to address the concerns that have been raised. I realize all of them have not been raised, but I just want to give you one quick one as far as the long-term financial cost. Yes, we hear something about this so-called "Wall Street GASB 45 Reserves." It talks about reserves out 30 years. I would like to ask many in this chamber, in your own lives, if you applied this type of standard? How many have three to six months worth of liquid assets right now, if you had to pay all of your bills and your liabilities that you have? That's what that type of standard is doing. How many people have that right available today? Many of us have liabilities in our daily lives with our

families. That's what that type of standard is trying to do. Thank you and I ask for your support.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do promise to be brief, but I'm going to talk fast, so listen fast. This bill, I'm going to plead with you for enactment on this bill for any number reasons. You know I have fought long and hard for this, but I also want to walk back through a page in history that mankind will never forget, especially if you're a resident and a US citizen. On September 11th they took down the twin towers in New York City. We had, as American citizens, 343 firefighters report to duty to fight this terror against America on American soil. Unasked for terrorism and they never went home. This scares you. I live in the City of Bangor and we routinely, with the Guard up there, the fire department, the police and the Sheriff's department perform drills, mock disaster drills so that we're ready in the event of this uncalled for disaster and horror that nobody ever wants to live through. But, when you chose to be a firefighter or you choose to be a police officer, you will answer the call if it comes. It doesn't matter whether your knees are going to give out when you have to jump down off that truck, grab that hose that has 300 pounds of pressure on it, haul it out and try to put out a burning fire that is going to resist the water that you're pumping onto it. This is what they do day in and day out. They put their lives on the line so you have the privilege and the honor to sit in the Maine State House of Representatives. All they are asking is a chance to live a life with some sort of security that when they get to the age of 50, as this amendment proposes, that they can survive and have health insurance. Now, in a perfect world under perfect conditions with more money than Bill Gates has in his checking account, I think we should move, as a country, towards universal healthcare. But, that isn't going to happen today and it won't happen tomorrow and it probably won't happen in my lifetime because I'm getting old and standing here, I'm getting older by the minute. But, it needs to start somewhere. We've covered our State employees. Our teachers have 45% of their retirement insurance paid now. We do a lot. As Legislators, count your blessings and pat yourself on the back because you've got the best coverage there is going because this is hazardous duty. It really truly is. I put my life on the line every day I come into this building and I know it. I'm going to ask you to support this enactment. They're going to feed into the fund. This isn't a, "Give-me, give-me, give-me." This is, "I'm going to pay as we go along." I can't say the same for some of the other things that we fund. They don't pay. You don't have a dime, not one dime deducted from your paycheck to cover you under BlueCross BlueShield when you stick your hand up and you're sworn in as a Legislator. Think about it. Vote your conscience, vote your head and remember, they will save your live even if you vote against them.

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

Representative **COLLINS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I question sometimes what this bill is doing here, for these employees, these firefighters and law enforcement officers, for the most part are municipal employees. If they want a benefit such as this they should negotiate, part of the collective bargaining process, with their municipalities. The good Speaker, Speaker Richardson, in his other life, he does that kind of work. He negotiates union contracts for benefits for police officers. That's where this question belongs. Now, when the time comes, if this bill does pass, somebody is going to pay for it. We'll pay for it. The

taxpayers of Maine will pay for it, whether it's at the municipal level or State level. We'll pay for it. That kind of benefit should be negotiated at the municipal level. That's where it belongs. They are municipal employees, not State employees. It always bothered me, ever since this whole issue came up, why is it here? It belongs back home. Home rule dictates at home. That's where this belongs. Let them decide. Let them negotiate. Sit down with their municipal employees and let them decide. It doesn't belong here Ladies and Gentlemen. It belongs back home. I can't understand how we can sit here and start dictating municipal employees, what benefits they're going to get. That starts back in your hometown and your city. That where that belongs. That's where that discussion belongs. It's part of the collective bargaining process. When you want to get an increased benefit, you need to talk with your union stewards, you get together and you hammer it out. This is what our objectives are this year. This is what we want, to increase our benefits. We're going to negotiate for it through the collective bargaining process and we're going to demand we get it. You don't take the other route, come back around and go, "Well, we're going to try and convince the Legislature to dictate policy to our towns to pay for it." It comes down to a question of paying for it. We don't really know where the money's going to come from. It was said, a month or so ago, the last time we were here, "Well, when the time comes we'll find the money." That's not a good answer for me. I need some kind of mechanism that explains it to me, we're going to collect this money through whatever means and it's going to pay for that benefit package. That hasn't been demonstrated to me. Thank you.

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

ROLL CALL NO. 584

YEA - Adams, Ash, Babbidge, Barstow, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Crosby, Cummings, Curley, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fisher, Fletcher, Gerzofsky, Glynn, Greeley, Hanley S, Harlow, Hutton, Jackson, Jennings, Lerman, Lundeen, Makas, Marraché, Mazurek, McCormick, Miller, Moore G, Norton, O'Brien, Paradis, Percy, Pilon, Pineau, Pingree, Piotti, Richardson E, 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, Curtis, Daigle, Duprey, Edgecomb, Fitts, Flood, Goldman, Grose, Hall, Hamper, Hanley B, Hogan, Hotham, Jacobsen, Jodrey, Joy, Koffman, Lansley, Lewin, Lindell, Marean, McKane, McKenney, McLeod, Merrill, Millett, Mills, Moulton, Muse, Nass, Nutting, Ott, Patrick, Pinkham, Plummer, Rector, Richardson D, Richardson M, Richardson W, Rosen, Sampson, Saviello, Seavey, Sherman, Shields, Smith W, Sykes, Tardy, Thomas, Thompson, Trahan, Twomey, Vaughan, Woodbury.

ABSENT - Emery, Fischer, Kaelin, Marley, McFadden, Moody, Perry, Stedman.

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

72 having voted in the affirmative and 71 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

ENACTORS

Acts

An Act To Recapitalize the Maine Downtown Center

(H.P. 1370) (L.D. 1956)
(S. "A" S-699)

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.

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

ORDERS

On motion of Representative CRAVEN of Lewiston, the following Joint Resolution: (H.P. 1508) (Cosponsored by Senator ROTUNDO of Androscoggin and Representatives: ADAMS of Portland, BABBIDGE of Kennebunk, CANAVAN of Waterville, HUTTON of Bowdoinham, MAKAS of Lewiston, O'BRIEN of Lewiston, SIMPSON of Auburn, WALCOTT of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE CONGRESS OF THE UNITED STATES AND THE UNITED STATES DEPARTMENT OF JUSTICE TO ESTABLISH SATELLITE VOTING FOR DISPLACED VICTIMS OF HURRICANE KATRINA

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 President of the United States, the Congress of the United States and the United States Department of Justice as follows:

WHEREAS, 9 months ago Hurricane Katrina unleashed its fury on New Orleans and the Gulf Coast and was one of the cruelest disasters in history; and

WHEREAS, Hurricane Katrina dispersed and displaced people to over 40 states across the country; and

WHEREAS, many people are still living in states other than their home states, which will prevent them from being able to participate in elections in their home states; and

WHEREAS, it is imperative to protect the voting rights of these citizens; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President, the Congress of the United States and the United States Department of Justice establish satellite voting places in cities and states where Hurricane Katrina survivors now reside; 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 Senate of the United States, the Speaker of the House of Representatives of the United States, the United States Department of Justice and each member of the Maine Congressional Delegation.

READ.

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

Representative CRAVEN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. During our break from the Legislature last month, I took a trip to Mississippi with a team of volunteers from Lewiston to help people in the Gulf area rebuild. It is thanks to the generosity to the people in this

chamber that helped us achieve this. What we saw in the Gulf was heartbreaking and moving. Neighborhoods have been reduced to scrap heaps. An area that was once full of life and activity now looks like a war zone. Among it all, our fellow patriots in the Gulf coast are showing that their resiliency and their spirits have not been broken, even if their homes have. I know that some of you have been to the Gulf coast since the hurricane that has forever changed the landscape. Hundreds were killed. Thousands have been displaced. Much work has to be done and they are up to the challenge, but they need help. When election day comes, it will not be easy for those who have found temporary homes elsewhere, to cast their votes. It will not be easy for them to support and defend the much needed leaders and politicians that will help them recover. By setting up satellite polls in the cities where many displaced Gulf coasters live, we, as a nation, can offer the power of our friendship to the victims, many of whom do not have cars and do not have a legal residence. The most important tool that a democracy gives its people is the ballot. The power to vote puts every American, regardless of race, gender, creed or economic status on the same playing field at least for this one day of the year. It gives everyone the opportunity to defend their rights and interests in their community. It is more important than ever that people, who have lived and hope to soon live again on the coast, have ready access to a ballot and that they're able to choose their representatives, whether they be local or to the Federal Government. They need strong voices and no matter where they may be when election day comes, they need to know that their voice will make a difference for the places that they call home. This opportunity is provided to foreigners in this country. I think that American citizens deserve this opportunity to vote in their local elections. Thank you very much.

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

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

The SPEAKER: The Representative may pose his question.

Representative DAIGLE: Thank you. Elections are a matter of State Government authority. How is it or why is it you feel, and what authority can we expect the Federal Government to do something which is Constitutionally prohibited from dealing with?

The SPEAKER: The Representative from Arundel, Representative Daigle has posed a question through the Chair to the Representative from Lewiston, Representative Craven. The Chair recognizes that Representative.

Representative CRAVEN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a show of support and respect for the people of Louisiana and Mississippi requesting that the Federal Government set up satellite programs for people who are displaced out of their State to be able to vote in local elections. Officials from Louisiana and Mississippi have made those requests without it happening.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

ORDERS

On motion of Representative ADAMS of Portland, the following Joint Resolution: (H.P. 1509) (Cosponsored by President EDMONDS of Cumberland and Representatives: ANNIS of Dover-Foxcroft, ASH of Belfast, BABBIDGE of Kennebunk, BARSTOW of Gorham, BLANCHETTE of Bangor, BLISS of South Portland, BROWN of South Berwick, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CANAVAN of

Waterville, CARR of Lincoln, CLARK of Millinocket, CRAVEN of Lewiston, CROSBY of Topsham, CUMMINGS of Portland, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUDLEY of Portland, DUNN of Bangor, DUPLESSIE of Westbrook, EBERLE of South Portland, EDGECOMB of Caribou, FAIRCLOTH of Bangor, FISHER of Brewer, FLOOD of Winthrop, GERZOFKY of Brunswick, GOLDMAN of Cape Elizabeth, GROSE of Woolwich, HANLEY of Gardiner, HOTHAM of Dixfield, HUTTON of Bowdoinham, JODREY of Bethel, KOFFMAN of Bar Harbor, LERMAN of Augusta, LUNDEEN of Mars Hill, MAKAS of Lewiston, MARLEY of Portland, MAZUREK of Rockland, MILLER of Somerville, MILLETT of Waterford, MILLS of Farmington, MOODY of Manchester, NORTON of Bangor, O'BRIEN of Lewiston, OTT of York, PARADIS of Frenchville, PATRICK of Rumford, PERCY of Phippsburg, PERRY of Calais, PILON of Saco, PINEAU of Jay, PINGREE of North Haven, PIOTTI of Unity, RINES of Wiscasset, SAMPSON of Auburn, SCHATZ of Blue Hill, SHERMAN of Hodgdon, SIMPSON of Auburn, SMITH of Monmouth, SMITH of Van Buren, THOMPSON of China, TUTTLE of Sanford, VALENTINO of Saco, WALCOTT of Lewiston, WATSON of Bath, WEBSTER of Freeport, WHEELER of Kittery, WOODBURY of Yarmouth, Senators: ANDREWS of York, BRYANT of Oxford, CLUKEY of Aroostook, COURTNEY of York, COWGER of Kennebec, DAMON of Hancock, DAVIS of Piscataquis, GAGNON of Kennebec, HOBBS of York, MARTIN of Aroostook, MAYO of Sagadahoc, MITCHELL of Kennebec, RAYE of Washington)

JOINT RESOLUTION COMMEMORATING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF BAXTER STATE PARK

WHEREAS, on March 3, 1931, the former governor of the State of Maine, Percival Proctor Baxter of Portland, deeded to the people of the State of Maine some 5,760 acres of land, including Mount Katahdin, the highest mountain in Maine, known to Native Americans, Maine's first peoples, as the "Greatest Mountain"; and

WHEREAS, over the following 31 years, Governor Baxter presented to the people of Maine 28 further parcels of public park land, totaling some 195,058 acres, acquired through his own perseverance and at his own personal expense, to "show to the people of my native state my appreciation of the honors they conferred upon me in the years gone by"; and

WHEREAS, in 1962, Governor Baxter's final donation of public park lands brought to some 200,000 acres in total those he personally presented to the people of Maine, which, he wrote, "shall forever be retained and used for state forest, public park and public recreational purposes ... shall forever be kept and remain in the natural wild state ... shall forever be kept and remain as a sanctuary for beasts and birds"; and

WHEREAS, in acknowledgement of the enduring spirit of these gifts and deeds of trust thus established, in 1931 the 85th Maine State Legislature named the highest peak of Mount Katahdin "Baxter Peak," and the 105th Maine State Legislature's 1971 statement of purpose proudly established Baxter State Park with the words: "Seldom has a more generous gift been presented to a people than has been given by Percival Proctor Baxter to the people of the State of Maine ..., to preserve the trust impressed upon them, to ensure for themselves and for future generations the fullest use of Baxter State Park consistent with the desires of the donor"; and

WHEREAS, following subsequent gifts and purchases, including the Togue Pond purchase, the Bowater purchase and the Katahdin Lake acquisition, today Baxter State Park comprises some 205,000 acres, making it one of the largest state

parks in the United States and the very largest ever given by an individual; and

WHEREAS, enduring world wars, forest fires and storms natural and political, enhanced by the youthful work of the Civilian Conservation Corps, embraced by generations of visitors from around the world and weathering the world's ever-changing expectations of wilderness, Mount Katahdin and Baxter State Park still stand as symbols of the solitude, steadfastness and independence that is the spirit of the State of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause in our deliberations to recognize and commemorate the determination, foresight and perseverance of Governor Percival Proctor Baxter on this, the 75th Anniversary of his original magnificent and enduring gift to the people of his native State of Maine; and be it further

RESOLVED: That We do reaffirm for the 21st century our gratitude for and dedication to the spirit and generosity of the deeds of gift of Governor Percival Proctor Baxter that endure in Mount Katahdin and Baxter State Park and are expressed for all future generations in his assertion that: "Buildings crumble, Monuments decay, Wealth vanishes, but Katahdin in all its glory, Forever shall remain The Mountain Of the People of Maine"; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the family of Governor Percival Proctor Baxter, to the former and current directors of Baxter State Park and to Baxter State Park Authority headquarters in Millinocket, Maine for display on behalf of the people of Maine, "the Pine Tree State."

READ.

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

Representative ADAMS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is an honor to our traditions that so many members of the 122nd Legislature have wished to join in cosponsorship of this Joint Resolution that additional sheets of cosponsor's signatures have been delivered to the Revisor's Office to be added to the official accounting of this measure which will appear upon our records and in the possession of those who will receive an officially engrossed copy of this Joint Resolution. Very few of us will have the opportunity to bend history itself, but each of us can work to change a small portion of events in our own times, and in the total of all those acts will be written the history of our generation. For three generations, Baxter State Park has preserved for all Mainers one of the most majestic natural wonders of this, our Pine Tree State. It was the gift of one man who had the foresight to see far beyond his own generation. Foresight comes at no small cost. As Legislators, we should know that very well, for in the history of Baxter State Park, our own Legislature in the year of 2006 has played no small role. So each generation plays its part, and now we hand on the gift in turn to our grandchildren and great-grandchildren to enjoy, enhanced by this small commemoration and our wish to them, as Governor Baxter wished for us that they too will know and enjoy this magnificent gift in all the days to come. Thank you.

Subsequently, the Joint Resolution was **ADOPTED.**

Sent for concurrence.

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

An Act To Ensure the Continued Ability of the Maine Economic Growth Council To Produce the Measures of Growth Report and Provide Financial Assistance for Flood Damage (S.P. 744) (L.D. 1946) (S. "A" S-693)

Which was **TABLED** by Representative BRANNIGAN of Portland pending **PASSAGE TO BE ENACTED**.

On motion of Representative BRANNIGAN of Portland, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Senate Amendment "A" (S-693)**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Senate Amendment "A" (S-693)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-1114)** to **Senate Amendment "A" (S-693)**, which was **READ** by the Clerk and **ADOPTED**.

Senate Amendment "A" (S-693) as Amended by House Amendment "A" (H-1114) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Senate Amendment "A" (S-693) as Amended by House Amendment "A" (H-1114)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

The House recessed until 2:30 p.m.

(After Recess)

The House was called to order by the Speaker.

The House recessed for 10 minutes.

(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

Bill "An Act To Increase Access to Health Insurance Products" (H.P. 1285) (L.D. 1845)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on May 24, 2006.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (S-655) - Minority (6) Ought to Pass as Amended by Committee Amendment "B" (S-656) - Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Protect Health Insurance Consumers" (EMERGENCY)

(S.P. 736) (L.D. 1935)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-655)**.

TABLED - May 22, 2006 (Till Later Today) by Representative PERRY of Calais.

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

On motion of Representative PERRY of Calais, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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

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)

TABLED - May 23, 2006 (Till Later Today) by Representative TARDY of Newport.

PENDING - PASSAGE TO BE ENACTED.

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-1085) - Committee on JUDICIARY on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1449) (L.D. 2055)

TABLED - May 22, 2006 (Till Later Today) by Representative SIMPSON of Auburn.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1085)** was **READ** by the Clerk.

Representative SIMPSON of Auburn presented **House Amendment "B" (H-1101)** to **Committee Amendment "A" (H-1085)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative presented **House Amendment "C" (H-1102)** to **Committee Amendment "A" (H-1085)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative presented **House Amendment "D" (H-1103)** to **Committee Amendment "A" (H-1085)**, which was **READ** by the Clerk and **ADOPTED**.

On further motion of the same Representative, Joint Rule 311 was **SUSPENDED** for the purpose of offering amendments.

The same Representative presented **House Amendment "E" (H-1110)** to **Committee Amendment "A" (H-1085)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative presented **House Amendment "F" (H-1111)** to **Committee Amendment "A" (H-1085)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative presented **House Amendment "G" (H-1112)** to **Committee Amendment "A" (H-1085)**, which was **READ** by the Clerk and **ADOPTED**.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-1085)** and later today assigned.

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

At this point the Speaker recognized all members who have served as Speaker Pro Tem during the 122nd Legislature.

The **SPEAKER**: It is my great pleasure to recognize the members of the House who have served this chamber as Speaker Pro Tems. It is with pleasure that I recognize these leaders. I thank them on behalf of all the members of the House for their service to this chamber. As I call your names, would you please approach the rostrum to my right to receive your ceremonial gavel and picture.

Rep. David E. Bowles of Sanford	1/27/5
Rep. Herbert E. Clark of Millinocket	3/1/5
Rep. Deborah L. Simpson of Auburn	3/17/5
Rep. Marilyn E. Canavan of Waterville	5/24/5
Rep. Ronald F. Collins of Wells	6/1/5
Rep. Gerald M. Davis of Falmouth	6/1/5
Rep. Roderick W. Carr of Lincoln	6/7/5
Rep. Joanne T. Twomey of Biddeford	2/8/6
Rep. Harold A. Clough of Scarborough	2/28/6
Rep. Robert A. Daigle of Arundel	3/21/6
Rep. Rosaire "Ross" Paradis, Jr. of Frenchville	3/22/6
Rep. Lillian LaFontaine O'Brien of Lewiston	3/30/6
Rep. William J. Smith of Van Buren	4/3/6
Rep. Charles D. Fisher of Brewer	4/14/5
Rep. Benjamin F. Dudley of Portland	4/6/5; 6/6/5; 4/5/6
Rep. Robert W. Duplessie of Westbrook	5/12/5
Rep. Glenn A. Cummings of Portland	1/25/5; 6/2/5; 3/9/6
Rep. A. David Trahan of Waldoboro	4/27/06

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-619) - Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act Regarding Preferences in Bidding on Maine State Housing Authority Contracts" (EMERGENCY)

(S.P. 742) (L.D. 1943)

Which was **TABLED** by Representative **CUMMINGS** of Portland pending **ACCEPTANCE** of the Committee Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-619)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-619)** in concurrence.

At this point, the House performed the Ceremony of Lights.

The **SPEAKER**: At this time the House will proceed with the Ceremony of Lights. As the Clerk calls your name, please vote green. The clerk will read the names.

The Representative from Boothbay, Representative George R. Bishop, Jr., 2 years of legislative service. The Representative from Topsham, Representative Charles Earl Crosby III, 2 years of legislative service. The Representative from Cape Elizabeth, Representative Connie Goldman, 2 years of legislative service. The Representative from Appleton, Representative Barbara E. Merrill, 2 years of legislative service. The Representative from South Berwick, Representative Richard B. Brown, 4 years of service. The Representative from Scarborough, Representative Darlene J. Curley, 4 years of service. The Representative from Leeds, Representative Rodney C. Jennings, 4 years of service. The Representative from Winterport, Representative Jeff Kaelin, 4 years of service. The Representative from Augusta, Representative Arthur L. Lerman, 4 years of service. The Representative from West Gardiner, Representative Earle L. McCormick, 4 years of service. The Representative from Manchester, Representative Stanley A. Moody, 4 years of service. The Representative from Skowhegan, Representative Maitland E. Richardson, 4 years of service. The Representative from Auburn, Representative Sonya G. Sampson, 4 years of service. The Representative from Bowdoinham, Representative Deborah J. Hutton, 6 years of service. The Representative from Waterville, Representative Lisa T. Marraché, 6 years of service. The Representative from Frenchville, Representative Rosaire "Ross" Paradis, Jr., 6 years of service. The Representative from Van Buren, Representative William J. Smith, 6 years of service. The Representative from Sanford, Representative David E. Bowles, 8 years of service. The Representative from Lincoln, Representative Roderick W. Carr, 8 years of service. The Representative from Scarborough, Representative Harold A. Clough, 8 years of service. The Representative from Wells, Representative Ronald F. Collins, 8 years of service. The Representative from Arundel, Representative Robert A. Daigle, 8 years of service. The Representative from Falmouth, Representative Gerald M. Davis, 8 years of service. The Representative from Portland, Representative Benjamin F. Dudley, 8 years of service. The Representative from Cherryfield, Representative Edward R. Dugay, 8 years of service. The Representative from Westbrook, Representative Robert W. Duplessie, 8 years of service. The Representative from South Portland, Representative Kevin J. Glynn, 8 years of service. The Representative from Bethel, Representative Arlan R. Jodrey, 8 years of service. The Representative from Cumberland, Representative Terrence P. McKenney, 8 years of service. The Representative from Oakland, Representative Robert W. Nutting, 8 years of service. The Representative from Lewiston, Representative Lillian LaFontaine O'Brien, 8 years of service. The Representative from Brunswick, Representative John Richardson, 8 years of service. The Representative from Hodgdon, Representative Roger L. Sherman, 8 years of service. The Representative from Auburn, Representative Thomas F. Shields, 8 years of service. The Representative from Waldoboro, Representative A. David Trahan, 8 years of service. The Representative from Biddeford, Representative Joanne T. Twomey, 8 years of service. The Representative from York, Representative David N. Ott, 10 years of service. The

Representative from Hartland, Representative Vaughn A. Stedman, 10 years of service. The Representative from Portland, Representative Joseph C. Brannigan, 14 years of service.

At this point, pursuant to his authority under House Rule 201, the Chair addressed the House.

The SPEAKER: If you'll bear with me just for a minute. These are words that I and some others helped me compose which I think captures how I feel and certainly, I think, how you feel. I remember on December 1, 2004, I stood here, on the rostrum and, swore an oath before God, and made some pledges to you and the people of Maine.

One of those pledges was that together we would restore the faith of the people of Maine in this institution and restore your faith in the ability that this institution could be inclusive, open, productive and responsive.

A lot of progress has been made since that day. A lot of gavels have splintered. Friendships have been struck and tested and then, I think, made stronger. So much time has passed, and so quickly. And a great body of work has been built by so many hands.

Among our first actions as a new Legislature was to move forward with a Joint Select Committee on Property Tax Reform. We set a tight deadline, and we met it together. We heard the people, and forty days later we passed LD 1.

Together, we set the proper tone for this session that has carried straight through to today. And, when we have disagreed, it has been on the merits of the issue before us. Our actions have restored the people's faith in this institution.

I want to publicly thank Representative David Bowles and Representative Josh Tardy, and Representatives Glen Cummings and Bob Duplessie for leading their caucuses in a way that has made this possible. Without your leadership in the corners, this session would not have been as productive as it has been.

So, since that December morning when we first met, I've shared some stories with you, some maybe even more than once. But please let me repeat one that I shared with you shortly after we were sworn in.

As you know, my dad was a volunteer fire chief and an air traffic controller. When he was ready to retire as the local fire chief, I said to him, "Chief, you're going to miss this place and you're going to be missed." And he replied, "No, John, I don't think so, I think in fact, five minutes after I'm out of here I'll be all but forgotten." I said then, "Well, if that's the case, why did you ever serve?" He said, "John, if you have to ask me that question, then you don't understand the noble aspect of public service."

Today, I understand the meaning of public service, as you all do, but I don't believe that we will be forgotten.

Our good work, not our personalities, will leave our legacy upon this state. And although the Representative from Portland, Representative Adams gave the entire National Public Radio listening audience the impression that we bravely established Moxie as the official state drink before ever going home, we did accomplish a great deal as a body these last two years.

One Hundred and eighty-five years ago the first Governor of the State of Maine had this to say at the first gathering of our state legislature.

"Nothing would afford me so much pleasure as working with you in all measures calculated to promote our general prosperity; so that our fellow citizens may view the present with satisfaction and the future with confidence; and that under the blessing of a

wise and gracious providence the Union of the United States, and the freedom and happiness of Maine's people may be perpetual."

The spirit of those words, on the first day of the first Legislature, still ring true on this day, the last day of this, the 122nd Legislature.

Nothing has given me more pleasure than working with you for this prosperity. Nothing, that is, but the friendships that I have made here. That is the pleasure and that is the prosperity, I think, that you have made possible for me. Colleagues, I do mean that, after today our paths will diverge. But our memories will never depart.

The memories of those friendships found, those handshakes, I think, shared, those hopes made real, will endure long after the momentary differences are forgotten.

Our time shared in the 122nd Maine Legislature will always be a part of our lives. My time in this House will always be a part of my heart.

Here's the good news. Roughly 20 years ago, as a younger man, I had the honor to work for a congressman on Capitol Hill. It happened to be at the same time that the Speaker of the House was Speaker Tip O'Neill. He was retiring from the House seat he held for, I think, 34 years. Working in proximity to that man was an education like no other.

In his memoirs Tip tells of a number of battle stories. If you've read the book, you'll know what I mean. But as he looked back over the highs and lows of that career he had this one thing to say, "I will always be proud to call myself a man of the House."

I feel like Tip did, in many respects. I will always be proud to call myself a member of this House, especially a Speaker of this House.

So, from the bottom of my heart, I thank you for what you have given me. The opportunity to share, the opportunity to serve and the opportunity to be your Speaker of the House.

For all these reasons, and with many more as your Speaker of the House, I bid you all for now a fond and affectionate farewell. Thank you.

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

**ENACTORS
Acts**

An Act Regarding Allocation of the Low-income Housing Credit by the Maine State Housing Authority

(S.P. 742) (L.D. 1943)
(C. "A" S-619)

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.

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

The House recessed until 5:30 p.m.

(After Recess)

The House was called to order by the Speaker.

The House recessed until 7:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-1085) - Committee on JUDICIARY on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1449) (L.D. 2055)

Which was **TABLED** by Representative SIMPSON of Auburn pending **ADOPTION** of **Committee Amendment "A" (H-1085)**.

On motion of Representative SIMPSON of Auburn, Joint Rule 311 was **SUSPENDED** for the purpose of offering an amendment.

The same Representative presented **House Amendment "I" (H-1118)** to **Committee Amendment "A" (H-1085)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-1085) as Amended by House Amendments "B" (H-1101), "C" (H-1102), "D" (H-1103), "E" (H-1110), "F" (H-1111), "G" (H-1112) and "I" (H-1118) thereto ADOPTED.

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

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

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

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker there have been a lot of amendments added to this and I've missed some paperwork, can you tell me which amendment was the one that fixed the spending cap provision from the firefighter bill?

The **SPEAKER**: The Representative from Hampden, Representative Duprey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Auburn, Representative Simpson.

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is no amendment dealing with the firefighter bill.

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. About an hour and a half ago, I remember somebody from the corner saying that there was a spending cap exemption that would be fixed in the errors and omissions bill and a lot of people, I think, voted for that bill under the assumptions that that would be taken care of in this errors bill. I'm kind of disappointed that it wasn't. I guess that's all I have to say about that.

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

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

Representative **DUPLESSIE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In answer to the good Representative from Hampden, Representative Duprey's question, yes there was mention, there was every intent. There was intent and it was followed through with an amendment that

was drafted to do this. Through the process, with the Committee, it takes certain members of the Committee, Committee Chairs and two Committees were involved. Errors and inconsistencies is the Judiciary Committee and the committee of jurisdiction for the legislation was the Labor Committee. The process did break down between the committees and between the two bodies. I actually worked with a few of the members from the other side of the aisle on this. They were fully briefed, had knowledge of what was going on. It went to the other body with me. The process was not going to be able to be completed. We tried hard, and as I said, the amendment was all drafted and ready to go. Sometimes the process between committees and the two bodies get in the way. I offer my sincere apologies to the people that were depending on this. I was depending on it. I did my darnest to try to make it happen. It did not happen. If anyone has questions, feel free to come and talk to me. I'm more than willing to talk to you about it. Thank you.

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. Just a suggestion, I really appreciate the position that the Assistant Majority Leader is in. These things happen sometimes, but this chamber acts separately from the other. If that amendment was put before this body, in some form, and we had the opportunity to act on it and the other chamber did something different, I believe that the situation would be resolved. I fully understand your intent when you said it. I still think we can follow through on that agreement. I believe we should let them act separately if they so choose.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1085) as Amended by House Amendments "B" (H-1101), "C" (H-1102), "D" (H-1103), "E" (H-1110), "F" (H-1111), "G" (H-1112) and "I" (H-1118) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

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

SENATE PAPERS

Non-Concurrent Matter

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

(H.P. 1340) (L.D. 1899)

PASSED TO BE ENACTED in the House on March 28, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-827)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-827) AS AMENDED BY SENATE AMENDMENT "A" (S-701)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Invest in the Future of Maine Citizens

(S.P. 751) (L.D. 1954)

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-586)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-586) AS**

AMENDED BY SENATE AMENDMENT "A" (S-702) thereto in NON-CONCURRENCE.

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

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

(S. "A" S-703)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Non-Concurrent Matter

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

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

PASSED TO BE ENACTED in the House on May 23, 2006. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-703) in NON-CONCURRENCE.**

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

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

SENATE PAPERS

Non-Concurrent Matter

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

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

(C. "A" S-637; S. "A" S-694)

- In House, **PASSED TO BE ENACTED** on May 24, 2006.

- In Senate, **PASSED TO BE ENACTED** on May 24, 2006, in concurrence.

- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 866.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-637) AND SENATE AMENDMENT "A" (S-694) AS AMENDED BY SENATE AMENDMENT "A" (S-704) thereto in NON-CONCURRENCE.**

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

The following Joint Order: (S.P. 866)

ORDERED, the House concurring, that Bill, "An Act To Save the Marine Technology Center and Strengthen Maine's Boatbuilding Workforce," S.P. 746, L.D. 1948, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

READ and PASSED in concurrence. **ORDERED SENT FORTHWITH.**

The House recessed until 8:30 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:

ENACTORS

Acts

An Act To Invest in the Future of Maine Citizens

(S.P. 751) (L.D. 1954)

(S. "A" S-702 to C. "A" S-586)

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

Acts

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

(H.P. 1340) (L.D. 1899)

(S. "A" S-701 to C. "A" H-827)

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.

Emergency Mandate

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

ENACTORS

Emergency Measure

An Act To Ensure the Continued Ability of the Maine Economic Growth Council To Produce the Measures of Growth Report and Provide Financial Assistance for Flood Damage

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

(H. "A" H-1114 to S. "A" S-693)

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. 127 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 Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 1449) (L.D. 2055)

(H. "B" H-1101, H. "C" H-1102, H. "D" H-1103, H. "E" H-1110, H.

"F" H-1111, H. "G" H-1112 and H. "I" H-1118 to C. "A" H-1085)

On motion of Representative SIMPSON of Auburn, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1085) as Amended by House Amendments "B" (H-1101), "C" (H-1102), "D" (H-1103), "E" (H-1110), "F" (H-1111), "G" (H-1112) and "I" (H-1118) thereto.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-1085) as Amended by House Amendments "B" (H-**

1101), "C" (H-1102), "D" (H-1103), "E" (H-1110), "F" (H-1111), "G" (H-1112) and "I" (H-1118) thereto was **ADOPTED**.

On further motion of the same Representative, Joint Rule 311 was **SUSPENDED** for the purpose of offering an amendment

The same Representative presented **House Amendment "J" (H-1119)** to **Committee Amendment "A" (H-1085)**, which was **READ** by the Clerk.

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

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. There's an old saying, "Let's not put off until tomorrow what we can do today." I would like to let the body know that the good Representative from Westbrook had approached our committee with this amendment earlier in the day and as the bill would not take effect until next year, we thought it would be easy to fix in the beginning of the next session. Seeing that that was causing hard feelings in the body, we didn't want to allow that to happen. So, here's the fix. I hope that everyone would support this amendment. Thank you.

House Amendment "J" (H-1119) to **Committee Amendment "A" (H-1085)** was **ADOPTED**.

Committee Amendment "A" (H-1085) as Amended by **House Amendments "B" (H-1101), "C" (H-1102), "D" (H-1103), "E" (H-1110), "F" (H-1111), "G" (H-1112), "I" (H-1118) and "J" (H-1119)** thereto **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-1085)** as Amended by **House Amendments "B" (H-1101), "C" (H-1102), "D" (H-1103), "E" (H-1110), "F" (H-1111), "G" (H-1112), "I" (H-1118) and "J" (H-1119)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

Acts

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

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

(C. "A" S-637; S. "A" S-704 to S. "A" S-694)

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.

COMMUNICATIONS

The Following Communication: (H.C. 475)

STATE OF MAINE

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

May 24, 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 Appropriations and Financial 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	53
Unanimous Reports	45
Ought to Pass	3
Ought to Pass as Amended	3
Ought Not to Pass	39
Divided Reports	6
Received by the Secretary and Clerk Pursuant to Joint Rule 309	2

Respectfully submitted,
S/Margaret Rotundo
Senate Chair
S/Joseph C. Brannigan
House Chair

READ and ORDERED PLACED ON FILE.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to share a passage with you and the House. It goes like this, "Around the corner I have a friend, in this State House that has no end. Yet days go by and weeks rush on, and before I know it a year is gone. And I never see my old friend's face, for life is a swift and terrible race. He knows I like him just as well, as in the days when I rang his bell. And he rang mine, we were younger then, and now we are busy tired men. Tired with playing a foolish game, tired with trying to make a name. Tomorrow I say I will call on Joe, just to show that I'm thinking of him. But tomorrow comes and tomorrow goes, and the distance between us grows and grows. Around the corner yet miles away, here's a telephone call that Joe has died today. And that's what we get and deserve in the end, around the corner a vanishing friend." Thank you Mr. Speaker.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-705)** on Bill "An Act To Provide Funding for Infrastructure for a New Downtown in the Town of Canton"

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

Signed:

Senators:

ROTUNDO of Androscoggin

MARTIN of Aroostook

NASS of York

Representatives:

BRANNIGAN of Portland

CRAVEN of Lewiston

FISCHER of Presque Isle

MILLS of Farmington

MILLETT of Waterford

NUTTING of Oakland

BOWEN of Rockport

CURLEY of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-706)** on same Bill.

Signed:

Representatives:
DUDLEY of Portland
LERMAN of Augusta

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-705)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-705)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-705)** in concurrence.

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

ENACTORS
Emergency Measure

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 1449) (L.D. 2055)

(H. "B" H-1101, H. "C" H-1102, H. "D" H-1103, H. "E" H-1110, H. "F" H-1111, H. "G" H-1112, H. "I" H-1118 and H. "J" H-1119 to C. "A" H-1085)

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. 124 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.

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

Acts

Resolve, To Require the Governor To Submit Legislation for Flood Damage Relief to the 123rd Legislature

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

(C. "A" S-705)

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**.

The Speaker appointed Representative CUMMINGS of Portland on the part of the House to inform the Senate that the House was ready to adjourn without day.

The Speaker appointed the following members on the part of the House to wait upon his Excellency, Governor JOHN E. BALDACCI, and inform him that the House was ready to receive any communication that he may be pleased to make:

Representative BRANNIGAN of Portland
Representative DUDLEY of Portland
Representative CRAVEN of Lewiston
Representative FISCHER of Presque Isle
Representative LERMAN of Augusta
Representative MILLS of Farmington
Representative MILLETT of Waterford
Representative NUTTING of Oakland
Representative BOWEN of Rockport
Representative CURLEY of Scarborough

Subsequently, Representative CUMMINGS reported that he had delivered the message with which he was charged.

Subsequently, the Committee reported that they had delivered the message with which they were charged.

At this point, a message came from the Senate borne by Senator Gagnon of Kennebec of that Body, informing the House that the Senate was ready to adjourn without day.

On motion of Representative WHEELER of Kittery, the House adjourned without day at 11:23 p.m., Wednesday, May 24, 2006.