

# MAINE STATE LEGISLATURE

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

**Volume I**

**First Regular Session**

December 6, 2006 - June 5, 2007

Pages 1-681

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
FIRST REGULAR SESSION  
26th Legislative Day  
Tuesday, April 3, 2007

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

Prayer by Pastor James Weathersby, Second Baptist Church of Islesboro.

National Anthem by Jean Turnbull, Athens.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 631)

**JOINT RESOLUTION EXPRESSING THE LEGISLATURE'S SUPPORT FOR THE INSTALLATION OF WIND POWER GENERATING FACILITIES IN THE STATE**

WHEREAS, the State of Maine has established a reputation as one of the Nation's most aggressive states in preserving and enhancing the environment; and

WHEREAS, the State of Maine has also established a commitment to the health and welfare of its people, and Maine people suffer from the impact of documented unhealthy emissions from industries in states to the west; and

WHEREAS, the health and welfare of current and future generations of Maine children are at risk because of these unhealthy air emissions, over which the State has little control; and

WHEREAS, the United States is inordinately dependent on oil and on the cartel of oil-producing nations; and

WHEREAS, Maine citizens desire and deserve economical means of electrical power, and it is imperative that the State identify and use alternative sources of power generation; and

WHEREAS, the State of Maine is blessed with the potential to become a significant host for wind power generation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature, now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to express our unequivocal support for wind power as a means of producing economical electricity, and we encourage the construction and operation of wind power generating facilities in the State of Maine.

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

**READ** and **ADOPTED** in concurrence.

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**Non-Concurrent Matter**

Expression of Legislative Sentiment in Memory of Leon R. "Stubby" Truman, of Norway

(HLS 161)

**READ** and **ADOPTED** in the House on March 21, 2007.

Came from the Senate **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 142)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

April 1, 2007

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 30-A, §4350, I am pleased to reappoint the following Representatives to the Community Preservation Advisory Committee:

Theodore S. Koffman of Bar Harbor

James M. Schatz of Blue Hill

Robert S. Duchesne of Hudson

Christopher W. Rector of Thomaston

If you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/Glenn Cummings

Speaker of the House

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

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The Following Communication: (H.C. 143)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

April 1, 2007

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 22, §5107-J, I am pleased to appoint Representative Gary A. Connor of Kennebunk to the Long-term Care Oversight Committee.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Glenn Cummings

Speaker of the House

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

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The Following Communication: (H.C. 144)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

April 1, 2007

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 5, §3371, I am pleased to appoint Representative Anne M. Haskell of Portland to the Maine Criminal Justice Commission.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Glenn Cummings

Speaker of the House

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

The Following Communication: (H.C. 141)  
**STATE OF MAINE**  
**OFFICE OF THE ATTORNEY GENERAL**  
**6 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0006**

March 30, 2007

The Honorable Beth Edmonds  
Senate President  
123rd Maine Legislature  
3 State House Station  
Augusta, ME 04333  
The Honorable Glenn Cummings  
Speaker of the House  
123rd Maine Legislature  
2 State House Station  
Augusta, ME 04333

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

Dear President Edmonds and Speaker Cummings:

Enclosed, in accordance with the provisions of 10 M.R.S.A. §1677, is the Attorney General's Annual Report to the Legislature concerning levels of concentration in Maine's retail petroleum markets.

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

Sincerely,  
S/G. Steven Rowe  
Attorney General

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

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The Following Communication: (S.P. 644)  
**STATE OF MAINE**  
**123RD MAINE LEGISLATURE**

March 28, 2007

Sen. Bill Diamond  
Senate Chair, Joint Standing Committee on Criminal Justice and Public Safety  
Rep. Stan Gerzofsky  
House Chair, Joint Standing Committee on Criminal Justice and Public Safety  
123rd Legislature  
Augusta, ME 04333

Dear Senator Diamond and Representative Gerzofsky:

This is to inform you that Public Safety Commissioner Anne Jordan with the advice and consent of the Governor has nominated Lieutenant Patrick Fleming of Fairfield for appointment as Chief of the Maine State Police.

Pursuant to Title 25 M.R.S.A. §1501, the nomination of Lieutenant Patrick Fleming of Fairfield for appointment as Chief of the Maine State Police is subject to review by the Joint Standing Committee on Criminal Justice and Public Safety and confirmation by the Senate.

Sincerely,  
S/Beth Edmonds  
President of the Senate  
S/Glenn Cummings  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY.**

**READ** and **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

The Following Communication: (S.P. 645)  
**STATE OF MAINE**  
**123RD MAINE LEGISLATURE**

March 29, 2007

Sen. Barry Hobbins  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Deborah Simpson  
House Chair, Joint Standing Committee on Judiciary  
123rd Legislature  
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Justice Ellen Gorman of Auburn and Justice Nancy Mills of Cornville for reappointment to the Maine Superior Court. Pursuant to Maine Constitution Article 5, Part 1, Section 8, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,  
S/Beth Edmonds  
President of the Senate  
S/Glenn Cummings  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **JUDICIARY.**

**READ** and **REFERRED** to the Committee on **JUDICIARY** in concurrence.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills and Resolve were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

**JUDICIARY**

Bill "An Act To Facilitate Collection of Money Owed to the State"

(H.P. 1265) (L.D. 1813)

Sponsored by Representative MILLS of Farmington.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

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**STATE AND LOCAL GOVERNMENT**

Bill "An Act To Allow Legislative Pay To Be Set by the State Compensation Commission"

(H.P. 1266) (L.D. 1814)

Sponsored by Representative TUTTLE of Sanford.

Cosponsored by Senator PERRY of Penobscot and Representatives: Speaker CUMMINGS of Portland, FAIRCLOTH of Bangor, PILON of Saco, PINGREE of North Haven, WEBSTER of Freeport, Senator: STRIMLING of Cumberland.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

On motion of Representative BARSTOW of Gorham, **TABLED** pending **REFERENCE** and later today assigned.

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**TAXATION**

Bill "An Act To Create Jobs by Expanding Educational Opportunity for Maine Residents"

(H.P. 1267) (L.D. 1815)

Sponsored by Representative ADAMS of Portland.

Cosponsored by Representatives: FISCHER of Presque Isle, WOODBURY of Yarmouth, Senator MARRACHÉ of Kennebec, Senator MARTIN of Aroostook and Representatives: BERRY of Bowdoinham, CLARK of Millinocket, CLEARY of Houlton, Speaker CUMMINGS of Portland, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, FARRINGTON of Gorham, HAYES of Buckfield, HILL of York, HINCK of Portland, MAZUREK of Rockland, MOORE of Standish, PATRICK of Rumford, PEOPLES of Westbrook, PERCY of Phippsburg, PRATT of Eddington, RAND of Portland, RINES of Wiscasset, THERIAULT of Madawaska, WALCOTT of Lewiston, WEDDELL of Frankfort, WHEELER of Kittery, Senators: BARTLETT of Cumberland, DOW of Lincoln.

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(H.P. 1268) (L.D. 1816)

Sponsored by Representative PIOTTI of Unity.  
Cosponsored by Senator PERRY of Penobscot.  
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the following members of the Mt. Ararat High School "Eagles" Girls Soccer Team, of Topsham, who are the 2006 Kennebec Valley Athletic Conference Champions and the 2006 Eastern Maine Class A Champions: Arianna Anagnostis, Amanda Anderson, Katelyn Kinney, Gillian Lane, Danielle Plourde, Jesica Stahl, Tory Bagwell, Emma Bouchard, Rachel Greenlaw, Alexandra Hauser, Melanie Hoffman, Kelsey Karkos, Courtney Ouellette, Samantha Owen, Molly Parker, Sara Ward, Brittany Murray, Logan Prescott, Emily Zurcher, Gabrielle Bryant, Hannah Fenwick, Erin Fitzsimmons, Kristina Johnson and Brie Martin; and coaches Sam Chard, Lisa Thompson, Steve Schlieper and Dana Houston. We extend our congratulations to the members of the team and the coaching and support staff on their accomplishments;

(HLS 225)

Presented by Representative PRESCOTT of Topsham.  
Cosponsored by Senator BENOIT of Sagadahoc, Representative BERRY of Bowdoinham, Representative GROSE of Woolwich, Representative PERCY of Phippsburg, President EDMONDS of Cumberland.

On **OBJECTION** of Representative PRESCOTT of Topsham, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is a great honor and pleasure that I rise today to recognize the Mt. Ararat Eagles Class A Girls Soccer—Eastern Champions and the state Class A runner-up by one point.

Their coaches, Sam Chard, Lisa Thompson, Steve Schlieper and Dana Houston, have helped to develop these young ladies, as well as their classmates before them, into becoming a

perennial force in Class A High School soccer in the State of Maine.

These 42 student athletes, from Grades 9-12, who attend Mt. Ararat High School comprised of the four towns of Topsham, Bowdoin, Bowdoinham, and Harpswell, are being honored today for their extraordinary talents, athletic ability, team unity, and competitive spirit. They are shining examples of what it takes to be a model student athlete showing determination, sportsmanship, and a dedication to the sport of soccer. It is through these characteristics that they achieved a successful and exciting winning season.

As a long time Eagles fan, a booster supporter, and a true soccer mom, I feel very fortunate to have been able to watch these women grow and mature from the fields of recreation soccer as 5-year-old kindergarteners, to the high school competitors that they are today. These women are champions in every sense of the word and represent their school, families, and community with incredible distinction. Thank you, Mr. Speaker.

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

**In Memory of:**

Howard Eisman, of Lewiston. Mr. Eisman served for 4 years as a signalman on the USS WASP in the Pacific during World War II. He began working for the Bureau of Maine Veterans' Services in 1984 as a Veterans Service Officer in the Lewiston Office. In 1988, Mr. Eisman was promoted to the position of Bureau Supervisor in Augusta. He held the position of Bureau Director from 1994 until his retirement in June 1995. Mr. Eisman will be greatly missed and long remembered for his service to the veterans of this State;

(HLS 226)

Presented by Representative MAKAS of Lewiston.  
Cosponsored by Senator ROTUNDO of Androscoggin, Representative WALCOTT of Lewiston, Representative CRAVEN of Lewiston, Representative WAGNER of Lewiston, Representative SAMSON of Auburn.

On **OBJECTION** of Representative MAKAS of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I did not have the pleasure of knowing Mr. Eisman personally, but I am aware of the many, many people whom he helped during his years in the Bureau of Veterans' Services. In that capacity, Mr. Eisman served as a very effective lobbyist in this building for a number of years.

Among his many accomplishments, Mr. Eisman was one of a small group of people who established the Veterans' Cemetery in Augusta and Veterans' nursing homes through our state. His wife, Gracia, to whom you will be introduced shortly, said that these two successes were Mr. Eisman's pride and joy.

So for these years of service in the military, including World War II, and for his continued service after that, I am proud to offer this sentiment honoring Mr. Eisman Add to that thanks to his family and our condolences on their loss of this generous, kindhearted man. Thank you

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I too add my condolences to the family of Mr. Eisman.

I knew him when I was a former Chair of the Committee on Legal and Veterans Affairs, and had worked with him over the years on many veterans' issues. He was also Vice President of Academic Affairs at the University of Maine at Presque Isle in the 1970's, when I first knew him. He will be greatly missed. He was a great man and he really helped veterans for the state. Thank you, Mr. Speaker.

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

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**REPORTS OF COMMITTEE**  
**Divided Report**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Waive Tolls on the Maine Turnpike for People Who Are Traveling for Treatment of Catastrophic Illnesses"

(S.P. 183) (L.D. 592)

Signed:

Senators:

DAMON of Hancock  
DIAMOND of Cumberland  
SAVAGE of Knox

Representatives:

MARLEY of Portland  
BROWNE of Vassalboro  
FISHER of Brewer  
MAZUREK of Rockland  
HOGAN of Old Orchard Beach  
CEBRA of Naples  
ROSEN of Bucksport  
THERIAULT of Madawaska  
PEOPLES of Westbrook

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

THOMAS of Ripley

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

Representative MARLEY of Portland moved that the House **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had to rush in here because I had several members ask me about this bill in the back. As you can see, it is "An Act To Waive Tolls on the Maine Turnpike for People Who Are Traveling for Treatment of Catastrophic Illnesses." Obviously, we all wanted to address this issue.

The issue at hand is like many of the issues we have with the Maine Turnpike Authority, as far as they are under a Bond Resolution. That really narrows down their options about what they are able to do. They are not able to treat one group differently than the other, it is within their Bond Resolution. Within their Bond Resolution, it speaks, they must be uniform and application to all traffic following within any reasonable class regarding of the status of character of any group included in this traffic. Some of the exemptions are some of the employees of

the Turnpike Authority—the military, emergency vehicles going to accidents, etc.

What our Committee chose to do, the 12 members that are on the Majority side chose to do, was hopefully what many of us try to do, which is to try to address this non-legislatively. That was to direct the Turnpike Authority to work with organizations and agencies that work with groups and people that are suffering from these catastrophic illnesses, and to try to help them secure Trans Passes and find a way to work with those organizations. That way it is aiding the organization, the individuals, and not breaking the bond cap resolution that they are governed by. That is how our Committee chose to do this through a non-legislative measure. We would have liked to address this through legislation obviously, but I think often times the best way is without the Legislature intervening. I hope you will support the 12-1 Report. Thank you.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-24)** on Bill "An Act To Increase the Bonding Capacity of the Maine Turnpike Authority"

(S.P. 104) (L.D. 321)

Signed:

Senators:

DAMON of Hancock  
DIAMOND of Cumberland  
SAVAGE of Knox

Representatives:

MARLEY of Portland  
BROWNE of Vassalboro  
FISHER of Brewer  
MAZUREK of Rockland  
HOGAN of Old Orchard Beach  
CEBRA of Naples  
ROSEN of Bucksport  
THERIAULT of Madawaska  
PEOPLES of Westbrook

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

Signed:

Representative:

THOMAS of Ripley

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-24)**.

**READ.**

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

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This legislation authorizes the increase to the Maine Turnpike Authority's bonding limit, from \$361 million to \$461 million, providing part of the anticipated funding by the Authority to implement long-term capital improvements and maintenance through the year 2020.

It is anticipated that approximately 32 percent of the estimated resources during this period will come from the

bonding proceeds. The remaining 68 percent will come from cash generated through the Turnpike operational. This is basically the portion of the existing Turnpike to modernize and hopefully make it more efficient, so we can get more capacity through that thoroughfare. Thank you.

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

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

The SPEAKER: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative THOMAS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is the bill that will provide the money to widen the Turnpike. We are being asked to allow the Turnpike to borrow another \$150 million to widen nine miles of road. I think that when you look at our transportation needs statewide, that would not have a very high priority, that maybe that would not even be in the top ten.

I am also convinced that maybe we should take a look at combining, consolidating if you will, the Turnpike and DOT. It has been talked about that we could save millions and millions of dollars, scarce dollars that we need to spend on our highways across the state. Raising the debt limit makes it much harder to combine the DOT with the Turnpike.

There has been some talk of leasing the Turnpike. Other states have had very good luck and they have freed up hundreds of millions of dollars to spend on highways. We have a real crisis in our highways across the State of Maine. We need to take a look at what roads need to be fixed. We need to set our priorities. We need to figure out how we are going to raise that money.

I believe that we need to take a look at the Turnpike and widening the Turnpike is one of the last projects that I think a lot of us would have in our top ten or top twenty list. So I would urge you to vote no and let's take a real look at our transportation needs across this state. Thank you.

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

Representative MARLEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We actually heard three bills on the Turnpike—the budget, the widening piece, and then this one. They are somewhat intertwined, but actually the widening piece is going to be in a separate bill, 320 and not 321.

I absolutely want to echo what the good Representative from Ripley said, as far as the transportation needs across the state are vast and great. I think the bond proposal reflects that. That is going to be the first part of addressing that, the long-term fix. He is absolutely right as far as when you look at posted roads, bridge needs, everything—we have great needs. This to address the current Turnpike modernization if you will. We actually have the second half of this proposal, which would be about the widening. There is a diverse group of views on that issue. So I hope you support this LD 321, the Ought to Pass as Amended. Thank you.

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

**ROLL CALL NO. 18**

YEA - Adams, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Conover,

Cotta, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Greeley, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Holman, Jackson, Kaenrath, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, Miller, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pineau, Pingree, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Walker, Watson, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ayotte, Cleary, Cray, Crosthwaite, Curtis, Edgecomb, Gifford, Gould, Hamper, Hotham, Joy, Knight, Lansley, Lewin, McFadden, McKane, McLeod, Pinkham, Richardson E, Richardson W, Thibodeau, Thomas, Vaughan, Weaver.

ABSENT - Connor, Cressey, Jacobsen, Koffman, Makas, Millett, Mills, Perry, Webster.

Yes, 117; No, 25; Absent, 9; Excused, 0.

117 having voted in the affirmative and 25 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-24)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 4, 2007.

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Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County"

(I.B. 1) (L.D. 805)

Signed:

Senators:

MARRACHÉ of Kennebec

BRYANT of Oxford

PLOWMAN of Penobscot

Representatives:

MOORE of Standish

WEDDELL of Frankfort

PINKHAM of Lexington Township

TRINWARD of Waterville

PATRICK of Rumford

TUTTLE of Sanford

NASS of Acton

GOULD of South Berwick

HOLMAN of Fayette

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

Signed:

Representative:

BLANCHETTE of Bangor

**READ.**

Representative PATRICK of Rumford moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned.

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Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Authorize a General Fund Bond Issue for Capital Projects for the Maine Community College System and the University of Maine System"

(H.P. 248) (L.D. 304)

Signed:

Senators:

ROTUNDO of Androscoggin  
MARTIN of Aroostook  
TURNER of Cumberland

Representatives:

FISCHER of Presque Isle  
CRAVEN of Lewiston  
MILLS of Farmington  
CAIN of Orono  
VALENTINO of Saco  
WEBSTER of Freeport  
MILLETT of Waterford  
FLOOD of Winthrop  
ROBINSON of Raymond

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

GILES of Belfast

**READ.**

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

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Authorize a General Fund Bond Issue for Capital Improvements for the Maine Community College System"

(H.P. 461) (L.D. 612)

Signed:

Senators:

ROTUNDO of Androscoggin  
MARTIN of Aroostook  
TURNER of Cumberland

Representatives:

FISCHER of Presque Isle  
CRAVEN of Lewiston  
MILLS of Farmington  
CAIN of Orono  
VALENTINO of Saco  
WEBSTER of Freeport  
MILLETT of Waterford  
FLOOD of Winthrop  
ROBINSON of Raymond

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

GILES of Belfast

**READ.**

Representative VALENTINO of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Finch.

Representative FINCH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak against this motion, Ought Not to Pass, and to urge this House to vote the opposite way.

I was a member of the Education Committee in the 121st Legislature when the Community College bill came before us. I listened for a long afternoon of speaker, after speaker, after speaker, talking about what could be accomplished if we created the Maine Community College System. I remember thinking at the time that they were overselling this. They cannot quite possibly do everything they say they can do, and they are going to eat their words somewhere down the line.

Well, I have eaten my words since because they have done everything that they said they would do, and more. A 45 percent increase in four years, an additional 3,500 students, new programs to provide jobs, jobs that are not somewhere down the road in the future, but jobs that are here right now. The community colleges have been a tremendous success.

We talk a lot in this Chamber about economic development. This is economic development in its purest form. This is economic development which creates jobs now. We hear from companies that there are thousands of jobs out there, jobs that are unfilled because they do not have the trained workers. We hear from the community colleges that they have long waiting lists of people eager to fill these jobs. The bottleneck is that the system currently does not have the facilities to accept these students to train them for the jobs that we know are out there waiting to happen. This bond would help alleviate that logjam. It would open up that chute and allow the creation of more good paying jobs in the State of Maine.

Ladies and Gentlemen, the community colleges have hit a wall. They cannot expand anymore without desperately needed improvements to their infrastructure and facilities. I have seen many of these things myself, buildings where the heating system is so malfunctioning that they have to either cancel or postpone meetings, holes in the pavement of the campuses, etc. This bond is desperately needed now.

Another advantage that this bond bill has is that it is a stand-alone bond. It is a straight up and down vote on what the people of Maine think of our Community College System. Time and time again, we send out bond packages which are just that, they are packages. They are a variety of items lumped together, so you either vote for all or vote against all. Sometimes we hear that that is the only way that we can do it because there are certain things that we put in these packages, and that is the only way that we can get them passed. The community colleges do not need that. They want to stand on their own, on their own merits, and make their case to the people of the State of Maine.

In the past, we have seen bond bills rejected which have several parts to them. Now, why are they rejected? Speculation—we do not know. Are they rejected because the people did not like "x" or "y"? I do not know. But I do know this—I have heard from many people from across this state, and I am sure you have too, that we do not like these packages. We want the chance to vote yes or no on specific items. This bill would give them that chance.

I hope that we will look at this as simply as what it is, a bond package for economic development, a bond package for the community colleges, and a bond package where we will not make that decision, but the people of Maine will make that decision.



What I am asking you this morning is give the community colleges a chance to make their case on their own, by themselves, to the people of Maine and let the people decide. We should not be denying them that opportunity. We should not be denying the people of Maine a chance to speak on this issue. Mr. Speaker, when the vote is taken, I request a roll call.

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

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

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

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I certainly appreciate the comments of my good friend, Representative Finch. It is something that our Committee deliberated on for the last week, 12 hours a day, and we voted 13-0 to have education as a package.

I am sure that my colleagues on the Republican side of the aisle would stand to agree. It was a unanimous Report from our Committee. It will be coming to this Chamber tomorrow, one package. We have an agreement. None of us got everything that we wanted. The number is not everything that we want. It may be too much for some, but we have found the middle ground.

Some of us wanted it over three years, so we could have a sustainable amount of investment. We compromised, we came out, and we now have two years worth of bonding that will be coming to the floor tomorrow.

Some of us wanted it to be over two elections, June and November. Others wanted it to be over four. Yet our Committee, 13-0, compromised over three elections. All of these details will be coming to the floor, but I would ask members of this body to respect our work. This was something that was discussed in our Committee.

It was decided that it would be best to have higher education and the other cultural agencies—the small amounts for them, as well as Maine Maritime University and Community College—as one question, in November 2007. That is a 13-0 Report that will be coming to this floor, so we ask you to respect it and to vote Ought Not to Pass on this Report. Thank you.

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

Representative BLISS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am delighted that my friend, the good Representative from Fairfield, is speaking so compassionately and eloquently, in favor of community colleges.

I, too, believe that they are under funded, that they have grown past all expectation, and that they are certainly a "jewel" in the State of Maine. Something that we in the Legislature should be proud of because we created this system out of a group of trade schools, less than five years ago.

But I trust the work of the Appropriations Committee and I think it is no small feat for the Appropriations Committee to wrestle with all of the bond packages that they had to wrestle with, and come up with not just a report, but a unanimous report that provides some bond money to all of the people that actually asked for it. So, I am content that the Appropriations Committee has done the right thing, or as good of thing that they could do for the community colleges.

I want to remind you however, that less than a month ago I stood up here and talked about the community colleges, talked about the need that the community colleges have, and encouraged you all to sign on as cosponsors to my bill that would increase the funding for the community colleges. A huge number

of you agreed to sign on as cosponsors of that bill, which has not yet received its public hearing or its work session.

So I would encourage the good Representative, and in fact all of you, to come stand next to me when we talk about why the community colleges must have more money in the budget, why we must find some way to increase capacity in the community colleges, to allow people to get the education that they need to move Maine forward. Thank you, Mr. Speaker.

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

Representative HOGAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate all of the comments from all of the Representatives, speaking mostly on behalf of the community colleges. More so, I speak on behalf, in support, of Representative Finch from Fairfield.

I can use an example. The college said that the community college that we have in York, the Wells college that services York—that college instituted a course in Nursing. The year, first year, that they instituted that course, they had outgrown the course. There is that much need for funding. They say that they are in trouble in the sense that they cannot supply the courses and what is needed for York County.

As you know, York County is a very crowded county at this point, but understanding that this is a 21-1 Report and understanding that it is probably going to pass that way, I just had to speak. I felt compelled to speak and let everybody know the need for probably a stand-alone bond because as we go forth, the community colleges are becoming more dominant in education. It is certainly a necessity of education and it is something that we are going to have to deal with.

So, I just appreciate the comments of Representative Finch from Fairfield and certainly all of the others that spoke. Thank you, Mr. Speaker.

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

Representative SAVIELLO: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to support Representative Finch's suggestion that the community college be a separate issue. He certainly has described it, and as some of you, more eloquently than I. I certainly, Representative Bliss, will be there the day of your testimony.

I do respect the work of the Committee. I know that you have put many long hours in, but I think it is very important that this be a separate issue. The university and the colleges together are important, but they are different and service different clientele. Voters need to be able to make this vote accordingly when they go into the ballot booth.

As a Chair of the Rural Caucus, this morning we voted to support this separation and I will vote accordingly. Thank you, Mr. Speaker.

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

Representative VALENTINO: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I certainly appreciate the good comments from our good Representative from Fairfield. I am a very avid supporter of the Community College System, just to the let body know also, just addressing the issue of the stand-alone on that.

As the good Representative from Presque Isle mentioned, we are putting some of you have already seen what came out of Committee last night, others may not. This is going on a total question for education, which has paired the community colleges, the University of Maine, and Maine Maritime together.

We also decided to put it on the ballot in November of this year. One of the reasons being is that the citizens' initiative,

Opportunity Maine, is going to be on in November. There are going to be a lot of college students that are coming out that will be voting on this. We felt very strongly that this education portion should go on in November, when it has the best chance of passing.

I feel that people will come out and vote on an entire package for education, having it combined with the University of Maine, Maine Maritime, it is drawing from all over the state. I think we worked very carefully on trying to craft this, to put in the best possible language where it will be passed, putting it on in November where we are going to have the greater amount of people coming out there, a lot of youth coming out to vote for the Opportunity Maine citizens' initiative.

I would hope that this body would go along with the Majority Report of the Ought Not to Pass on that. Let it go in under a total education package. Let it go in November with the package when it has a really good chance of passing. I would hope that you follow our light on that. Thank you very much.

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

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a member of the Appropriations Committee and I am the lone vote here on the Minority Report, so I did want to speak to this.

While we were reviewing nearly \$2 billion dollars in bonds, we did review this and I am a firm supporter of higher education, including the University of Maine System and the Maine Community College System, which do a beautiful job for us in this state.

I voted in support of this for two primary reasons. One, I had hoped to see some funding directed towards the community college at this level. Also, I felt it important—we had discussed it in the Rural Caucus and felt it was important, to put on the ballot a separate vote for the Maine System and the Community College System.

As I rise now, I continue to support that concept, but I know the need for working together and the need for compromise. I support Representative Fischer and his comments. It was a unanimous vote last night for the ballot, as for the bond we have it in that, I will support. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will try to be brief. I know we all support the community colleges and what they have done. They have been a success and I think we should recognize success and keep investing in success.

At the same time, I recognize the long hours and great work that our folks on Appropriations have put forth and brought forth a responsible package so that we can keep Maine moving, but I would ask you to consider this. Our community colleges are serving a portion of our population that has traditionally not had access. As such, I think we need to treat them in a certain way, to allow the people of the State of Maine to make a clear and distinct choice.

We all read about Brookings and one of their key principles is Maine needs to make strategically, targeted investments. Now, I am not against the University of Maine System. I am not saying that we should not have that on the ballot. I think in this case, we are at a point where the enrollment has grown so significantly and the funding has not kept up with that, that we need to have a strategically, targeted investment. I would hate to think that we repeat what happened about a year ago when the Education Bond Package was not passed. I am not sure that we can afford to take that risk again

I think the voters in Maine will support the Community College System and I think that we need to give them that clear and distinct choice. So let us break away from what we have done in the past—lump things together and hope everything kind of slides through—and make a clear decision point for the voters, when they vote on community colleges. Thank you very much for your time.

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

Representative **FISHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I concur with my good friend, the Representative from Presque Isle, Representative Fischer—the younger—that the package that was put together by the Committee after great discussion, should go forth.

Very often what we do here is plant seeds, seeds that will grow in future years. The discussions from the good Representative Finch and others today about funding the Community College System are very important. They are the most rapid growing sections of our educational community, the grassroots to higher education for some many people here in the State of Maine.

Let us not forget that we have cast the seeds today and the next time this comes up, support a stand-alone bond for the Community College Systems. Thank you.

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

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the good Representative Finch and his proposal for a stand-alone bond for the community college. As many of you know, based upon my past record, I rarely support bonds. However, this one is so necessary for the continued expansion of our Community College System.

Two years ago, we had a bond issue where it was lumped together with the University of Maine. All of the people that I talked to who voted against that particular bond package, did so because it was not for the community college alone. Had it been for the community college alone, it would have passed without any question at all.

Now here again, despite all of the hard work that has come about, we have a packaged assembly that is going out again. Also, the position on the ballot may have been bad, too, because that was the last issue on the ballot—that was the only one that was turned down.

So please join with Representative Finch, follow his light, and let's get this bond package out there for the community colleges. Thank you.

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

Representative **EMERY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I had no intentions of rising and speaking in support of Representative Finch initially, but giving this further consideration I would like to offer a practical reason why we would want to support Representative Finch.

We have a Boat Building Marine Trades Education program in the Community College System, although it is a small program. The boat building, or manufacturing industry, is the only manufacturing industry that has grown in the State of Maine in the last four years. We have an opportunity to host a big manufacturing operation for tugboats in Bucksport. The owners of the company are currently looking for properly trained people to work in this trade. They are looking at the community college as a possible training facility. Perhaps two years ago, if we had the sufficient funding for the Community College System, we would probably see the Boat School in Eastport still up and

running, or improving its curriculum and looking to attract more students to their program.

So I would support Representative Finch on the real, practical basis that it would go to help our boat building industry, by the way of marine train education. So this money would go to that purpose and I would support Representative Finch. Thank you.

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to briefly rise and first of all, I want to echo the comments of everybody who has spoken before me. I think this entire Legislature and Legislatures that have preceded us should feel good about the work we have done—creating the Community College System. It is exploding with students. It is something for us all to feel excellent about, but I want to rise just on a process question.

Over the last five days, the Appropriations Committee has worked incredibly hard in a bipartisan way, to bring us a bond package that we can all feel good about. We will hopefully be voting on that bond package tomorrow. It made significant investments in all parts of our state, through the University System, through the Community College System. I think that we should feel good that this Appropriations Committee has actually increased the amount. Both the Community Colleges and the University System will receive over what the Chief Executive proposed.

While most things in the bond package were decreased, the Appropriations Committee felt that it was so important that those two items were increased. I think that this vote, while I think that all of us want to vote in favor of the community colleges because we all support the community colleges, this is not a vote about whether or not you support the community colleges. This is a vote about protecting the Appropriations Committee process, protecting the Committee process that every single one of us will work hard on—the Committees that you are all a part of.

I just also want to make a point that this discussion, and I know a lot of this discussion happened in the Appropriations Committee, about pitting our University System against our Community College System. I think every member of this House represents people who go to the university, who go to the community colleges. Both of those systems are under incredible financial pressure. I think those issues will be dealt with in the budget.

In order to get more students into the Community College System, they require more funding. In order to avoid tuition increases at the University System, they require more funding. Both of these are going to be important discussions in our budget process, but I would urge the members of this House to vote Ought Not to Pass on this bill—not as a signal to whether or not you support the Community College System, but in support of a very important bipartisan process that has happened in the Appropriations Committee over the last couple of days. Thank you, Mr. Speaker.

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

Representative **TARDY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support the pending motion. I am going to be voting to accept the Majority Ought Not to Pass Report.

I would like to thank the Appropriations Committee for their work. I would like to thank the members of Democratic leadership, and you Mr. Speaker, for your work. I look forward to, hopefully, sometime in the next 24 hours, being able to vote proudly for a Community College System. That is going to be the right part of the process to do that.

I really appreciate the comments about process. I appreciate the comments by my friend from Presque Isle. It really is important for us to preserve that process and to keep this rather robust package that has been negotiated, in tact. There will be a time to support the Community College System.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Finch.

Representative **FINCH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just very, very briefly. I am sitting here thinking of the old line from the Wimpy in the comic strip—"I will gladly pay you Thursday for a hamburger today." We hear a lot of talk. We hear a lot of people say, "We will take care of you later." This vote gives us a chance to take care of us now.

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

#### ROLL CALL NO. 19

YEA - Adams, Austin, Babbidge, Barstow, Beaudoin, Beaulieu, Berry, Berube, Bliss, Boland, Brautigam, Browne W, Bryant, Cain, Campbell, Carter, Casavant, Cebra, Conover, Cotta, Craven, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Faircloth, Farrington, Finley, Fischer, Fisher, Fitts, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Holman, Hotham, Jackson, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McKane, Miller, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson E, Richardson W, Robinson, Rosen, Samson, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Tuttle, Valentino, Wagner, Walcott, Walker, Watson, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ayotte, Beaudette, Blanchard, Blanchette, Canavan, Chase, Clark, Cleary, Cray, Edgecomb, Emery, Finch, Fletcher, Gifford, Haskell, Hogan, Joy, Lansley, McFadden, McLeod, Rines, Savage, Saviello, Schatz, Sutherland, Trinward, Vaughan, Weaver.

ABSENT - Burns, Connor, Cressey, Jacobsen, Millett, Mills, Perry, Webster.

Yes, 114; No, 29; Absent, 8; Excused, 0.

114 having voted in the affirmative and 29 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

#### CONSENT CALENDAR Second Day

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

(S.P. 187) (L.D. 596) Bill "An Act To Repeal the Laws Governing Long-term Foster Care"

(S.P. 102) (L.D. 319) Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 2008" (C. "A" S-23)

(S.P. 108) (L.D. 336) Bill "An Act To Reauthorize the Community Preservation Advisory Committee" (C. "A" S-22)

(H.P. 432) (L.D. 554) Bill "An Act To Amend the Shellfish Laws"

(H.P. 457) (L.D. 590) Bill "An Act To Amend Certain Requirements Applicable to Insurance Producers"

(H.P. 674) (L.D. 889) Bill "An Act To Allow Apartment Building Owners To Prevent Damage to Property in the Installation of Over-the-air Reception Devices"

(H.P. 825) (L.D. 1132) Bill "An Act To Make Technical Changes to the Maine Municipal Bond Bank Laws"

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

**BILLS IN THE SECOND READING**

**Senate**

Bill "An Act To Continue To Allow Public Retiree Organizations Access to the Maine State Retirement System's List of All State Retirees" (EMERGENCY)

(S.P. 229) (L.D. 712)

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

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

**UNFINISHED BUSINESS**

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

Bill "An Act To Provide Greater Information Pertaining to the Health of Maine Children"

(H.P. 1241) (L.D. 1774)

(Committee on **HEALTH AND HUMAN SERVICES** suggested)  
 TABLED - March 29, 2007 (Till Later Today) by Representative FINLEY of Skowhegan.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-42)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Contract Out the State Single Audit"

(H.P. 272) (L.D. 342)

TABLED - April 2, 2007 (Till Later Today) by Representative HAYES of Buckfield.

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

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. This is my bill. I brought this forward for two reasons. The first would be to save the state money. State Department of Audit no has a biennial budget approaching \$3 million and their job, according to our auditor, when asked by a Committee member what other functions they perform, that is was almost entirely to perform the Single State Audit. Single State Audit is a requirement in the Federal Government.

The State of Kansas for example, with a population twice that of Maine, contracts their Single Audit for a three year period for \$300,000. Maine does it for two years for \$3 million; Kansas does it for three years for \$300,000.

Now, I want to just read a little bit of the testimony from Ed Karass, the State Controller. He told the Committee that it would cost an estimated \$750,000 to have the Single State Audit conducted by an outside firm. The audit would encompass approximately \$6.5 billion in revenues and \$6.7 billion in expended funds. To put this in perspective, Massachusetts contracts their financial statement at a cost of \$1.9 million, which encompasses the audit of approximately \$39 billion—six times the State of Maine—for only a little bit more.

The additional work that the Department of Audit does, could certainly be absorbed by any number of fiscal offices that we have in the state including the State Controller, the Fiscal Office, the Office of Program Evaluation and Government Accountability, the state Department of Administrative and Financial Services, the Federal Inspectors General and because of the Government Evaluation Act, self audits that are now required of departments.

The second, and probably a more important reason that Maine should contract out the Single State Audit, is objectivity. It is imperative that any financial audit, whether in business or in government, be independent and objective. It is essential that the people paying for that audit believe in the process. I just want to read a little bit from the testimony of the Chief Auditor for the Massachusetts Turnpike Authority. I quote, "the assurance and adherence to the independent standard is unquestionably, the most critical audit practice to maintain, in order to provide the highest degree of confidence in the integrity and objectivity, when auditing government entities."

Several years ago, the Comptroller General of the United States defined in the independent standard as being applicable in the following way—in all matters relating to audit work, the audit organization and the individual auditor, whether government or public, should be free both in fact and appearance from personal, external, or organizational impairment to independents.

In practical terms, what does this mean? Well, if a former legislator becomes the auditor, there are any number of extenuating circumstances which could compromise the ability of the state auditor to remain in appearance, independent and objective, in the course of performing the Maine Single Audit.

For example, will the audit cover any areas involving the review of any legislative requirements or provisions, in which the state auditor previously voted on, or even sponsored as part of the legislative process or the lobbying process?

Did the state auditor, during their legislative tenure, express opinions or take positions with respect to the funding or spending of public funds, in any area or program, to be covered by the state Single Audit?

When a legislator, did the auditor communicate in the public record or indicate in the media a specific bias or stated preference for the particular views or convictions of any group or organization who's funding, and or financial support by the state, would come under review of the Single State Audit?

In Maine, one political party always chooses this position and whether it is justified or not, it will continue to erode the public trust resulting in a further skeptical and cynical electorate. This would be especially so, if the auditor happened to have been opinionated in any way in his or her former political life. We have been fortunate so far in this state to have had so many qualified and unprejudiced state auditors. This might not always be the case. One can only imagine 50 years from now, when our grandchildren are in these seats, the possible scenarios of an

unscrupulous controlling party, appointing puppet constitutional officers.

Now, there is a fiscal note with this bill. It surprised me and I have an amendment to deal with that, should this pass. There will be substantial savings to the State General Fund. Mr. Speaker, I ask for a roll call when the vote is taken. Thank you.

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

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

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Majority Ought Not to Pass Report that came from my Committee.

At this time, we have a system in which our state auditor, as you may remember first-termers or those that have been here for several terms, we elect the state auditor and the person who will manage that office from the Legislature.

I have spoken often in my Committee about the three points in which we have financial and fiscal responsibility accounted for—that being the State Auditors' Office, the Office of Program Evaluation and Government Accountability, and the State Controller's Office. Two of those three are directed by the Legislature in their actions and overseen with regard to their actions. The third is in the Executive branch and helps to manage with the day-to-day operations and accountability.

I personally have full faith in all three of those points, and further believe that the process that we have had set up for decades with regard to the choosing of the state auditor, and the oversight and balance of power where the auditor is chosen by us as a Legislature and oversees the departments of the Chief Executive. I think it is the responsibility of us to make sure that the balance is there. Frankly, I think that has worked. The bill that was presented to us is a solution that is in search of a problem.

The auditor provides other necessary functions beyond the Single State Audit. We often bring them in for expertise with regard to other bills that are pending before our Committee, within our jurisdiction, and other bills that are before us. I know that there is one specific project that the Auditor's Office did excellent work on this past summer, in which they created a model chart of accounts for all three levels of government, to implement voluntarily at their choosing. So that is if you were looking at, for example, human resource expenditures at the municipal level. That could be compared with similar expenditures at the county level, and the same at the state level, so that we can start comparing apples to apples when trying to find savings and making fiscally responsible decisions.

It should further be noted, as it states in the fiscal note, that if we do make this change, we look to lose approximately \$1.5 million in Federal funds that are used currently to carry out the Single State Audit and for us to be in compliance with Federal Standards of Auditing, with regard to our Single State Audit.

It is my hope that by passing this pending motion, we will keep the system in tact as it is and that our children and grandchildren and the next generations that do sit in these seats, will not have a problem or need to find a solution to a problem that currently does not exist.

In order to maintain the accountability and the principles of democracy that have not changed since the inception of this system, I urge my colleagues to vote for the Ought Not to Pass motion that is before us. Thank you, Mr. Speaker.

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. Just a few things to remember.

Kansas, twice the population of the State of Maine, does their Single State Audit for less than a tenth of what Maine spends. Massachusetts, six times the budget that we have in Maine, spends approximately the same amount for this federally required audit.

Also, we have to remember the possibility in the future of bias. That is probably the most important thing of all. Mr. Speaker, if you could have the Clerk read the Committee Report, please. Thank you.

Representative McKANE of Newcastle **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to speak in support of Representative McKane on this issue.

I come to you really as a businessperson and a banker, one who has been involved with financial reports and seeing them for the last 30 years. Quite honestly, when I became a member of this House, I was surprised to see that the state does not have an external audit. This is not speaking negatively at all towards the internal people in the department and the quality of work that they do. What I am speaking to, is really what they are being asked to do. The employees of that department are being asked to audit themselves and audit their employer.

If you want a true independent accounting and a true independent certification of the financial status of the state is, you need to go to an external accounting audit. That does not mean that you do not have internal people doing some sort of level of auditing work, but the independent accounting is so important from an independent certification.

I would also say, too, and I will speak to Representative Barstow on his comment that the overseer or department manager there, this it is an elected position. While that may be important, one concern is that there is no requirement that that elected official be a CPA themselves. I would think that it would make good sense, good business sense, for us to consider this—Representative McKane's recommendation—so that we do have as towns, cities, and school districts, other municipal governing bodies are required to do, is to have an external audit for their books. Thank you.

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

#### **ROLL CALL NO. 20**

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Cain, Canavan, Carter, Casavant, Clark, Cleary, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Jackson, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Holman, Hotham, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Moore, Muse, Nass, Pinkham, Plummer, Prescott, Richardson D, Richardson E, Richardson W, Robinson, Rosen, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Burns, Connor, Cressey, Emery, Fisher, Hogan, Jacobsen, Millett, Mills, Perry, Rector, Webster.

Yes, 81; No, 58; Absent, 12; Excused, 0.

81 having voted in the affirmative and 58 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-37)** - Minority (3) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Reduce the Size of State Government by Four Percent

(H.P. 434) (L.D. 556)

TABLED - March 29, 2007 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Representative BARSTOW of Gorham moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative JOY of Crystal **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

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

Representative JOY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is always difficult to rise and speak in opposition to my Committee Chair. He has his views, but on this on I think that I have my views too. I would like to present my side of the issue to you.

Two terms ago, I put in a bill to reduce the size of State Government by 10 percent. Two years ago, I put one in to reduce it by 5 percent. This time, on the advice of a colleague, I put it in to reduce a Resolve rather than a bill, to reduce the target that we shoot for to 4 percent.

In the process of presenting the bill, the Commissioner and the Assistant Commissioner were there. They informed me that they had already adopted a target of 5 percent with each of the agencies, when they were developing their budget. I suggested that perhaps it would be a good idea to put my 4 percent on top of that and shoot for 9 percent. Well, the Deputy Commissioner informed me that 7 comes before 9 so I said that I will buy that.

Ladies and Gentlemen, this is not a mandate. It is a target for us to use when we are trying to develop our budgets. The Commissioner assured me that they review all of the proposals that they get, plus the 5 percent proposals. If there are no cuts that are possible, then they waive the 5 percent and go with the offer that was made by the agency. They do not reduce to the point where they reduce services.

I had very good support from both sides of the aisle on this issue, and from both of the Representatives from the other body. I think that is always important to set targets higher than we know that we can possibly reach and be shooting for those all of the time.

I recall in many of my experiences where we are asked to set goals, we always set those goals higher. When we reach them, we go higher and even higher. It has enabled many people to achieve things that they never could have achieved before. I think it is very important that we set this as a new goal for us to reach, when we are trying to do our budgets.

In fact, one of the members on the other side of the aisle has pointed out on a couple of occasions that we cannot reduce taxes until we reduce spending. That, of course, is a philosophy that I do not think is arguable.

So I hope that you will defeat the pending motion and support the Majority Report of the Committee, which was a 10-3 vote. Thank you very much.

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let me first thank the Representative from Crystal and the ranking member on my Committee, for the hard work that he does as an individual legislator on behalf of his party, to try to find fiscal efficiencies and savings, both in our Committee jurisdiction and also for the overall welfare of State Government. It is greatly appreciated and bipartisanly I can say that our Committee has done the best that we can, to try to find fiscal responsibly and savings within our jurisdiction.

On that note, I do rise in support of the Ought Not to Pass motion that is before us. It is my feeling, and I would imagine those of my colleagues on the 16 other Committees, that we are looking for savings as much as possible. I know that the Appropriations and Financial Affairs Committee specifically, is looking for wherever they can find savings within the current biennial budget that is before us for consideration, this session.

I think if we are to try to find savings and exercise our ability to find 5 percent or 7 percent or whatever the percentage may be, we need to look more at improving the ability of our jurisdictions and our Committees, to find savings within our jurisdiction. What we are doing with this bill is we are looking to increase to 2 percent, on what the Chief Executive has asked for, and looking for 5 percent for cuts within the existing budget. I know that our Committee has been divided with regard to find that 5 percent as well.

Where we have looked to achieve savings, combining all Information Technology for State Government in a new Department that will be in our jurisdiction and also, combining the Bureau of Employee Relations and the Bureau of Human Resources, into one Bureau, in the Department of Administration and Financial Services.

I know our Committee has also looked to say we need to put more money into capital improvements for our state buildings. We need to look at investing money in our State Complex and in the Archives, specifically, and other services that are necessary within our jurisdiction.

I think finding ways to improve the process for Committees to look beyond the bills that are referenced to us, and look beyond the budget recommendations that we need to specifically look at it in a hurried amount of time—trying to find a way to engage us beyond that and try to find creative ways to deliver services that Maine people need and deserve. That is where we should be looking, rather than passing a resolve that may end up costing us more than the savings that we may achieve in finding that 7 percent.

The accountability and responsibility is on us already to find cuts. I believe that we have not exercised it to the fullest. I would argue that we should look beyond the redundancy of asking for this percentage. Look beyond what may be a negative morale

change, on top of an already overburdened state employee base. Let's work together to find a solution that is progressive, with regards to engaging legislators, and engaging our Committees to do the work that we are charged to do. I urge you to vote for the Ought Not to Pass motion. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Turner, Representative Sirois.

Representative **SIROIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I hate to oppose my Chairman, but I feel I need to speak on behalf of the Majority Report and oppose the Minority Report.

I think what Representative Joy was talking about, when he said we need to cut spending if we want to cut taxes as well. I think we need to look at our own House. If we expect schools to consolidate, cut administration, save money, and the same with communities, we need to do as much as we can in State Government and in the Legislature.

This bill, I believe, just says that we are going to try our best and we are going to raise the bar a little bit. I just believe that we need to do that.

We had another bill before us proposing a commission to try to come up with a savings of \$30 million in State Government, which is a takeoff of the Brookings Institute that feels we can save between \$60 and \$100 million, basically looking at administration and avoiding duplication of services.

So, I just believe that this is the right way to go. I am in opposition of the Minority Report. Thank you, Mr. Speaker.

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

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. First, I apologize for having to stand to speak twice today. The one from my Committee, it is certainly easy to stand and speak about. This bill is not about my Committee. That is actually why I am rising today. I have heard a lot of people in the halls saying this is about the Appropriations process, this is what you folks should be doing—we are already doing those things.

The reason that this is not about the Appropriations process is because it is about all of your policy committees. It is not about my Committee. This bill is not about my Committee, nothing to do with it whatsoever. We deal with budgets in our Committee, but this bill is not about our Committee. It is about the other policy committees here in the Legislature.

During the budget process, all of you are brought into our Appropriations process. All of you come and sit with us. Sometimes you sit with us and you just want to leave. Especially, the friends of mine on the BRED Committee know that we were here one night, hearing about what people from the business community and the economic development community thought about the Chief Executive's budget.

We sit together and we work together down there, and then all of you go back to your policy committees and you work together to see what is best within your jurisdiction. I think it is a great process that we have because it gives all of you a voice and how we come together on a two-thirds budget at the end of the day.

So the reason why this bill is about all of your policy committees is because I want you to go back for a moment in your minds, for what it is like when you were giving us reports in the Appropriations Committee about those items in your jurisdiction.

I want the Criminal Justice Committee to think for a moment about what is was like to hear about prisoners sleeping on the floor of the Maine State Prison and in other prisons across the state, hearing about the plight of the good men and women who work in those facilities. I want you to remember that because this

says this is not even taking this cut into consideration. All of that right there, that will get worse with this bill. You are being asked to say you can do 2 percent more.

If you are on the Judiciary Committee and you have been sitting and trying to find a way to get more court security. They are saying with this bill, well it is not that there is not enough court security, but we need you to get rid of some of what you already have. You need to find 2 percent savings in your policy committee.

On the Insurance Committee, for instance, you are grappling with this merger of DECD and Professional and Financial. They are saying not only do you need to do that because that is already in the Chief Executive's budget, you need to do more. You need to do 2 percent more.

So all of you can go through what it has been like on your Committees, to come to just the point of where the Chief Executive's budget is. This says that you need 2 percent more than that because the Chief Executive has already done 5 percent. That is what I think that we all need to remember as we come to the conclusion we will on this bill, that this is about all of your policy committees, about having to go and do more than the difficult work that you have already done. Thank you, Mr. Speaker.

Representative **RINES** of Wiscasset **REQUESTED** that the Clerk **READ** the Committee Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise to disagree with my Chair with a bit of trepidation, but I know we will still be buddies when we are done.

I would urge you to read this LD because it does not ask to necessarily cut essential services, but frankly, we are looking at revenues that are not meeting projection. We are not going to be able to pay for everything that we thought we would be able to pay for. This asks the folks who are in the trenches day-to-day to better direct our cuts, than that which we may come up with doing our part-time legislative job. It is simply asking for their input, recognizing that we have a short fall.

If you read the text of the Resolve itself, I think it makes that clear. We are not looking at making additional cuts in those monies necessary to meet the essential mission of the agencies, but asking from the inside perspective where those cuts might be made. Thank you very much, Mr. Speaker.

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

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

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

Representative **VAUGHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The question is, just to make sure we are all on the same page, are we talking about reducing the size of government or the size of the projected growth of government? Thank you.

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is looking to reduce the size of government as it exists presently, not the growth in the future.

I would also like to add that there are other bills within our Committee's possession that look to establish commissions at

reducing the size of government also, that may achieve the same ends of this bill within legislative authority. Thank you, Mr. Speaker.

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

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to speak in support of my Chair, Representative Barstow, and I will tell you why.

I am a freshman legislator, but we have seen a number of the different departments come before us on the State and Local Government Committee. They seem to have tried very hard to make cuts all along for some time.

One of the things that I have noticed just very recently is that some are just trying harder than others are, perhaps. Decisions are being made, sometimes more responsibly than others, just trying to reach that goal.

For instance, the other day we had a department from the Health and Human Services division come before us. They represented a lot of people who were right on the ground, working with people who needed TANF and MaineCare and things like that. They had stickers on them showing how many cases they were carrying—775, 850—that sort of thing. That represented maybe seven people within a family with different sorts of needs.

What I found out in talking with them is that that department has been cut so much, that the turnover is nearly 100 percent. Now what does that cost the State of Maine, when people are so overloaded with work that they keep turning out of the job and we have to rehire them?

In this particular case, it takes three months to train them at a university. They can only train them when the course is ready, when it meets the agenda of the university. We have also, these people telling us that basically they are all on tranquilizers and everything else, they are having sick days. It costs us money to push people to cut more than they really can.

I think the question really has to be, as was stated before, what decisions are being made and how are they making them? So I really am concerned that some of these departments are going to suffer terribly. Thank you.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think the Legislature as a whole, the 123rd, needs to only remember a year and a half ago when we put a new computer system in the Department of Motor Vehicles. Every one of you had friends or relatives, or maybe unfortunately it might have been yourself, that had to go to the Department of Motor Vehicles to renew your driver's license or register your car. You had to take the whole day off from work to do it because the computer had snafus that the department could not handle.

Several years ago, the Department of Motor Vehicles made a conscientious choice to go to part-time help. Well, the old saying—no, I will not say that because I will not cast dispersions against the hardworking people in Motor Vehicles—but there is a loyalty, a work ethic, and a job security that comes with full-time employment. These people take pride in their job and they do it very well. I am not saying that anybody that is not full-time did not do their best—they did. But now you are being asked to cut another percentage or two, or up to 9 percent, off the staff that operate the State of Maine.

The good Representative from Presque Isle, Representative Fischer, made reference to the Criminal Justice Committee and what the shortages are that we are facing within our correctional

facilities. If it was just the state correctional facilities, you might say—well maybe, nah, whatever—but it is not. It is statewide and in every correctional facility that is run either by your county government or by the state.

We have a shortage of personnel. We have a dramatic, drastic, dangerous shortage of personnel in the Department of Corrections. I have prisoners laying on the floor down in the State Prison and the guard has to walk through them. Have you ever seen anybody that has been attacked with a shiv that has been made out of a toothpick, a toothbrush? Not pretty, especially when they are coming from the ground up on a guard. This is a bloody, nasty mess that we are in—if you cut anymore out of the size of Martin Magnusson's corrections budget, you are in a problem.

We are meeting today with the Department of Corrections to decide. This Legislature and Committee that I serve on, is going to have to decide whether we are going to take prisoners that are our responsibility and board them out in Colorado or Utah, or wherever we can find a bed for them.

With every prisoner that we house and every person that is convicted in this state, there is a family attached to them. Contact and communication between prisoners and family, have proven over the years to be the best deterrent that we have for repeat offenders.

Do not—do not—be taken into the hoax that if we reduce the size of state government by more, we are going to be able to function as efficiently as or even more so than we do now. It cannot happen. It just absolutely cannot happen.

Lives are on the line, especially through my Committee, lives are definitely on the line. Lives are on the line through the Department of Health and Human Services because when you have a stressed out caseworker, somebody is not going to get the attention that they need.

I only need to bring you back a few years to the Logan Marr case. This was a case, where a caseworker dropped the ball and did not follow through because the little girl's foster mother was a former social worker, within the Department of Health and Human Services. Those are costly mistakes that should not happen, but they will happen. The more work that you put on the people, the more open you are to accidents that lead to death and destruction.

So, I urge you to go with the good Chair of this Committee, and vote for the Minority Ought Not to Pass Report. Let us do what is right and protect the people that we were sworn to serve in this Legislature. Thank you.

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

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is a tremendous misconception that is being put forth about this bill. It is not to mandate a cut anywhere. It is only to give the departments a target to look for efficiencies. If those efficiencies do not exist, or if services would have to be cut, then those things are waived just as they are today. It is not about that. It is about seeking efficiencies wherever they might be.

If we really look around, I am sure that in many of our departments, they will find efficiencies that perhaps they can do things differently. So it is not about cutting anybody. It is about a study to see where the efficiencies might be. Thank you very much.

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



**ROLL CALL NO. 21**

YEA - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Canavan, Carter, Casavant, Cleary, Conover, Craven, Crockett, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Harlow, Haskell, Hogan, Jackson, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Percy, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Samson, Silsby, Simpson, Smith N, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Dill, Driscoll, Duprey, Edgecomb, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Hayes, Hill, Hinck, Holman, Hotham, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Moore, Muse, Nass, Peoples, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson E, Richardson W, Rines, Robinson, Rosen, Savage, Saviello, Schatz, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walcott, Walker, Weaver, Woodbury.

ABSENT - Connor, Cressey, Emery, Jacobsen, Millett, Perry, Webster.

Yes, 69; No, 75; Absent, 7; Excused, 0.

69 having voted in the affirmative and 75 voted in the negative, with 7 being absent, and accordingly the Minority **Ought Not to Pass Report was NOT ACCEPTED.**

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

Representative BARSTOW of Gorham **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. 22**

YEA - Annis, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Cleary, Cotta, Cray, Crosthwaite, Curtis, Dill, Driscoll, Duprey, Edgecomb, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Hayes, Hill, Hinck, Holman, Hotham, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Mills, Moore, Muse, Nass, Peoples, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson E, Richardson W, Rines, Robinson, Rosen, Savage, Saviello, Schatz, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walcott, Walker, Weaver, Woodbury.

NAY - Adams, Babbidge, Barstow, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Canavan, Carter, Casavant, Conover, Craven, Crockett, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fisher, Gerzofsky, Harlow, Haskell, Hogan, Jackson, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Norton, Patrick, Pendleton, Percy, Pieh, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Samson, Silsby, Simpson, Smith N, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Weddell, Wheeler, Mr. Speaker.

ABSENT - Clark, Connor, Cressey, Emery, Jacobsen, Millett, Perry, Webster.

Yes, 80; No, 63; Absent, 8; Excused, 0.

80 having voted in the affirmative and 63 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-37)** was **READ** by the Clerk and **ADOPTED.** The Resolve was assigned for **SECOND READING** Wednesday, April 4, 2007.

An Act To Continue the Protection of Marine Waters and Organisms from the Risks Posed by the Applications of Pesticides (EMERGENCY)

(H.P. 665) (L.D. 875)

(C. "A" H-38)

TABLED - April 2, 2007 (Till Later Today) by Representative PIEH of Bremen.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative PIEH of Bremen, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended.**

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-38)** was **ADOPTED.**

On further motion of the same Representative, **Committee Amendment "A" (H-38)** was **INDEFINITELY POSTPONED.**

The same Representative **PRESENTED House Amendment "A" (H-46)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH:** Thank you Mr. Speaker. Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This was a unanimous Committee Report out of two committees, the Marine Resources and the Agriculture, Conservation and Forestry Committee.

The primary purpose of it was to postpone a sunset on the browntail moths' spraying program that is protecting particularly our lobstermen. I am sure it was the other body that did not get around to passing it time—not us—so we have to redo the whole thing again. That is the basis of the entire thing, to get that sunset back on it and to move it forward as quickly as we can. I am sure the other body will help us do that. Thank you very much.

Subsequently, **House Amendment "A" (H-46)** was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-46)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**SENATE PAPERS**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Tax Increases

(S.P. 648) (L.D. 1819)

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

On motion of Representative BARSTOW of Gorham, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

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Bill "An Act To Strengthen and Clarify Maine's Motor Vehicle Laws"

(S.P. 646) (L.D. 1817)

Bill "An Act To Enhance Public Safety, Facilitate the Coordination of Traffic Control Signal Systems and Promote More Equitable Use of Public Highway Rights-of-way" (EMERGENCY)

(S.P. 647) (L.D. 1818)

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

**REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

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### CONSENT CALENDAR

#### First Day

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

(H.P. 854) (L.D. 1173) Bill "An Act To Clarify the Application of the Definition of 'Tract or Parcel of Land' under the State Subdivision Laws" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 55) (L.D. 57) Bill "An Act Regarding the Slaughter of Animals" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-43)**

(H.P. 127) (L.D. 145) Bill "An Act To Allocate a Portion of the Land for Maine's Future Fund for the Purchase of Archeological Sites" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-44)**

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

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

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On motion of Representative MAKAS of Lewiston, the House adjourned at 12:19 p.m., until 10:00 a.m., Wednesday, April 4, 2007 in honor and lasting tribute to Howard Eisman, of Lewiston and Dana Wallace, of Brunswick.