

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
43rd Legislative Day
Tuesday, May 22, 2007

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

Prayer by Pastor Travis Glatter, First Baptist Church of South Berwick.

National Anthem by Honorable Leila J. Percy, Phippsburg and Honorable George W. Hogan, Sr., Old Orchard Beach.

Pledge of Allegiance.

The Journal of Thursday, May 17, 2007 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

An Act To Ensure Equitable Geographic Representation on the State Board of Education

(S.P. 240) (L.D. 791)
(C. "A" S-43)

House **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENACTED** in the House on May 16, 2007.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-43) AS AMENDED BY SENATE AMENDMENT "A" (S-107)** thereto and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

On motion of Representative NORTON of Bangor, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Resolve, Requiring the Maine Community College System To Return Real Property and Buildings to the City of Eastport

(H.P. 192) (L.D. 221)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-54) in the House on April 10, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-54) AND SENATE AMENDMENT "A" (S-110)** in **NON-CONCURRENCE**.

On motion of Representative NORTON of Bangor, the House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 280)

STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

May 16, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

L.D. 58 An Act To Ensure State Budget Funding for Wastewater Treatment Facilities and Water Supply Facilities

L.D. 119 An Act To Increase Funding for Private Nonmedical Institutions

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

Sincerely,

S/Sen. Margaret Rotundo

Senate Chair

S/Rep. Jeremy Fischer

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 281)

STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES

May 16, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

L.D. 1179 An Act To Provide Regional Coordination and Planning for Public Health Programs and Activities

L.D. 1309 An Act To Provide Equity in Funding for Women's Health Services

L.D. 1775 An Act To Ensure Safe Drinking Water from Private Wells

L.D. 1782 Resolve, To Clarify the Rules of Reimbursement for Personnel Working in Homes Providing Services to Persons with Brain Injuries

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

Sincerely,

S/Sen. Joseph C. Brannigan

Senate Chair

S/Rep. Anne C. Perry

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 282)

STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE

May 16, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has

voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 117 An Act To Prohibit Hunting at Range Ponds State Park
- L.D. 571 An Act To Protect Beef Producers
- L.D. 1133 Resolve, To Establish the William Silliker Memorial Wildlife Watching Area

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

Sincerely,
S/Sen. Bruce Bryant
Senate Chair
S/Rep. Troy D. Jackson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 283)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TRANSPORTATION**

May 16, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 401 An Act To Protect the Integrity of Funeral Processions
- L.D. 667 An Act To Modify the Motor Vehicle Insurance Cancellation Notification Law
- L.D. 897 An Act Relating to Trains and Train Service in the State (EMERGENCY)
- L.D. 1337 Resolve, To Assist in Appropriate Notification in an Emergency
- L.D. 1709 Resolve, To Establish a Pilot Project for the Enforcement of Laws Regarding Traffic Control Devices (EMERGENCY)

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

Sincerely,
S/Sen. Dennis S. Damon
Senate Chair
S/Rep. Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 284)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

May 16, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 1143 An Act To Prevent the Public Utilities Commission from Disclosing Private Information to the Federal Government
- L.D. 1573 An Act To Encourage and Facilitate Regional Utility Districts

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

Sincerely,
S/Sen. Philip L. Bartlett II
Senate Chair
S/Rep. Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 285)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

May 21, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 118 An Act To Provide Funding for the Drinking Water Program (EMERGENCY)
- L.D. 1199 An Act To Resolve Unfunded State Mandates
- L.D. 1526 An Act To Enhance Family Development Accounts

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

Sincerely,
S/Sen. Margaret Rotundo
Senate Chair
S/Rep. Jeremy Fischer
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 286)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TAXATION**

May 21, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 355 Resolve, To Establish a Committee To Examine Issues Relating to the Administration

- and Distribution of Municipal Revenue Sharing (EMERGENCY)
 L.D. 402 An Act To Clarify the Application of the Real Estate Transfer Tax with Regard to Partial Sales of Corporations That Own Real Estate
 L.D. 600 An Act To Improve Revenue Sharing
 L.D. 639 An Act To Clarify the Application of the Real Estate Transfer Tax in Regards to Section 1031 Exchanges
 L.D. 1001 An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers
 L.D. 1112 An Act To Exempt from Maine Taxes Wine Shipped to Other States
 L.D. 1181 An Act To Reclassify Certain Tobacco Products
 L.D. 1192 An Act To Adjust Revenue Sharing Proportions for Education
 L.D. 1357 Resolve, Directing the Treasurer of State To Convene a Study Commission To Develop Recommendations To Improve the Administration of the State-Municipal Revenue Sharing Program
 L.D. 1358 Resolve, To Study the Distribution of Revenue Sharing
 L.D. 1375 An Act To Equalize the Taxation of Noncigarette Tobacco Products
 L.D. 1518 An Act To Establish a Renewable Energy Tax Credit
 L.D. 1710 An Act To Promote Fairness in Municipal Foreclosure Procedures

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

Sincerely,
 S/Sen. Joseph C. Perry
 Senate Chair
 S/Rep. John F. Piotti
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 306)

**MAINE SENATE
 123RD LEGISLATURE
 OFFICE OF THE SECRETARY**

May 17, 2007
 Honorable Glenn Cummings
 Speaker of the House
 2 State House Station
 Augusta, ME 04333-0002

Dear Speaker Cummings:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 123rd Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Marine Resources, the nomination of Alton E. West of Milbridge for reappointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Marine Resources, the nomination of Dana E. Temple of Cape Elizabeth for reappointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Marine Resources, the nomination of George S. Harris, Jr. of Eastport for appointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Marine Resources, the nomination of Rod B. Mitchell of Peaks Island for reappointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on State and Local Government, the nomination of Elaine L. Clark of Orono for reappointment to the Maine Governmental Facilities Authority.

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

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Representative BLISS of South Portland, the following Joint Resolution: (H.P. 1346) (Cosponsored by Senator BARTLETT of Cumberland and Representatives: BERRY of Bowdoinham, BLANCHARD of Old Town, CURTIS of Madison, FITTS of Pittsfield, FLETCHER of Winslow, HINCK of Portland, RINES of Wiscasset, THIBODEAU of Winterport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO FULLY APPROPRIATE THE MONEY FOR RADIOACTIVE WASTE MANAGEMENT

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

WHEREAS, a nuclear-powered electric generation facility was located in Maine at Wiscasset's Bailey Point; and

WHEREAS, spent nuclear fuel and greater-than-class-C, high-level radioactive waste is currently being stored in Maine in dry casks 300 yards from the coastal tide of the Sheepscot River, at only 21 feet above sea level; and

WHEREAS, dry cask storage is now being required at the Maine Yankee interim storage site well after the expiration of its license to produce electricity; and

WHEREAS, continued storage of high-level radioactive spent nuclear fuel and greater-than-class-C, high-level waste in dry casks at the Wiscasset site is not in the best interests of the citizens of that community, nor of the State of Maine; and

WHEREAS, the federal Nuclear Waste Policy Act of 1982 established a national policy that the Federal Government is responsible for safe, permanent disposal in a geologic repository of all high-level radioactive waste, including spent nuclear fuel from commercial power reactors and greater-than-class-C waste, as well as military nuclear waste; and

WHEREAS, the 109th Congress failed to enact a budget for the nuclear waste disposal program for the current fiscal year and took no action on proposed legislation to reform the federal Nuclear Waste Fund to provide more reliable financing of the repository program; and

WHEREAS, the Federal Accountability for Nuclear Waste Storage Act of 2007 (S.784) has been introduced in this Congress, requiring the Federal Government to assume legal ownership of all spent nuclear fuel in the country; and

WHEREAS, the ratepayers of nuclear energy, including Maine, have paid an estimated \$19,000,000,000 into the federal Nuclear Waste Fund for the proper disposal of nuclear waste since 1983, and the ratepayers of nuclear energy pay into the Nuclear Waste Fund at least \$750,000,000 each year for the

purpose of a national repository; and

WHEREAS, the United States Department of Energy now affirms it cannot initiate retrieval of repository waste for disposal any sooner than 2017 at the very earliest, 19 years past the federal Nuclear Waste Policy Act of 1982 statutory mandate date for initiating retrieval, and the Department of Energy's Office of Civilian Radioactive Waste Management will need full funding to submit a construction application to the United States Nuclear Regulatory Commission by June 2008; and

WHEREAS, the United States Nuclear Regulatory Commission requires a minimum of 3 years to review such an application; and

WHEREAS, in order to meet the 2008 license application milestone, the President's budget for fiscal year 2008 requests \$202,500,000 from the Nuclear Waste Fund and \$292,000,000 from the Defense Nuclear Waste Disposal appropriation to achieve these goals; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress fully appropriate the \$494,500,000 budget request for the civilian radioactive waste management program; and be it further

RESOLVED: That Congress should enact legislation that will ensure repository appropriations to match annual Nuclear Waste Fund fee revenue collected from ratepayers for this specific purpose, and ensuring the future availability of any and all surplus for its intended purpose; and be it further

RESOLVED: That the Legislature of the State of Maine opposes the proposed Federal Accountability for Nuclear Waste Storage Act of 2007 and any proposal for the Federal Government to take title to spent nuclear fuel in this State if the effect of such an action would be that spent nuclear fuel would be kept in Maine without any protection from its long-term effects on the State's population and from acts of intrusion that would endanger the State's environmental and economic well-being; and be it further

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

READ.

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. This is a Joint Resolution that deals with nuclear power and nuclear waste. I want to start by saying that I have every confidence in the world that the nuclear waste currently held in what used to be the Maine Yankee site on the shore in Wiscasset, is absolutely safe and secure. This is not about compromising the safety or security of that site.

Several years ago, close to 20 years ago, the Federal Government recognized that they needed to do something to help the states and the armed forces deal with nuclear waste, low-level and high-level radioactive waste. They knew that at some point, nuclear power plants would be decommissioned or otherwise go off line and something had to be done with those spent fuel rods. Maine Yankee was one of the first nuclear power plants in this country that was decommissioned as a stand-alone entity. There have been other decommissioning, but they remained part of active nuclear power sites. Maine Yankee was among the first to decommission a site in and of itself. We took our spent fuel rods and first, we put them under water. Then we constructed above ground dry casks and embedded them in the

casks. The casks are extremely safe and secure and have an estimated shelf life, if you will, of 40 to 60 years.

When the casks were designed and built, we in this state, like those dealing with spent fuel rods in other low and high-level nuclear waste in other states, assumed that the Federal Government was moving forward with a national nuclear waste repository. That national nuclear waste repository, after some wrangling, was determined to be housed at Yucca Mountain, about 100 miles north of Las Vegas, in the State of Nevada. In the intervening years, the Federal Government has twice postponed the estimated completion date of that Yucca Mountain nuclear waste repository, and if that site was opened today and all of the nuclear waste in state repositories around the country were moved to it today, it would already be filled up. However, it is not ready to be opened today. The earliest it might possibly be ready to open is 2027. However, Senator Reid, the new Majority Leader in the Senate, who is the senior Senator from Nevada and who has been opposed to citing nuclear waste in Yucca Mountain from the beginning, now has significantly more political clout than he had 20 years ago. It is, at this point, fairly assured that the Yucca Mountain site will not be a federal high-level nuclear waste repository. The Federal Government has no back-up plan.

Today, there is a bill before the Senate that is consistent with the current thinking in the Department of Energy, and that thinking is for the Federal Government to take possession of the nuclear waste that each of the states have, but leave it where it is, essentially, to not create a national nuclear federal waste repository, but to have 103 of them. If the Federal Government did that and took possession of the nuclear waste currently being held at Maine Yankee, there is no telling how long that waste would remain there. The Department of Energy is also considering selecting, not looking for volunteers, but selecting regional high-level nuclear waste repository sites, so that one state's waste might be moved to an adjoining state. That opens the possibility for the Maine Yankee site, not to in perpetuity hold the high-level waste currently held there, but to also hold the low-level and high-level nuclear waste from several other neighboring states.

This resolution does not talk about the relative good or bad of nuclear power, it simply says "Mr. President, members of Congress: This is bad business. Please reconsider." I hope you will support this with me. Thank you, Mr. Speaker.

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

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support this resolution. The nuclear waste that is stored on Westport Island in my district is dangerously close to high population centers. We need to oppose any action that would allow it to remain there, and support any action by the Federal Government that would allow it to be taken away to safer and primitive repository. I ask you to support this resolution. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Thank you, Representative Bliss, for bring this to the House, again. As the Representative from the host community as of the casks, it is extremely important to my constituents and me, and I just wanted to let all of you know that they do not glow at night. Thank you, Mr. Speaker.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Richard Brooks, of Orrington, on his retirement from Hannaford Brothers Co. Mr. Brooks' career as a grocer began with Columbia Markets on May 22, 1957. By 18 years of age, he was the head meat cutter and later became an assistant meat manager in the largest meat operation in the company. Mr. Brooks served his country in the United States Marine Corps, where he was awarded the Dress Blues Award. After completing his enlistment, he returned to his original vocation, assuming the position of meat manager until March of 1972, the time at which he began working for Doug's Shop 'n Save and Hannaford Brothers Co. Mr. Brooks became part of a small project team that developed and led the introduction of the Management Planning Program, a labor tool for the retail stores for Hannaford Brothers Co. In the 26 years since joining the Management Planning Department, Mr. Brooks has held many different job titles and has made huge contributions to the department and company. Some of his key contributions to the Hannaford Brothers Co. include support to Independents and Hannaford Home Runs. He has also participated in the expansion of Hannaford Brothers Co. into New York and the Southeast. We congratulate him for completing 50 years of service to the grocery industry;

(HLS 450)

Presented by Representative LANSLEY of Sabattus. Cosponsored by Senator ROSEN of Hancock, Representative ROSEN of Bucksport.

On **OBJECTION** of Representative LANSLEY of Sabattus, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

the members of the Somerset Valley Middle School Show Chorus for their earning a gold rating and winning first place in Division II at the State Jazz and Show Vocal Festival sponsored by the Maine Music Educators Association for 2006 and 2007. The 2007 Show Chorus also earned a gold rating for best choreography. We also congratulate Nick Lagross on being chosen best vocalist in 2007. We extend our congratulations to the members of the Somerset Valley Middle School Show Chorus on their achievements;

(HLS 451)

Presented by Representative CRAY of Palmyra. Cosponsored by Senator SMITH of Piscataquis, Senator PLOWMAN of Penobscot, Representative TARDY of Newport.

On **OBJECTION** of Representative CRAY of Palmyra, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Palmyra, Representative Cray.

Representative **CRAY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is with great pride that I stand to recognize and congratulate the Somerset Valley Middle School Show Chorus and Jazz Ensemble, for winning state titles two years in a row. I usually have the opportunity to see and hear them while driving bus, but this year I did not and I would really like everybody to congratulate them and thank them for their accomplishments. Thank you.

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

Recognizing:

the members of the Somerset Valley Middle School Jazz Band on their earning a gold rating and winning first place in Division III at the Middle School Jazz Instrumental Festival sponsored by the Maine Music Educators Association for 2006 and 2007. The band also received 10 soloists awards. We extend our congratulations to the members of the Somerset Valley Middle School Jazz Band on their achievements;

(HLS 452)

Presented by Representative CRAY of Palmyra. Cosponsored by Senator SMITH of Piscataquis, Senator PLOWMAN of Penobscot, Representative TARDY of Newport.

On **OBJECTION** of Representative CRAY of Palmyra, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

In Memory of:

Irving F. Chipman, beloved longtime resident of Harpswell who had more than 60 years of service in the Harpswell Neck Fire Department. Born in Harpswell, Mr. Chipman served in the United States Army during World War II. He worked for Glen Rollins Construction and later for Bowdoin College, from which he retired as locksmith and head of carpentry. Mr. Chipman was one of the founders of Harpswell Neck Fire & Rescue and served as chief of the fire department for 32 years. In 2001, the community renamed the fire station the Irving F. Chipman Station in his honor. He retired from the fire department as an ambulance driver in 2002. As a former Boy Scout leader, he was instrumental in starting the popular bean hole suppers in Harpswell. Mr. Chipman was a former master of the Merriconeag Grange and a member and life deacon of the Elijah Kellogg Church. He was also one of the founders of American Legion Post No. 171. We gratefully acknowledge his dedicated service to his community and to the State of Maine. He will be greatly missed by his loving family and many friends;

(HLS 449)

Presented by Representative PERCY of Phippsburg. Cosponsored by President EDMONDS of Cumberland.

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

READ.

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

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. How often does life remind us of Swiss cheese? I use that analogy because Swiss cheese is the kind of cheese that has a hole in it that never gets filled up, and that is what it feels like down in Harpswell without Irving Chipman.

Many of us from rural communities will recognize the list of activities that Mr. Chipman participated in, in his community, because he, like so many of our constituents, were those quiet volunteers that made sure things got done, whether it was for our children, whether it was for our seniors, whether it was for somebody that just plain needed help. He was an organic gardener, he was a fireman, a driver, and he had a wonderful big family.

My favorite memories of Irving Chipman are when I would stop by to put up my sign, because we would always end up

having a conversation for about half an hour, just about what was going on in that day. He was a wonderful, kind, gentle man. The fire department still misses his being there, actively as a part of it. His family, they are strong and kind and good community members because they had a wonderful, wonderful example. If you ever want to go to the bean supper in the summer, I highly recommend it, the food is excellent. The energy and the community spirit are high and festive, and there is also the Grange, one of the few granges on the coast that is still highly active. In fact, I just went to the induction ceremony this last autumn and there was Mr. Chipman and Mrs. Chipman participating as always.

So, I hope all of you will hold dear in your heart, Mr. Chipman and his family and his community at this time, and aren't we lucky to have people like that in all of our communities here in the State of Maine.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Establish the Acquired Brain Injury Advisory Council"

(S.P. 709) (L.D. 1909)

Reporting **Ought to Pass** pursuant to Joint Order 2007, S.P. 699.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and was assigned for **SECOND READING** Wednesday, May 23, 2007.

Ought to Pass

Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Health Insurance Coverage for Persons under the Influence of Alcohol or Narcotics"

(S.P. 620) (L.D. 1753)

Reporting **Ought to Pass**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-113)**.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **SENATE AMENDMENT "A" (S-113) READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 23, 2007.

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Increase Compliance with Truck Weight Limits"

(S.P. 307) (L.D. 956)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
BROWNE of Vassalboro
FISHER of Brewer

MAZUREK of Rockland
THOMAS of Ripley
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:

HOGAN of Old Orchard Beach

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

On motion of Representative FAIRCLOTH of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Eleven Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-108)** on Bill "An Act To Expand the Scope of Practice of Certified Nursing Assistants To Include the Care of Feeding Tubes and Similar Devices"

(S.P. 443) (L.D. 1280)

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec

Representatives:

PERRY of Calais
WALCOTT of Lewiston
GROSE of Woolwich
MILLER of Somerville
CONNOR of Kennebunk
WALKER of Lincolnville
CAMPBELL of Newfield
FINLEY of Skowhegan
BEAUDOIN of Biddeford

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-109)** on same Bill.

Signed:

Senator:

RAYE of Washington

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Representative:

LEWIN of Eliot

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-108)**.

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-108)**.

READ.

On motion of Representative PERRY of Calais, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-108)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 23, 2007.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Clarify the Method of Education Cost Sharing among Certain Municipalities"

(H.P. 1112) (L.D. 1590)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
MAKAS of Lewiston
FARRINGTON of Gorham
SUTHERLAND of Chapman
MUSE of Fryeburg
STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-262)** on same Bill.

Signed:

Representatives:

FINCH of Fairfield
HARLOW of Portland
EDGECOMB of Caribou
McFADDEN of Dennysville

READ.

On motion of Representative FINCH of Fairfield, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-262)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 23, 2007.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Adjust the School Funding Formula with Regard to Unorganized Territories"

(H.P. 368) (L.D. 484)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
SUTHERLAND of Chapman
McFADDEN of Dennysville
STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-261)** on same Bill.

Signed:

Senator:

MILLS of Somerset

Representatives:

HARLOW of Portland
EDGECOMB of Caribou

READ.

On motion of Representative NORTON of Bangor, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Seven Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought Not to Pass** on Bill "An Act To Repeal the Certification and Authorization Fees for School Personnel"

(H.P. 326) (L.D. 410)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
MAKAS of Lewiston
SUTHERLAND of Chapman
STRANG BURGESS of Cumberland

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-259)** on same Bill.

Signed:

Representatives:

FINCH of Fairfield
HARLOW of Portland
EDGECOMB of Caribou
McFADDEN of Dennysville

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-260)** on same Bill.

Signed:

Representatives:

FARRINGTON of Gorham
MUSE of Fryeburg

READ.

On motion of Representative NORTON of Bangor, Report "A" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 655) (L.D. 1837) Bill "An Act To Harmonize State and Federal Laws on Do-not-call Lists" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(S.P. 686) (L.D. 1887) Bill "An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(S.P. 58) (L.D. 176) Bill "An Act To Provide Notice to the General Public about Proposed Initiative Questions" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-114)**

(S.P. 241) (L.D. 792) Bill "An Act Concerning Postpartum Mental Health Education" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-111)**

(S.P. 328) (L.D. 1011) Bill "An Act To Enhance Child Support Collections in Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-112)**

(H.P. 835) (L.D. 1142) Bill "An Act To Enhance the Newborn Hearing Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 889) (L.D. 1261) Bill "An Act To Clarify Intermittent Leave under the Family Medical Leave Laws" Committee on **LABOR** reporting **Ought to Pass**

(H.P. 1297) (L.D. 1861) Bill "An Act Regarding Payment of Penalties for Nonpayment of Bills for Medical or Health Care Services under the Maine Workers' Compensation Act of 1992" Committee on **LABOR** reporting **Ought to Pass**

(H.P. 133) (L.D. 151) Bill "An Act To Include Student Representation on the State Board of Education" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-271)**

(H.P. 329) (L.D. 413) Bill "An Act To Amend Maine's Electric Utility Restructuring Laws" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-280)**

(H.P. 646) (L.D. 847) Bill "An Act To Support the Commercial Groundfish Industry" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-278)**

(H.P. 677) (L.D. 892) Bill "An Act To Authorize Nonprofit Organizations To Conduct Tournament Games" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-267)**

(H.P. 712) (L.D. 937) Bill "An Act To Exempt Qualifying Snowmobile Trail Grooming Equipment from State Sales Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-283)**

(H.P. 907) (L.D. 1289) Bill "An Act To Provide Oversight for Crematoriums" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-276)**

(H.P. 956) (L.D. 1347) Bill "An Act To Establish Alternative Fuel Incentive Grants To Stimulate the Production, Distribution and Use of Biofuels" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-268)**

(H.P. 965) (L.D. 1373) Bill "An Act To Authorize the Board of Trustees of the Maine State Retirement System To Provide a Cost-of-living Adjustment to Retired Employees of Participating Local Districts" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-273)**

(H.P. 973) (L.D. 1381) Resolve, To Ensure the Success of Regional Climate Change Efforts Committee on **UTILITIES AND**

ENERGY reporting **Ought to Pass as Amended by Committee Amendment "A" (H-274)**

(H.P. 1175) (L.D. 1666) Resolve, Directing the Public Utilities Commission To Amend its Rules To Increase the Amount of Energy Conservation Funds for School Administrative Units Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-281)**

(H.P. 1218) (L.D. 1735) Bill "An Act To Facilitate and Promote Regional Cooperation" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-265)**

(H.P. 1238) (L.D. 1780) Resolve, To Convene a Working Group To Review Statutory Language and Propose Standards To Ensure the Use of Respectful Language Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-275)**

(H.P. 1284) (L.D. 1844) Bill "An Act Concerning Maine's Highway Safety Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-270)**

(H.P. 1302) (L.D. 1870) Bill "An Act To Provide Flexibility within the Monhegan Island Lobster Conservation Area To Ensure the Viability of the Island Community" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-279)**

(H.P. 1314) (L.D. 1880) Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Safety of Children at Day Care Facilities with Swimming Pools Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-284)**

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

CONSENT CALENDAR

Second Day

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

(H.P. 864) (L.D. 1183) Bill "An Act To Clarify Public Safety Laws Regarding the Disclosure of Information and the Storage of Evidence, To Reauthorize the United States Secret Service To Enforce Certain State Laws and To Allow Designees To Serve on the Maine Communications System Policy Board" (C. "A" H-264)

No objections having been noted at the end of the Second Legislative Day, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

BILLS IN THE SECOND READING

House as Amended

Bill "An Act To Create a Nonresident Lobster and Crab Landing Permit"

(H.P. 255) (L.D. 311)
(C. "A" H-257)

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

ENACTORS

Emergency Measure

An Act To Implement the Recommendations of the Task Force To Study Maine's Homeland Security Needs

(S.P. 213) (L.D. 676)
(C. "A" S-106)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 134 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services

(H.P. 38) (L.D. 37)
(C. "A" H-217)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Create the Commission To Develop a Strategic Priorities Plan for Maine's Young Children

(H.P. 576) (L.D. 755)
(C. "A" H-216)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Demonstrate Cost Savings by Preventing the Onset of Severe Mental Illness in Youth

(H.P. 1092) (L.D. 1567)
(C. "A" H-204)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine and Chapter 255: Imported Seed Potatoes, Major Substantive Rules of the Department of Agriculture, Food and Rural Resources

(H.P. 1234) (L.D. 1768)
(C. "A" H-203)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 136 voted in favor of the same and

0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel Part I and II, Requirements for Specific Certificates and Endorsements, a Major Substantive Rule of the Department of Education

(H.P. 1278) (L.D. 1831)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 139 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Temporary Registration Plate Law

(H.P. 220) (L.D. 264)

(S. "A" S-87 to C. "A" H-127)

An Act To Clarify Who Receives Money from Fines for Violations of Maine's Soft-shelled Clam Laws

(H.P. 376) (L.D. 492)

(C. "A" H-205)

An Act To Permit Modification of Department-initiated Paternity Judgments Concerning Parental Rights

(H.P. 477) (L.D. 628)

An Act To Increase Funding for the Spaying and Neutering of Companion Animals

(S.P. 217) (L.D. 680)

(C. "A" S-103)

An Act To Ensure Retail Tobacco License Compliance

(H.P. 546) (L.D. 725)

An Act To Restrict the Smoking Exemption for Tobacco Specialty Stores

(S.P. 269) (L.D. 859)

An Act To Amend the Maine Administrative Procedure Act To Strengthen Safeguards for Small Businesses

(H.P. 680) (L.D. 905)

(C. "A" H-202)

An Act To Ensure the Safety of Facilities Dispensing Flammable Liquids

(H.P. 682) (L.D. 907)

(C. "A" H-213)

An Act To Clarify the Sales Tax and Service Provider Tax Exemptions for Nonprofit Ambulance Services

(H.P. 694) (L.D. 919)

(C. "A" H-212)

An Act To Renew the Promise of Higher Education

(S.P. 337) (L.D. 1020)

(C. "A" S-97)

An Act To Allow Affordable Housing Discretionary Water and Sewer Fee Waivers

(H.P. 846) (L.D. 1153)

(C. "A" H-211)

An Act To Improve Health Standards in Piercing Procedures

(S.P. 405) (L.D. 1217)

(C. "A" S-104)

An Act To Preserve and Grow Maine Small Businesses

(S.P. 478) (L.D. 1364)

(C. "A" S-101)

An Act To Implement the Recommendations of the Working Group on the State Purchasing Code of Conduct Laws (S.P. 584) (L.D. 1678) (C. "A" S-102)

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

Resolves

Resolve, To Focus State Agency Efforts in Economic Development on Entrepreneurial Sustainability and Growth (H.P. 505) (L.D. 656) (C. "A" H-133)

Resolve, To Promote Chronic Disease Prevention and Care (H.P. 544) (L.D. 723) (C. "A" H-215)

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 17, 2007, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-179) - Committee on NATURAL RESOURCES on Bill "An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations"

(H.P. 433) (L.D. 555)

TABLED - May 8, 2007 (Till Later Today) by Representative SIMPSON of Auburn.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

On motion of Representative KOFFMAN of Bar Harbor, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

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

Expression of Legislative Sentiment recognizing Richard Brooks, of Orrington.

(HLS 450)

Which was **TABLED** by Representative LANSLEY of Sabattus pending **PASSAGE**.

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

Representative **LANSLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to

recognize Mr. Brooks for his many years of service and dedication. It is very unusual to find anybody these days, as dedicated as Dick is to a company, not mention staying in an industry for 50 years. Dick has been with Hannaford Brothers Co. for 35 years and his professional accomplishments are very impressive.

When I attended his retirement party on Friday evening and his accomplishments, they were very impressive with everyday, but the thing that most impressed me were the comments of everybody who was there at the gathering. The words of the folks there, there was a lot of joking around, a little bit of roasting, but you could tell the admiration, the love, and everything that they received from this man. That is why I feel that he was extremely, extremely successful in his position, was because of how he carried himself and how he approached the folks that he worked with. He was very professional about it, very much able to, a lot of self-deprecation where he could make fun of himself as well as other people, just laughing with him and not at him.

The first time I met Dick, I was with my current wife who was my girlfriend at the time, and he looked at me and pointed the finger and said, "If you ever" and just dropped it. I knew by the tone of his voice and look in his eyes that I should never ever do anything wrong to my wife, or else I would have to answer to Mr. Brooks. It has all been in fun. Today he is here surrounded by many of his coworkers. He works in the Management Planning Department; my wife is the manager of the department. He is here with his wife Rose Anne and his daughter Kelly. He has three other children and six grandchildren, which they had a few of them at the party the other night, and as everybody was speaking; it was very natural to have the kids running around in the background. They were not a distraction at all and they were having a great time. The youngest one that I saw there, the boy, was just like, "Grampy, we have to go fishing," and everything was about fishing.

So, I know that Dick, he is going to enjoy his retirement. He is going to be with Hannaford for a little bit longer, but I just wanted to say good luck and recognize him here on the floor of the House.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is with a great deal of pleasure that I stand up to pay tribute to Dick Brooks. He is probably one of the most honest, straightforward people that you will ever meet in your life. I had the pleasure of being employed at Hannaford and Richard was there when I came on board, he was the Meat Manager. He ran a wonderful Meat Department; it was the envy of everybody in the City of Bangor. We buy the same cuts of meat from the same distributors, but the way that it is cut and the way that it is handled depends on your meat manager, and Richard was a master at that. He is a credit to the company then, he is a credit to the company now.

Just to give you a little humor about Mr. Brooks, it was not all fun and game working for him because I made the mistake, in my career at Hannaford, of asking to be transferred to the meat department. I thought that this was going to be nice, but little did I know Mr. Brooks makes polar bears put on a fur coat when they come into his meat room. It was so cold that it felt warm to go outside in the middle of the winter, so I only lasted about six months. I had severe frostbite on my toes and fingers when I left there and I thought, okay, I have dealt with Mr. Brooks and I have worked for him and I admired him greatly. Little did I know, he was going to leave the meat department and become the head of the Management Planning organization.

This was fun too because every time I turned around, Mr. Brooks was peeking over my shoulder to see how fast I was ringing the register. We joked a lot, we kidded a lot, and a lot of the employees were very resentful of the Management Planning Program because it held us to a higher standard than any other industry around. But it was for our good and it was for the company's good that this program has preserved, made Hannaford Brothers one of the leading retailers in the grocery industry in the world and a lot of that is attributed directly to the leadership and the perseverance of Richard Brooks. I do want to congratulate him on his retirement, or semiretirement. I have to tell you Richard that I retired last June and it just does not get any better than this. Thank you, Mr. Speaker.

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too, wish to congratulate Dick at arriving at this momentous moment. Dick Brooks is one of those people whose paths cross with yours, you run into those people all of your life, and you just seem to cross paths. He and I worked at the same time for Columbia Supermarkets and then later after my Uncle Doug came to Bangor and opened his stores, Dick came to work there. So for once I can trump the good Representative who just spoke—I actually knew Dick before she did. So, I really want to send out my congratulations. He is a wonderful person, I always thought of him as being very friendly and very cool headed, and again, welcome him to the ranks of semi-retired.

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

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-179) - Committee on **NATURAL RESOURCES** on Bill "An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations"

(H.P. 433) (L.D. 555)

Which was **TABLED** by Representative **KOFFMAN** of Bar Harbor pending **ACCEPTANCE** of the Committee Report.

Subsequently, the Unanimous Committee Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-179)** was **READ** by the Clerk.

Representative **HINCK** of Portland **PRESENTED** **House Amendment "A" (H-290)** to **Committee Amendment "A" (H-179)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-179) as Amended by House Amendment "A" (H-290) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Wednesday, May 23, 2007.

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 Thursday, May 17, 2007, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (S-92) - Minority (4) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS**

AFFAIRS on Bill "An Act To Limit the Activities of Political Candidates at Polling Places to Voting"

(S.P. 220) (L.D. 683)

- In Senate, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - May 16, 2007 (Till Later Today) by Representative **PATRICK** of Rumford.

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

Representative **MOORE** of Standish **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: 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. 73

YEA - Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Browne W, Bryant, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hill, Jackson, Jacobsen, Kaenrath, Koffman, Lansley, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Mills, Miramant, Muse, Nass, Norton, Patrick, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Ayotte, Blanchette, Giles, Hayes, Hinck, Hogan, Joy, Knight, Lewin, Millett, Moore, Peoples, Pinkham.

ABSENT - Burns, Cressey, Duprey, Hotham, Pendleton, Pineau, Richardson E, Tuttle.

Yes, 128; No, 14; Absent, 8; Vacant, 1; Excused, 0.

128 having voted in the affirmative and 14 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-220) - Minority (5) **Ought Not to Pass** - Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding the Long-term Contracting Authority of the Public Utilities Commission" (EMERGENCY)

(H.P. 224) (L.D. 268)

TABLED - May 16, 2007 (Till Later Today) by Representative **BLISS** of South Portland.

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

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 rise in opposition to the acceptance of the Majority Report and would like to explain my reason.

As indicated, the Majority Report would expand the Contracting Authority of the PUC. This expanded Contracting Authority really is not needed because this body has already approved, or close to approval, LD 969, which is a limited-contracting authority, which is founded on a plan that will identify where we do need to contract for electricity generation as well as capacity. I believe that increasing this Authority to contract beyond this point at this time, poses risks to the ratepayers of the State of Maine and I want to give you a little bit of history.

We only need to look back in the 1980's when there was a piece of legislation called PURPA, which stood for Public Utilities Regulatory Policies Act, which was well intended but essentially what it did, it allowed contracts to be written and accepted based on a voided cost in the future. That particular piece of legislation has cost the Maine ratepayers nearly \$5 billion in added costs, which we are still paying off to this day on our electric bills. LD 268, while limited, still has the potential of replicating that PURPA experience. Maine ratepayers are already spending \$500 million more per year for the same amount of electricity as we did in 2002. Now that is not caused by LD 268, but it is caused by our dependency on fossil fuel and a decision to say that we want to be using natural gas. I do not think that it is responsible to put our Maine ratepayers at risk unnecessarily, by expanding Contracting Authority before we have a plan and rational approach to make sure we are contracting at the right amount, at the right price.

I would also ask that what we really need to be looking at is to make sure that as we take this next step into contracting, it is based on a plan that has received legislative oversight. I understand the PUC has authority, but I just feel very uncomfortable allowing them to proceed in a manner that does not give strict boundaries, as well as some sense of where we are going with this Contracting Authority. I do not feel that we can afford a risk that we do not have to take, because we are finally beginning to climb our way out of a fossil fuel hole, and I just think that we need to be a little bit more cautious. I understand the intent, but I would respectfully suggest that this is not the time to expand that authority. Mr. Speaker, when the vote is taken I would request the yeas and nays. Thank you very much, Ladies and Gentlemen.

Representative FLETCHER of Winslow **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 South Portland, Representative Bliss.

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In the 1990's, before any current members of the Utilities and Energy Committee were on the Utilities and Energy Committee, we undertook a huge plan to change the way electricity is brought into your homes. We separated the production of electricity from the delivery of electricity, and we required those energy suppliers in this state to divest themselves of the energy production and limit themselves only to T and D service, transmission and delivery service. We assumed when we did that, that it would foster huge competition, rushing into the state to bid for our electricity needs and lower our costs, but we were afraid that that would not happen overnight. So, in our wisdom, we allowed the Public Utilities Commission six months of providing low cost electricity to ratepayers. We called that the Standard Offer. We gave them the authority to create the best deal they could for ratepayers, for that six-month period until this huge competition came in and lowered our rates. The competition never came, as you very well know, and Legislature

after Legislature has extended the authority of the Public Utilities Commission to continue offering the Standard Offer.

Today, more than 95 percent of all of you and all of Mainers use the standard offer for your residential electricity option. Our charge to the Public Utilities Commission is to negotiate the best rate they can for Maine's ratepayers. They negotiate over a three-year cycle, but they only negotiate one third each year in an effort to keep the rates relatively level. I would like to ensure, I suspect you would all like to ensure, that they have all of the tools they can possibly have when they negotiate those low rates. It is the job of the Utilities and Energy Committee, to ensure that the Public Utilities Commission has the tricks in their bag of tricks that they need, to negotiate low rates for ratepayers in Maine, because 95 percent of us are still using that standard offer. I believe that this is an important trick in the bag of tricks, an important tool, and important arrow in the quiver of the PUC, whatever you choose to call it. Does it mean that the PUC is going to rush out tomorrow and engage in these long-term contracts? Of course not. Does it mean that the PUC will use this as their primary weapon? Of course not. But I suspect that you, like I, want them to have as many resources as possible when they do that negotiating on your behalf and mine, in these times of ever-increasing natural gas costs and therefore ever increasing electricity costs. I urge you to vote for the Majority Ought to Pass Report. Thank you, Mr. Speaker.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. You know, there are movies about all kinds of crimes, there are movies about sex, there are movies about sex crimes, and there are lots of movies about bears. But you will probably be waiting a long time for the big summer blockbuster starring Angelina Jolie about utilities regulation. It is just not the topic that grabs us, necessarily, and we are sort of like those in the media: We legislators are bubbling with opinions about abortion and sex crimes and bear trapping and Bradgelina, whatever. But how many members, outside the esteemed members of the Utilities Committee, have a strong informed opinion about LD 268, "An Act Regarding the Long-term Contracting Authority of the Public Utilities Commission?" So, where do we look for answers because clear answers matter on this topic. They matter a whole lot.

Maine has high-energy costs. These costs hit the pocketbooks of Maine consumers and they hit us really hard. So, even if we do not have Angelina Jolie to generate the energy, if you will, on this issue, we should be passionate. We should be very passionate about utilities issues because of the real impact on Maine citizens.

You know, a quarter of a century ago, Maine took a bold, smart step, creating the Public Advocate's Office. In doing so, Maine was a cutting edge state, we were really doing innovative policy. Even today, only about half of the states have an office similar to the Public Advocate. But you know, in the legal profession, we are taught never to forget whom an attorney represents. You know the classic situation: A witness is lulled by some friendly sounding, folksy lawyer into saying the wrong thing, in the wrong way, because they forget that that friendly sounding lawyer is working for somebody else. The same thing happens right in this building with lobbyists, most of whom are polite and knowledgeable, articulate, great people. We can get lulled into forgetting who they are paid to represent, and that is why the Public Advocate is so very important. The Public Advocate has a specific statutory mission: represent the interests of the consuming public in utilities matters. When the Public Advocate speaks, the motive is clear and the client is us, the citizens, the

consumers of Maine.

The conclusion of the Public Advocate, regarding LD 268, is specific. LD 268 will give the PUC a tool that it now lacks, to hold down the cost of electric prices. Repeat: LD 268 will provide a tool, long-term contracts, to help hold down the cost of electric prices. Whenever any utilities issue comes before us, it is judicious to consider the Public Advocate's conclusion. Based on the Advocate's detailed knowledge of utilities, we learn that pressing green is a vote to hold down electric rates for your constituents and for Maine businesses. According to the expert, specifically charged by law with advocating for the interests of consumers, pressing red would be a mistake if you care about the pocketbooks of Maine constituents, our people back home. Issues like LD 268 are not as media sexy as many others, but by pressing green, you will have grasped an opportunity to help the pocketbooks of Maine citizens, despite what friendly lobbyists may say to the contrary—and that is great leadership from all of the Democratic members of the Utilities Committee.

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. It is not very often that you have the pure excitement of talking a utility matter, so we are just going to maximize our exposure here today, but I will try to be brief.

There is a saying that the best predictor of future performance, is past performance. Let me tell you a little bit about the past performance: We enacted PURPA to have a voided cost, which we are going to save Maine ratepayers money. Well intentioned, right intention, \$5 billion later we figured out, "Well, I guess we did not understand it." Back in the mid 90's, we said, "Let's go to natural gas to generate electricity that is going to be cheap and plentiful, it is the right thing to do." So, we went ahead and we changed to natural gas, to the point where 50 to 60 percent depended on that. We already know about greenhouse gases and know we have to run away from natural gas. That is costing Maine ratepayers \$500 million more a year, well intentioned. We thought that we knew what we were doing. That is another example.

We just heard about restructuring. Restructuring was going to open the market, allow people to have competition, drive down the cost. I know you all do this every time you get your light bill, but look at the cost of electricity, the cost of energy. In 2002, it was \$0.04 a kilowatt. Next March, it is now 8.8, next March it is going to go to 10. Here again, well intentioned. We knew what we were doing. All that I am saying is before we take another leap-off the cliff, let's just do what we have already said that we are going do, and allow the PUC to develop a plan, go after a limited contracting, and really check, do the audit, do we understand as much as what we think we know?

Finally, I would say, how many more times are we going to put the Maine electric ratepayers at risk, for well intentioned, we think we know, so let's just do it. I am a little bit more conservative in my approach, particularly when it is somebody else's money. I would say, let us take the first step before we take the leap, and the first step is a piece of legislation which came out of committee with a unanimous, we did the major substantive rule making. The PUC is going to have a plan, and we are going to be able to see if we do know as much as what we think we know. I am uncomfortable putting the Maine ratepayer at risk, again, for well intentioned, we thought we knew. But I am not sure that we do know, because so far our track record is not that good. It is not because people are not trying, it is just that this is a very complicated issue, and the PUC as has been said, is already doing contracting. But do we want to give

them the authority to go ahead and do long term energy contracts that could turn out to be the wrong answer at the wrong time?

So, I would ask you to just be a little bit cautious. I think there have been some excellent points brought up, and for the rest of the session we will try not to get into too many of these utility matters, even though I think the speaker from Bangor's comments, I never knew it was at the same level as Angelina Jolie, but now I am a little bit more encouraged. Thank you very much.

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. 74

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

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

ABSENT - Cressey, Duprey, Hotham, Kaenrath, Pendleton, Pineau, Richardson E, Thibodeau, Tuttle.

Yes, 83; No, 58; Absent, 9; Vacant, 1; Excused, 0.

83 having voted in the affirmative and 58 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-220) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, May 23, 2007.

Bill "An Act To Exempt Housing Owned by Nonprofit Organizations for People with Disabilities from the Municipal Service Fee Laws"

(H.P. 1157) (L.D. 1648)

- In House, Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** on May 3, 2007.

- In Senate, Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-171)** in **NON-CONCURRENCE.**

TABLED - May 17, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **FURTHER CONSIDERATION.**

On motion of Representative PIOTTI of Unity, the House voted to **INSIST.**

SENATE PAPERS

Bill "An Act Regarding All-terrain Vehicle Registration"
(S.P. 712) (L.D. 1912)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 112) (L.D. 339) Bill "An Act To Prevent Inappropriate Transfers of Residents of Nursing Facilities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-117)**

(S.P. 259) (L.D. 816) Bill "An Act To Improve the Historic Preservation Tax Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-115)**

(S.P. 382) (L.D. 1194) Bill "An Act Concerning the Practice of a Deceased or Incapacitated Dentist" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-118)**

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

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

(H.P. 268) (L.D. 334) Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

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

(H.P. 914) (L.D. 1296) Bill "An Act To Amend Certain Harness Racing Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-287)**

On motion of Representative PIEH of Bremen, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-277)** on Bill "An Act To Preserve Historic Architecture by Encouraging Owner-occupied Small Business Conversion"

(H.P. 702) (L.D. 927)

Signed:

Senators:

BROMLEY of Cumberland
SCHNEIDER of Penobscot
COURTNEY of York

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
SILSBY of Augusta
SMITH of Monmouth
CLEARY of Houlton

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

Signed:

Representatives:

RECTOR of Thomaston
BEAUDETTE of Biddeford

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-277)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 23, 2007.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Reduction in the Size of the Legislature

(H.P. 1077) (L.D. 1552)

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland
BENOIT of Sagadahoc

Representatives:

BARSTOW of Gorham
BOLAND of Sanford
WEAVER of York
BEAUDETTE of Biddeford
CURTIS of Madison
SCHATZ of Blue Hill
HAYES of Buckfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-266)** on same RESOLUTION.

Signed:

Representatives:

SIROIS of Turner
JOY of Crystal
COTTA of China

READ.

Representative BARSTOW of Gorham 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 this afternoon to speak in opposition to the current motion and urge that this Chamber pass this as an Ought to Pass Minority Report. It should come as no surprise that I am standing up and doing this because this is my bill. Like all of us, we have a great amount of affection for our own children and before my child is summarily executed here, I would like to speak a few words in its defense.

First of all, I would like to explain to those that have not had the opportunity to read this magnificent piece of legislation, to outline the key points: This proposes, as the title says, the reduction of the size of the Legislature, an issue that has been before us, will continue to be before us until we finally take the bull by the horns and do it, because this is what the people of Maine have said time and time again they want us to do.

The specifics of this bill: It will retain, intact, the current 35 members of the other body. Why retain those 35? First of all, if we quibble over 33, 34, 35, I think that is splitting hairs. Secondly, those of us, I guess it is all of us who serve on standing committees, have often been frustrated by inability to do business because of the lack of the presence of a senator; we cannot have a quorum, we cannot vote until a senator arrives. I think we need to two per committee. Therefore, I have chosen in this bill, to retain not only the same number, but the same intact districts as they now exist, eliminating the need to redistrict in the other body.

Furthermore, I propose that starting with those 35 current and to be retained districts, we subdivide each of them into 3, resulting in a House membership of $3 \times 35 = 105$. Reducing the size of this body and also creating a situation whereby each district would be served by one senator and three representatives. Therefore, those four people could represent an entire area jointly, much as our congressional delegation does in Washington. In many cases, those four people, regardless of party, could work together to represent the interests of their particular constituents, again, much as our delegation often does in Washington.

We have 151 of us. Now, we are all intelligent, handsome, good people, and all of that, but they do not need all of us. We are one of the largest Houses of Representatives in the country. We have heard this time and time again. Well, why do we have 151? Well, it goes back many, many years. I cannot even find out exactly when the number became 151, but when it was 151 and you campaigned for this seat, you probably hitched up the horse to go door to door. If you were to call a constituent or they were to call you, you would turn the crank and ask Martha with whomever you wanted, and the mail came on an irregular basis. We had to have relatively small districts then so that we could keep in touch with our constituents and they could get to us. We do not need that anymore. Most of our districts, with a few exceptions, have fairly decent roads, the telephone usually works, the mail comes on time, we have email, we have cell phones, we have the whole thing. Each of us now has the ability to cover a larger area and to hear from a much larger group of people, than was the case when these 151 districts were created.

Other reasons for passing this bill and defeating the current motion: The fiscal note, a savings of nearly \$2 million a year—\$2 million a year. The cost: A one time cost to redistrict. Now, the fiscal note says that they estimate that at \$450,000, but they do that based on the cost of the last redistricting, which as we remember, did not only redistrict the House, but also redistricted the other body. So, I would estimate that the cost this time would be significantly less. We are already two-thirds done. We start with the 35 that we currently have, so you would have 55 little,

mini redistrictings. Just for the fun of it I sat down one night—I say fun, I get kind of bored at night, I guess—but I took my own district that I happen to live in, I could cut that in three, I did it in about 45 minutes, and I only have to divide one town to do it. So, I do not think that that would be that big of a job.

What is another reason to pass this, because I am convinced from everything I hear, from talking to people one on one, that that is what the people of Maine want. Time and time again, as you went door to door, how many times did you hear people say that there are just too many of you, that there should be fewer of you down there? If we should pass this and we should happen to be wrong and this is not what the people of Maine want, they will simply let us know that by turning it down in the proposed referendum, which I propose to have this fall. Why this fall, because that would allow it to go into effect with the next legislative session. It is very easy for us to stand here and vote for things that will not affect us. In this case, however, the only people who would not be affected are those currently termed out, or those who choose not to run. I am in my third term. People would say, "Well, this would not affect you." Yes, it would, and I wrote it that way deliberately, so that even myself would have to run in one of these redesigned districts, should I choose to run again. None of us would escape the gun in this case.

We are hearing about streamlining, consolidating, a more lean, mean, efficient state government. The Brookings Report said in no uncertain terms, we are too big. We are awful good at telling other people to streamline, and other people to reduce, and other people to consolidate. I think this House should set an example for the people of Maine, by stepping forward and saying, "We are going to put our money where our mouth is. We are willing to consolidate ourselves. We are willing to put our own jobs on the line."

Why should we vote on this now? Well, some people might say, well let's wait until 2014 when the next census comes around, or let's just reduce it a little bit. Well, I do not think that the people want us to reduce it a little bit and I do not think that they want us to wait until 2014. If you pass this bill now and it takes effect in 2014, well all we have missed are the savings of about \$12 million. We could be saving that between now and then, with a reduced, streamlined House.

Some people point out that we have too many pieces of legislation here. Well, I suspect that fewer of us would mean fewer pieces of legislation. I have yet to hear any issue, in five years now, discussed on the floor of this body that has more than 105 different points of view. I know it is hard to vote against your own job and that it what some people are doing—if we cut this down, I may be the one whose head is on the chopping block and the state cannot get along without me being here—well, they have, they can, and they will again. None of us are irreplaceable; we will all go down the road eventually. It is hard to vote against your own self-interest. I am willing to do it and that is why I proposed this bill, why I still feel it is what is good for the state, it is what the people want, and I just hope that a few you here this afternoon will agree with me by pushing a red light. Thank you.

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 would like to thank my colleague, the good Representative from Fairfield, for introducing this bill and speak to the fact that the ideas that he has brought forth in LD 1552, have been incorporated into the Committee's discussion. There will be legislation coming forward, not today, but in the future that will be dealing with the issues that are brought forth, and looking at a reduction of this body and the other body, the Legislature as a whole. The

numbers are slightly different in that the bill that we will be presenting is 132 members in this body, versus the 105 that are recommended in this bill. The other thing, also, that I want to mention is the date would be different with regard to the consideration of when the reduction would occur. We would be looking with the other legislation of reducing in 2015 versus 2009.

There are two ways that you can look at this type of argument: It could be a matter of us pointing the gun at ourselves, as the good Representative has mentioned in his debate, or we could be looking at from a progressive point and saying that we want to be deliberate, we want to be wise, we want to be gradual in right sizing democracy and right sizing the size of government in the State of Maine. So, I would urge my colleagues to support the Majority Ought Not to Pass Report on this bill, and allow us an opportunity to present our other legislation that will be looking at, changes that are both cost saving, produces efficiency, and make sure that democracy is maintained in the House of Representatives and the other body. Thank you, Mr. Speaker.

Representative JOY of Crystal **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 Crystal, Representative Joy.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Probably, I am a strange one to be standing on this, but I have always voted for bills to reduce the size of the Legislature. I think that we are much too large and even though this is going to make my successor travel a lot more, because in my district when I go out to pick up my signs after an election, I have over 400 miles. But even at that, I think that anything that we can do to save the amount of money that Representative Finch has in his bill, is certainly worthwhile. Thank you very much.

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

Representative **FINCH**: Mr. Speaker, I am not sure that even after five years I understand the protocol of speaking on a piece of legislation not before us, but since that door has been opened, I would like to proceed to make a few comments about a bill which may be coming to us in the future. Since that has already been mentioned, I believe that I am properly able to do that?

The **SPEAKER**: The Chair would ask that the member confine to the comments to the issue at hand, which is the acceptance of the Majority Ought Not Pass Report, in relation to LD 1552, your bill. The Representative may proceed.

The Chair advised all members to confine their debate to the question before the House.

Representative **FINCH**: Thank you, Mr. Speaker. Then, speaking very slowly and carefully, so it is not to exceed my permission slip here, the bill currently before us, my bill, would result in savings now. It would not postpone until 2015. It would call for a reduction to 105, not to some other theoretical number, let's say 132, and would be in keeping with making significant reductions. Some may say that we need more time to work this through. I believe that as Representative Joy from Crystal just said, this issue has been before the body before. I suspect that in most people's minds, more time to think about it probably is not 100 percent necessary. So, once again, there is the bird in the hand and the one in the bush analogy: This is the bird that we have in our hand right now, and this is the bird that I hope will be successfully released to the voters for their approval this November. I urge you to vote red.

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. 75

YEA - Adams, Annis, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Crockett, Driscoll, Duchesne, Dunn, Eaton, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Greeley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Koffman, Lundeen, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rector, Rines, Saviello, Schatz, Silsby, Simpson, Smith N, Sutherland, Tardy, Theriault, Treat, Trinward, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Austin, Ayotte, Beaulieu, Berube, Browne W, Cebra, Cotta, Craven, Cray, Crosthwaite, Curtis, Dill, Eberle, Edgecomb, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Jacobsen, Joy, Knight, Lansley, Lewin, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Peoples, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Sirois, Strang Burgess, Sykes, Thomas, Tibbetts, Vaughan, Walcott, Walker, Weaver, Woodbury.

ABSENT - Chase, Cressey, Duprey, Emery, Hotham, Kaenrath, Pendleton, Pineau, Richardson E, Thibodeau, Tuttle.

Yes, 79; No, 60; Absent, 11; Vacant, 1; Excused, 0.

79 having voted in the affirmative and 60 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects"

(H.P. 458) (L.D. 591)

Signed:

Senators:

STRIMLING of Cumberland
SULLIVAN of York
DOW of Lincoln

Representatives:

TUTTLE of Sanford
CLARK of Millinocket
THOMAS of Ripley
HASKELL of Portland
CRESSEY of Cornish
DUPREY of Hampden
DRISCOLL of Westbrook

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

Signed:

Representatives:

JACKSON of Allagash
BURNS of Berwick

READ.

Representative CLARK of Millinocket moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-282)** on Bill "An Act To Enhance Availability of Emergency Telephone Services"

(H.P. 975) (L.D. 1383)

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York

Representatives:

BLANCHARD of Old Town
RINES of Wiscasset
FLETCHER of Winslow
ADAMS of Portland
FITTS of Pittsfield
BERRY of Bowdoinham
HINCK of Portland

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

Signed:

Senator:

SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport
BLISS of South Portland
CURTIS of Madison

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-282)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 23, 2007.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-285)** on Bill "An Act To Enable the Dirigo Health Program To Be Self-administered"

(H.P. 347) (L.D. 431)

Signed:

Senators:

SULLIVAN of York
BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth
CANAVAN of Waterville
CROCKETT of Augusta
TREAT of Farmingdale
CONOVER of Oakland
PRIEST of Brunswick

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

VAUGHAN of Durham
RICHARDSON of Warren
SAVAGE of Falmouth
McKANE of Newcastle

READ.

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

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Dirigo Health Program that was passed by the Legislature in 2003 is working today for a lot of people, and this bill will help it to continue to provide a benefit for those people, and to help it to grow.

In the 2003 Dirigo legislation, the Legislature anticipated the possibility that Dirigo might wish to become a self-administered program. The legislation at the time, provided that it could only become self-administered if there were no bidders for the program in its initial round. We know that Anthem did provide a bid and that self-administered provision never was triggered. I would point out that that provision, as it has been in the law since 2003, did not really provide any conditions, restrictions, or special requirements. It simply gave full discretion to the Dirigo Health Agency to go out and seek bids and become a self-administered program.

This is the kind of prudent common sense, business-like step that I think we want to encourage in a program like this. Many large companies find it advantageous and it saves them money. In fact, I think nine out of ten companies over 10,000 employees, covered lives in health benefit programs, go self-insured. They handle some of the tasks themselves, but they hire a third-party administer, to administer the benefit. I would think that is the case with Unum, BIW, Hannaford, many of the other large employers in the State of Maine, and as well with the state employee health plan.

To go self-administered, you still need a partner, an insurance company usually, to provide most of the kinds of services that insurance companies do typically provide in a fully administered, retail, off-the-shelf benefit program. This is going to continue the tradition and the pattern of a private-public partnership with Dirigo, and it will just introduce a degree of competition by allowing more bids, perhaps, to come in. It is an option only for the agency. If the agency goes out to bid and does not receive the bids that are necessary for it to demonstrate some cost savings, it is not a requirement, and the same pattern of going with a fully administered plan can be continued.

In addition, I would point out that there are many, many protections and restrictions put on the plan, if it were to go to a self-administered model under this bill: consumer protections, guaranteed issue, guaranteed benefits, and so on, are all incorporated and guaranteed through the provisions of this bill. When the state employees' benefit plan, in 2002, decided to take a very similar step, they saw that their administrative fees went from 7.8 percent to 5.8 percent for a \$4.3 million annual savings. Even more significantly, self-administering really helped them to control their premiums. They saw in 2006, the state employees' program, as a self-administered entity, saw a 2 percent increase in premiums, whereas typical increases in the large group market were 8 to 20 percent. So, I think that there is a precedent for us

to take this step. I think there are many protections built into LD 431, to ensure the fiscal, the financial stability, the soundness of the program, if it were to find it self-administering as a cost saving measure. I would just simply say that it is sort of a belt and suspenders approach: There is a reserve requirement; there is a requirement of soft stop-loss insurance to make sure that this continues as a fiscally stable product.

I would just conclude by saying that what was prudent in 2003 is even more prudent now, considering the number of protections and the requirements that have been built into this proposal. Let's give Dirigo this added tool to its toolkit. Let's responsibly stretch the limited resources we have as far as we can, to provide a benefit to the people who are now getting insurance through Dirigo, where they might not otherwise be able to afford coverage.

Representative RICHARDSON of Warren **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 Warren, Representative Richardson.

Representative **RICHARDSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to object to a couple of the points that were made by the previous Representative. Basically, when we compare this to something that is in place, a self funded situation, I believe that you have to take a look, a one critical look, at the total picture. What Dirigo or what this bill would propose is that we go to Dirigo and Dirigo is not really a self—in other words members of a self-funded plan are controlled. In the Dirigo plan, it is a public situation and it becomes a very different situation.

The last point that I will leave you with is that I believe that we have looked at the successes of the Dirigo plan. It is a program that yes, I would like to keep, but I think that it needs to be run a lot better, and I really do not see this as a way to achieve that goal. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Conover.

Representative **CONOVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just also wanted to respond to a couple of the comments here. I wanted to make sure that the body realizes all the compromises from last session are incorporated into this bill, in addition to another one. The Dirigo Health Program has a considerable amount more experience under its belt, which aids this moving forward. I did want everyone to know that this step, Dirigo self-administering, was a recommendation of the diverse, twenty-member Blue Ribbon Commission on Dirigo health. As we look for solutions to have the program run better, this bill helps that, in response to the good Representative, who I admire a lot on our committee as we have worked through this.

The bill would allow the Dirigo Health Agency Board more control over the benefit design, marketing, and administration of the plan. Additionally, it would allow the profits that now go to the insurance carrier to be reinvested back into the program, to cover more people, and make the product more affordable for Maine's hardworking, working families and small businesses. We know that many businesses have this tool under their belt, most with 5,000 or more enrollees do choose to self-administer because of the significant cost savings. Now, with Dirigo having 14,000 enrollees, this is the next logical step, it is a good business decision, and I hope to have your support. Thank you very much, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Back in my first term, when the Chief Executive opposed Dirigo Health and it was accepted, the word Dirigo is "I lead." Since we passed this, we have had three Republican Governors follow: the Governor of California, the former Governor of Massachusetts who is now running as a Republican for President, and the Governor of Vermont. To do nothing, is just about that word: do nothing. We will probably be tweaking this for another five to ten years. But the bottom line is the poor people have insurance and the people that can afford it have insurance. It is the people that go out and work everyday, two jobs, two children, and they cannot afford this insurance.

Talk about the state running a program, I worked for a company when they were bought out by the San Francisco Chronicle. They were big enough that they did not need it; they supplied the insurance for us. When I wore a blue shirt, I was a member of the Union and used to sit down with the company and negotiate a contract. Years later, I find myself with a shirt and tie on, on the other side of the table negotiating the contract, and health insurance was never on the table, it was a given, but today that is a different story. To turn around and criticize and criticize is one thing, but without trying something, nothing will be done. It is time that we did something. This is not a Democratic issue; it is not a Republican issue, it is an issue that we all have to face. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 431 is surprisingly similar to a bill that came out last year to self-administer Dirigo that was defeated by this body and rejected by the Legislature. But if this particular bill was enacted, once again, Maine would boldly go where no state has ever gone before.

This idea of self-administering, self-insuring is something that companies, businesses, and some governments have had for a long time, but it is for a fixed pool of employees, it is not for an entire state. By including the entire state into our pool, we are in fact an insurer, but we are not an insurer according to this bill. Look at section 698, subsection 10: A self-insured plan is not an insurer under the laws of this state. The administration of the self-insured plan by the board does not constitute doing the business of insurance in this state, and yet that is exactly what they propose to do.

So, why do they have that section in there that says they are not going to do it? It is because this new Dirigo self-insured plan does not want to follow the same rules that the insurance companies in this state have been struggling under for years. It will in fact, give them an unfair competitive advantage. There will be very little, if any, regulatory oversight of this new plan, unlike all the other insurers in the state that are under the Bureau of Insurance, this new self-administered plan would be under the Dirigo Board of Directors, who would be able to change the rules as they seem fit. There is no way that we can compare this plan in 431 to any real self-administered plan that a business has.

Now we talked about the profit motive, we had to get rid of that awful profit motive. Well, those profits happen to pay for a lot of employees in this state, who also happen to pay a lot of taxes in this state, and that certainly needs to be considered in the fiscal note and I do not believe it was. The costs of this new entity, whatever you want to call it, were figured by the Dirigo Board themselves. They gave us in committee the fiscal note. The reserves are questionable, how much this company,

whatever it is, has to come up with in reserves as we never really got an accurate estimate, \$6 million by January 1 to start and then by the end of the year, I do not know exactly how much. But the big question is what if those reserves are not enough, who is liable? Citizens of the State of Maine are liable. We do not have enough money to back up this insurance company, which all of the other insurance companies that do business in this country have: a lot of money, a lot in reserves. If we do not have that money in this government, it is the taxpayers that are liable for any default. Where exactly will that money come from just to start this plan? I do not know, I think it has to come from the taxpayers.

There are plenty of great insurance plans out there that could turn the insurance industry in this state around. We are looking at a couple of them right now: Idaho has a plan, North Dakota has a plan, and Kentucky has a plan. They work, they provide cheap insurance. This idea of boldly going where no state has gone before has not worked so far and we all know it. This is going to be another expensive venture into the unknown. Thank you, Mr. Speaker.

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 rise today to speak against this bill and would like to give my reasons. First, let me say that I support providing health insurance in a responsible manner, to all Maine residents. This includes those who need insurance as a safety net because they cannot afford it, as well as I think that we need to have insurance products in this state that are competitive and affordable for our citizens. However, I cannot support this bill because as written, it is missing one major piece: There is not the regulatory oversight by Maine's Bureau of Insurance, which is required of our insurance companies in this state.

When I talk of oversight, I am talking about regulation and why do we regulate? We regulate to protect our consumers, our families, our children, our businesses, and there is a reason why we regulate all of our insurance companies to do so. However, under this legislation as a self-administered plan, Dirigo would not require the Bureau of Insurance to look at what they are doing in operating. That means the Bureau of Insurance would not look at the amount of premiums being charged by Dirigo, to families, individuals, and business owners. It would also mean that the Bureau of Insurance would not look at the claims experience, which is so critical to operating in a sound manner as an insuring body. As legislators, we cannot run the risk that if the claims are too high and that is not matched well against the premiums, that there may be financial shortfalls and if there are to the plan, we may have no choice but to look towards our General Fund, to the taxpayers of Maine, to support that difference.

So, again, I cannot overemphasize enough that Dirigo needs oversight and I encourage my colleagues in this House not to vote for this bill, because the necessary regulatory oversight is missing. Please give this some serious consideration before you vote. Thank you.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Having gone through a lot of the negotiations that we went through last year, I do want to say that third-party administrators in self-administered plans, no matter where they are located, are not overseen by the Bureau of Insurance. Only the small group, the individual market has to go through rate setting hearings, not the large group, nor

the third-party administrators. One thing that was negotiated in this bill, and this came from last session, is that the Dirigo TPA has agreed to all of the mandates this state requires. TPA's and self-administered plans are not required to do that.

The other thing is the safeguards are set up in terms of starting this, and there is some experience with this, with the Workman's' Comp Board, many, many years ago. Also, we have some experience in the state with the state employees who cover a large area of different jobs, not similar jobs, and different risks. If am correct and I hope somebody will correct me, but the experience now with Dirigo, now 2 to 2.5 years, is that our people who are costing this system a lot is no different than any other individual or small group. So, we are not seeing a large amount of sick people coming into this, anymore than any other. With this experience, we also have the ability to look at this and see whether this will work or not. The safeguards are there. If they cannot meet those safeguards then they cannot move forward with this. The oversight is not different from any other TPA or third-party administrator, and I am anxiously awaiting this ability for the Dirigo Program to have at least the tool to look at and try, and I ask you to vote for this.

The SPEAKER: The Chair recognizes the Representative from Lincolnville, Representative Walker.

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to this motion and let me tell you why.

It was just a few years ago that many people in this body said, let's be the first in the nation and put together our own computer system to run our MaineCare billing apparatus. Now, I do not have to tell you what happened with that endeavor. Here we are a few years later and now we want the State of Maine to become an insurance company. I think it is an absolutely horrible idea. Insurance companies have been around for hundreds of years, they know how to access risks, they know about reserves, they know how to administer a program. There are different solutions to the insurance mess that we have in this state, then going down this path with the State of Maine becoming their own insurance company. I would ask you to vote against the motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have heard a lot about the perceived problems. I would remind the House that essentially this is a tool that has to be adopted by the Board of Dirigo, which may or may not be adopted by them, if in fact requirements are not met. If the requirements are not met for reinsurance, for example, this plan will not go forward. So, the fear that somehow the state is going to be liable for claims is not born out because there is going to be reinsurance. If the claims go above a certain amount, then there will be reinsurance which is required by this bill, which will cover those claims.

As far as are we properly regulated, I would refer you to subsection 9 on page 9 of this bill, which talks about what the self-administered plan must meet or succeed the following requirements: Requirements for rating practices, requirements for guaranteed issuer, requirements for guaranteed renewal, requirements for continuity of coverage, coverage related enrollees and preexisting condition exclusions, requirements for mandating coverage of specific health services and specific diseases over certain providers of healthcare services, requirements for the benefits, right, and protections for individuals enrolled in health plans, and so on and so forth. The Dirigo Plan is going to report to the IFS Committee through this process. We will be well aware of what they are going to do and there are

going to be plenty of safeguards here. I think that this is a good plan. Again, it is not a certainty. If the board does not find that the plan will be in the best interest and will be solvent and will get reinsurance, then the plan will not take place. We hope it will, we hope that it will cut down the cost of administering the program, we hope that that in turn will cut down the premiums and enable more people to be able to get into the Dirigo Program. I urge you to vote for this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative MILLER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to lob in one more little factoid on this issue and that is that there is some discussion about competition in the market. In the individual market there is very little competition, Anthem has 97 to 98 percent of the market and has felt that this bill will add some competition to that situation. Thank you, Mr. Speaker.

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

ROLL CALL NO. 76

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

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

ABSENT - Cressey, Duprey, Emery, Gerzofsky, Greeley, Hotham, Kaenrath, Pendleton, Pineau, Richardson E, Rines, Tuttle.

Yes, 83; No, 55; Absent, 12; Vacant, 1; Excused, 0.

83 having voted in the affirmative and 55 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-285)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 23, 2007.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Protect Maine Citizens' Credit"

(H.P. 718) (L.D. 958)

Signed:

Senators:

SULLIVAN of York
SNOWE-MELLO of Androscoggin
BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth
CROCKETT of Augusta
VAUGHAN of Durham
RICHARDSON of Warren
CONOVER of Oakland
McKANE of Newcastle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-286)** on same Bill.

Signed:

Representatives:

CANAVAN of Waterville
TREAT of Farmingdale
SAVAGE of Falmouth
PRIEST of Brunswick

READ.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Allow the Secretary of State To Issue a Work-restricted License to First-time License Holders Not Yet 21 Years of Age with Less than 2 Years of Driving Time"

(S.P. 78) (L.D. 241)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** in the House on May 17, 2007.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-47)** in **NON-CONCURRENCE**.

On motion of Representative MARLEY of Portland, the House voted to **INSIST**.

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

On motion of Representative PERCY of Phippsburg, the House adjourned at 1:07 p.m., until 9:00 a.m., Wednesday, May 23, 2007 in honor and lasting tribute to Irving F. Chipman, of Harpswell, Robert J. "Bob" Thibodeau, of East Millinocket and James Joseph Durant, of Scarborough.