

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
49th Legislative Day
Friday, June 1, 2007

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

Prayer by Reverend Richard A. Bamforth), Augusta (retired National Anthem by Hartford-Sumner Elementary School 3rd Grade Chorus, Sumner.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Require Legislative Review of Rules Governing the Requirements for Local Support Systems Required as Part of the Certification Process of Educational Personnel"

(H.P. 1130) (L.D. 1608)

Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-329)** in the House on May 30, 2007.

Came from the Senate with the Minority (3) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Preserve Historic Architecture by Encouraging Owner-occupied Small Business Conversion"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277) in the House on May 23, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277) AS AMENDED BY SENATE AMENDMENT "A" (S-172)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Amend Certain Harness Racing Laws"

(H.P. 914) (L.D. 1296)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-287) AND HOUSE AMENDMENT "A" (H-320) in the House on May 29, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-320)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 334)

STATE OF MAINE

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

May 31, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 548 An Act To Prevent Abuse of Pet Ownership Rights

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

Sincerely,

S/Sen. John M. Nutting

Senate Chair

S/Rep. Wendy Pieh

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 335)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 30, 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 Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1121 An Act To Provide That Lottery Proceeds Be Devoted to Public or Charitable Uses

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

Sincerely,

S/Sen. Lisa T. Marraché

Senate Chair

S/Rep. John L. Patrick

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 336)

STATE OF MAINE

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

May 31, 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 bill out "Ought Not to Pass":

L.D. 395 An Act To Use National Standards To Determine Maine's Relative Tax Burden for Purposes of Budget Caps

We have also notified the sponsor and cosponsors 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.P. 718)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

May 30, 2007
Sen. Elizabeth M. Schneider
Senate Chair, Joint Standing Committee on State and Local Government
Rep. Christopher R. Bartow
House Chair, Joint Standing Committee on State and Local Government
123rd Legislature
Augusta, ME 04333

Dear Senator Schneider and Representative Barstow:
Please be advised that Secretary of State Matthew Dunlap has nominated David R. Cheever of Augusta for appointment as the State Archivist.

Pursuant to Title 5 M.R.S.A. §93, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

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

Came from the Senate, **READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

READ and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 28)

ORDERED, that Representative Andrea M. Boland of Sanford be excused May 29 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David W. Farrington of Gorham be excused May 16 and May 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Randy E. Hotham of Dixfield be excused May 10, May 15, May 17, and May 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gary W. Moore of Standish be excused May 29 and May 30 for personal reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative MARLEY for the **Joint Standing Committee on Transportation** on Resolve, To Provide for a Careful Examination of the Motor Fuel Taxes

(H.P. 1353) (L.D. 1919)

Reporting **Ought to Pass** pursuant to Joint Order 2007, H.P. 1342.

Report was **READ** and **ACCEPTED**. The Resolve **READ ONCE** and was assigned for **SECOND READING** Monday, June 4, 2007.

Ought to Pass as Amended

Report of the Committee on **NATURAL RESOURCES** on Bill "An Act To Protect the Scenic Value of the Kennebec River"

(S.P. 531) (L.D. 1508)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-147)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-147) as Amended by Senate Amendment "A" (S-181)** thereto.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE. Committee Amendment "A" (S-147) READ** by the Clerk.

On motion of Representative KOFFMAN of Bar Harbor, **TABLED** pending **ADOPTION of Committee Amendment "A" (S-147)** and later today assigned.

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** and the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-160)** on Bill "An Act To Promote County-based Economic Development Efforts"

(S.P. 324) (L.D. 1007)

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland
BENOIT of Sagadahoc
COURTNEY of York

Representatives:

BARSTOW of Gorham
BOLAND of Sanford
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
SCHATZ of Blue Hill
BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
SMITH of Monmouth
PRESCOTT of Topsham
RECTOR of Thomaston
CLEARY of Houlton
SILSBY of Augusta

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

Signed:

Representatives:

WEAVER of York
 BEAUDETTE of Biddeford
 HAYES of Buckfield
 COTTA of China

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-160)**.
READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-160)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, June 4, 2007.

CONSENT CALENDAR

First Day

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

(S.P. 653) (L.D. 1835) Bill "An Act To Amend the Laws Relating to Notaries Public" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 154) (L.D. 172) Bill "An Act To Increase the Property Tax Exemption for Veterans" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-385)**

(H.P. 1039) (L.D. 1477) Bill "An Act Concerning the Natural Resources Protection Laws and Related Provisions" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-388)**

(H.P. 1120) (L.D. 1598) Bill "An Act To Grant Supervisory Privileges to Qualified Independent Nurse Practitioners" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-386)**

(H.P. 1225) (L.D. 1759) Bill "An Act To Reduce Fraud in the Processing of Beverage Containers" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-387)**

(H.P. 1256) (L.D. 1801) Bill "An Act To Clarify the Definition of Autism and Eligibility for Services from the Department of Health and Human Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-381)**

(H.P. 1307) (L.D. 1875) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2007-08" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-382)**

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 items appeared on the Consent Calendar for the Second Day:

(S.P. 222) (L.D. 685) Bill "An Act To Amend the Maine Human Rights Act" (C. "A" S-162)

(S.P. 226) (L.D. 709) Bill "An Act To Amend the Accord and Satisfaction Laws To Add Juveniles" (C. "A" S-163)

(S.P. 500) (L.D. 1422) Bill "An Act To Allow Nonprofit Organizations To Operate Certain Games of Chance without a License" (C. "A" S-168)

(S.P. 573) (L.D. 1629) Bill "An Act Regarding Jury Service" (C. "A" S-164)

(S.P. 633) (L.D. 1789) Bill "An Act To Ratify the Revised Interstate Compact for the Placement of Children To Promote Compliance with the Federal Safe and Timely Interstate Placement of Foster Children Act of 2006" (C. "A" S-165)

(S.P. 643) (L.D. 1808) Bill "An Act To Improve Road Safety and Update Bicycling Laws" (C. "A" S-166)

(H.P. 284) (L.D. 354) Bill "An Act Regarding the Reporting Requirements of Guardians and Conservators" (C. "A" H-374)

(H.P. 455) (L.D. 588) Bill "An Act To Allow Civil Penalties for Trespass while Engaging in Activities Regulated by Inland Fisheries and Wildlife" (C. "A" H-375)

(H.P. 740) (L.D. 980) Bill "An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons" (C. "A" H-366)

(H.P. 748) (L.D. 988) Bill "An Act To Improve the Protection from Abuse Laws" (C. "A" H-376)

(H.P. 776) (L.D. 1058) Bill "An Act To Require the Reporting of Executive Branch Lobbying" (C. "A" H-367)

(H.P. 804) (L.D. 1086) Bill "An Act To Clarify Worker Payment for Clothing and Equipment" (C. "A" H-371)

(H.P. 814) (L.D. 1096) Bill "An Act To Make Circuitbreaker Program Benefits Proportional If a Resident Moves" (C. "A" H-373)

(H.P. 881) (L.D. 1239) Resolve, To Establish a Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine (EMERGENCY) (C. "A" H-365)

(H.P. 887) (L.D. 1259) Bill "An Act To Use the Date of Injury To Calculate the Average Weekly Wage in Occupational Disease Cases" (C. "A" H-372)

(H.P. 1067) (L.D. 1542) Bill "An Act To Limit the Liability of Organized Clubs" (C. "A" H-377)

(H.P. 1068) (L.D. 1543) Bill "An Act To Clarify the Use of Tips in Payment of Service Employees" (C. "A" H-370)

(H.P. 1083) (L.D. 1558) Bill "An Act To Improve the Process for Adjustment for Sudden and Severe Disruption of Valuation" (C. "A" H-360)

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

(S.P. 27) (L.D. 42) Bill "An Act To Repeal Term Limits for Legislators" (C. "A" S-167)

On motion of Representative TARDY of Newport, was **REMOVED** from the Second 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.

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Allow the Widening of a Portion of the Maine Turnpike"

(S.P. 103) (L.D. 320)
(C. "A" S-150)

Bill "An Act To Require Owners of Utility Facilities To Accommodate the Installation of Traffic Control Signals and To Permit the University of Maine System To Construct Lines on Public Rights-of-way" (EMERGENCY)

(S.P. 474) (L.D. 1360)
(C. "A" S-153)

House as Amended

Bill "An Act To Make Maine Safer by Collecting DNA from Those Convicted of Felonies"

(H.P. 334) (L.D. 418)
(C. "A" H-368)

Bill "An Act To Amend Truancy Laws Regarding Parent Involvement"

(H.P. 353) (L.D. 454)
(H. "A" H-384 to C. "A" H-168)

Bill "An Act To Increase Access to Oral Health Care"

(H.P. 822) (L.D. 1129)
(C. "A" H-362)

Bill "An Act To Improve Home and Commercial Building Energy Efficiency"

(H.P. 1164) (L.D. 1655)
(C. "A" H-331)

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

(H.P. 1201) (L.D. 1718)
(C. "A" H-316)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

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

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have before us a constitutional amendment. What does LD 1718 do? This amendment proposes a change in the size of the Maine Legislature, reducing the number of Senators from 35 to 33, and the number of Representatives from 151 to 132. The total number of voting state legislators would be reduced from 186 to 165, a reduction of 21 positions. Because this requires a change in the Maine Constitution, after passage or enactment by a supermajority in both Houses of the Legislature, it would go to the people for their approval.

Maine's Legislature is tied for sixth largest in the country, while our population is ranked 40th in the country. Regarding the nation's State Houses of Representatives, the national average is 108. Each of those Representatives across the country

represents an average of 54,000 constituents. Only five states have more Representatives than Maine: they are New Hampshire with 400, Pennsylvania with 203, Georgia with 180, Missouri with 163, and Massachusetts with 160. Maine's House is 40 percent larger than the national average. The reduction that I am asking for in this body is 12 percent.

Of the more than 5,400 House members across the country, House members represent less than 10,000 constituents in only five states. Under current projects, as you know we represent—actually I am not sure what it is right now, about 8,700; 8,500 at the census—under current projections, Maine districts will have 9,100 people when this bill takes effect, but what this proposal would do, it would increase that number by 1,300. If projected increases in the Maine population do take place, then we would represent 10,400 in each district. I remind you that the national average is 54,000.

Now what are the reasons to be apprehensive of this proposal? This is one of the main weaknesses of me being a schoolteacher; I will tell you what is weak about my own proposal. Rural districts would be increasing the size of their districts—yes—but Maine's districts are less than half the size of the national average. Imagine your 19th century predecessors hearing a complaint that it would be difficult for you to address an additional 1,300 people, given the modern age.

A change in the State Constitution, my second reservation or I think it is something to think about—a change in the State Constitution must not be done lightly. True, but a member's ability to communicate with constituents is vastly easier today than in Maine's historic past, when the original number was adopted. Folks, I teach history and government and I have a tremendous appreciation for tradition, so I do not propose this lightly, believe me.

Number three: Broad representation and constituent access. Constituent accesses to state representatives, to us, are pluses in our democracy, absolutely. This proposal's modest changes protect those virtues, while a cost/benefit comparison reveals many advantages. Let us talk about those.

This amendment establishes House and Senate memberships to be 132 and 33, precisely a 4 to 1 ratio. This amendment facilitates an easier streamline, redistricting process. Currently, the House and Senate districts are laboriously redistricted separately, with Senate district maps and House district maps having little correlation. As you know, recent history has had this process end up in the courts. As a result of this amendment, once House district lines are determined by the redistricting process, each Senate district is easily determined, as it will combine four House districts. This should save time and money in the redistricting process, but it also will make citizen identification of their representatives and senator easier, and it will permit a senator and four representatives to develop a working relationship based on a shared and now specific geographic constituency.

This amendment would take effect in the next regular cycle of redistricting, meaning the new districts would be in place for the 2014 election, with elected officials from the new districts beginning service in January 2015, in the 127th Maine Legislature. This has two advantages: The first is that to reduce the size of the Legislature any earlier, would require a special redistricting process at a cost of \$300,000 to \$500,000. The last one was \$400,000, and I would maintain that this one would be a little bit less expensive because we are doing really the House primarily, but waiting until a regularly scheduled cycle is financially prudent. The second advantage of the chronology here is that deciding now to agree to change the districts in 2013, cannot be tarnished with any partisan or personal considerations.

This chronology eliminates political party advantage and any personal motivation in making this decision.

Reducing the size of the Legislature is a huge step, a constitutional step that is so important it must be justified by tangible benefits. These advantages include House/Senate symmetry of districts, an easier and less expensive redistricting process, significant cost savings in many areas, and a message to the voters. I believe an additional advantage would be to save adequate representation and preservation of the citizen Legislature. There will be an attempt to reduce Maine's Legislature to 99 representatives, nearly every term. There has been such a proposal in four of the last six Legislatures. Reducing the collective brainpower of 151 citizen legislators to 99 is significant, and that kind of change, in my opinion, would necessitate going to a full-time professional Legislature. I find great value in the type of representation, and I mean the mix of occupations and prospective, which our citizen Legislature brings to Augusta.

This modest proposal to streamline our numbers to 132 will in my belief, save the citizen Legislature from successful attempts to reduce it more severely. It is a small consideration, but we just renovated the State House and this proposed reduction in the size of the Legislature is easily achieved without requiring wholesale redistribution of seats in the Chambers. In the House, the back row might be replaced by a table, as is convenient, or the most difficult to access seats might be left unassigned, somebody might have some extra room, giving neighbors more space. It is a minor housekeeping matter and not the wholesale rearrangement and removal that a reduction to 99 legislators would require.

The benefits of this change are several, and the most significant I think, perhaps would be cost savings. The reduction of 186 to 165, that is total legislators, saves 21 legislative salaries, 21 health insurance premiums, 21 dental insurance premiums, 21 constituent service allowances, and 21 reimbursements for mileage, food, and lodging. The two-year savings from this proposal for the years of the 127th Legislature and discounting any possible redistricting savings is projected to be \$1.6 million: \$1,611,703. Perhaps the biggest consequence is the message that we would send to public that we are looking for efficiencies, and while we examine all of state government including the programs that are so important to so many Maine people, we also hold ourselves to the same introspection.

In conclusion, I ask you to consider the Amendment's accomplishment of greater House/Senate alignment; a less complicated, less expensive redistricting processing; significant cost savings to Maine taxpayers, and sending the message of frugality to the electorate. Support the Majority Report by voting green. Thank you.

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

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to rise and speak against the passage to engrossment—I was not quick enough yesterday, but I am getting quicker because I am older now. I think with all due respect to the Representative from Kennebunk and my colleagues on State and Local Government, I feel that it would not be appropriate to change the size of the House.

I think the comparisons to other states, I think lead us to faulty conclusions. The differences between this state and other states are vast, not only in terms of the nature of the issues that we face and that our constituents face, but also the geography, and the fact that many of the staff supports that exist in other states are quite different. We would need to factor in so many things to

really come up with a true comparison. The fact is that it would dilute the representation that is given to our constituents. Yes, it does not seem like bases on the figures set forth by the good Representative that it would be major, but indeed if you are serving in a rural area, adding a town or two, adding miles to your task is a drain on the resource and on the service to those constituents. When these districts were set up, I would maintain that the types of issues faced by the people of Maine were somewhat different, perhaps simpler, not driven by the kind of technology that drives our issues today, the environment as being one example.

I would like to think that we are the buffer between the lobbyists, the administrations, the agencies that have an awful lot of power to drive government. I think we need every bit of person power that we have available, and the time given to us, and the resources given to us. We should not be attracted by a savings that if analyzed, would probably not stand up as being a real benefit to our constituents. I would hopefully see this measure go down. Thank you for your time, Mr. Speaker.

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With all respect to my good friend, Representative Babbidge from Kennebunk, and he is a good friend, I rise in opposition to this. It is not because of the idea of having efficiencies in the state's government; I am certainly all for that. I think that this is a well thought out proposal, and I think he did an excellent job in researching it.

My issue is the fact that I do come from a rural area, and in the last redistricting, Aroostook County had 11 House members and because of our loss in population, we dropped down to 9. I am sure that under this proposal, Aroostook County would again be affected by a reduction in the Legislature. Now I am not opposed at all to having more constituents, I really would enjoy that. That is not the issue at all. The issue for me is size: miles.

Currently, it takes me well over two hours to drive from one end to the other of my district, and I am only in the House. It is 120 miles. This would certainly add another 30 or 40 possibly, more miles to my district, and I think that is not good representation. I do not have the ability to reach all of my constituents with one media outlet. Because of the distance there are different television stations, there are different papers, and not all of the area has internet access—and our cell phones? You might as well throw those out the window when you cross the line. It would be very hard for me to continue to do even a decent job in reaching everyone, and I am sure many other Representatives in the state would be the same.

When you take into account Aroostook County, it is the size of Connecticut and Rhode Island combined. I think that comparing it to other states is not a really valid point. I do not know what those other states are doing, but I certainly do not know what we are doing here either. With the district that big, I do not see how reducing it, and obviously it is going to affect the lower population areas more, Aroostook County being one of those areas. Not to pick on anyone in the urban areas, but this probably gives you another half block, I do not know. But for me, it is going to give me another 30 or 40 miles, and that is certainly not something that my people, and I am positive about this, the people in my district want to have me more inaccessible.

I am certainly in favor of going to a four-year term, which saves us more money than this. I think there are ways that we can save money in government, and this certainly does save money, but I do not think it is the best thing for the constituents in the State of Maine. That is why I am asking you not to support it,

even though I think, again, my good friend, Representative Babbidge, did a great job with it, it is just something that is not good for all of Maine. Thank you.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Maybe my good friend from Kennebunk, if he would turn around and set an example if he wants to save some money for the taxpayers, step up to plate and cancel his health insurance and hand his check back in for the General Fund, and see how many follow him.

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

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in favor of Passage to be Engrossed on this item, and speak on behalf of my Committee and the Majority Report regarding this item.

As I have stood here before and spoke on other pieces of legislation that has come before our committee, our committee has the ongoing task of trying to balance democracy and representation with the number of our decisions, with the need to achieve cost savings for states, country, and local government. One of the best comparisons that can be made, and often when you look at economic analysis done by the State of Maine to other states, the normal comparison is done with Idaho. With the statistics, that we have in front of us with regards to Idaho, Idaho has a population of 1.29 million; Maine has a population of 1.27 million according to the latest census. The square mileage of Idaho is 83,000 square miles; Maine is 36,000 square miles. There are 70 members of the Idaho House of Representatives; in Maine we have 151.

When we were presented with this proposal, when we looked at the modest decrease that was presented to us in committee, and when we balanced that with the needs of technology and the modest increase that would occur in constituent representation from 8,443 constituents to approximately 9,500 to 10,000 constituents, depending on what the next census shows us, we found that it would be a positive question to put before the voters of the State of Maine, to let them decide whether or not they want to take this step forward.

We have before us today, not a question of favoritism of whether or not we support this policy personally, and obviously it must be mixed with the decision that you make on this measure today, but the question is whether or not this question is worthwhile enough to go out to the voters of Maine and amend our Constitution? That is the question that was faced by our committee, and that is the question that this body and my colleagues face today. I would urge you to support engrossment, give this option to the voters of Maine in our upcoming November election, and allow us to move forward. Thank you, Mr. Speaker.

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

Representative **ANNIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the engrossment of this bill.

Once again the rural areas are being punished. Piscataquis County, which is the second largest county to Aroostook, has only two Representatives. We have urban areas that have eight

Representatives. District 26, which is my district, to go from one end of my district to the other takes me 45 minutes; I went from five towns to seven towns, and that is if I break the speed limit. It is also the largest senate district. Senate District 27 is 150 miles long. It sounds like some of our people are going to be disenfranchised.

I enjoy town meetings; I have six town meetings to go to, not just one. To disenfranchise many of my constituents, sometimes I cannot get out there. It is not that easy for me to step out of my house, walk a few blocks, and visit my constituents. I have to get into my car, find time—my own time—to go visit and find out what is going on in the rest of my district. Please, do not support this. It will disenfranchise too many people in the rural parts of the State of Maine. Thank you, Mr. Speaker.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am less concerned about the geography than I am about the trend. I find myself sitting here for my second term faced with declining revenues, as a result of us having entered the age of global economics. As Maine loses jobs, not because of the way we tax or regulate business but because opportunity is no longer here in America, it is in China. It makes sense for manufacturing and other businesses that want to do business to go to China rather than to stay here. Our challenge is how do we continue to preserve this great experiment that we call America, in the face of the loss of our economy?

We are looking at regionalization; we are looking at consolidation of our school districts, we are looking at sacrificing public education in the face of diminishing revenues. Where does it stop? Do we now compromise representative democracy because we do not have money because we cannot afford it? Where does it stop? Do we next year, next session, look at regionalizing our New England gubernatorial offices? Do we say "why don't we join with Vermont, New Hampshire, and Massachusetts and share one governor?" Where does it end?

What we have to start thinking about is how do we reverse this trend that has undermined our state and national economy, in the face of global economics. We are giving away our economy, and then we are compromising our social structure, we are compromising our political structure. This is the great American experiment that we encourage everybody else around the world to emulate, and look at what we are talking about: We are going to sell short Maine's representative democracy in an effort to cut costs, to find efficiencies. Where does it end? I urge you to vote against this for the sake of preserving representative democracy. Where does it end? If we do it here, do we do it across the union? Please, vote against this. Thank you.

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 also rise today in opposition to this measure. My honorable friend from Kennebunk is right; this will make government more efficient: It is going to efficiently disenfranchise rural Maine from the Legislature. If we go to this lower number, rural Maine will not be represented in this House or in the other body. Do not take my word for it. There is a very intelligent gentleman back in the 1700's by the name of James Madison, and he wrote the Federalist Papers—he wrote many of them—the one is called No. 55, and he talked about this whole effect. This issue has been debated before by people, many, many years ago, certainly people a lot smarter than myself. Maine is a rural state. If we decrease the number of Representatives in this House, it will be

less of a rural state, there will be less representation from rural areas, and that is why I rise today and I would encourage you to follow my lead—if you do not want to follow my lead, follow James Madison's lead—by voting against this measure. Thank you, Mr. Speaker.

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

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have great respect for Representative Babbidge and my Chair, Representative Barstow of Gorham, on the State and Local Government Committee. I rise though in opposition to this bill also. I do not think that it is probably all that appropriate to compare Maine to other states.

We think of Maine as a leader and rather unique, we are looked to by other states for leadership in various ways such as some of our healthcare initiatives, our clean elections initiatives. I just encourage you to remember the arguments that we are overloaded here, it seems to me, with lobbyists. Yes, it is easier for us to reach our constituents by email and what not, but it is a lot easier for them to reach us and for interest groups to reach us.

I am a first term Representative here and I used to think that this looked like a pretty large number of Representatives, but when I got here and saw all the work there was to do, it was quite overwhelming. I would really hate to see the size of the committees reduced; because people are stretched pretty thin already in getting the work done. I would also point out that the comparisons really do not reflect very well, what really the cost is in other governments; because many people are paid more, many people have greater number of aids.

I would also just like to point out that the savings of \$1.5 million to the State of Maine comes out to just about \$1 a person per year, and I think that most people would be willing to pay \$1 per year to have better representation. I know if I was sending someone in my place to a meeting, I would love it if there was just one person representing me, but often times we have to share with others. It is just too bad to have to share more and more and for just \$1 savings per year. I ask you to vote against this bill.

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

Representative **CONNOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in favor of this motion. For me, when we talk about representative democracy and government, I hear often from my constituents and folks throughout the state that they want to have a more engaged role in the process. I think passage of this bill which would be a constitutional amendment, which puts this question in front of those voters and lets them decide, is a reasonable process for this body to engage in, and it is one that I hope you will follow my light and support. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Carter.

Representative **CARTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I represent District 91. It includes Bethel, Eustis, Gilead, Hanover, Kingfield, Newry, Rangeley, Stoneham, Upton, Woodstock; the Plantations of Dallas, Lincoln, and Magalloway; plus the unorganized territories of East Franklin County including the Salem Township, North Franklin, North Oxford, and South Oxford including Albany, Mason, and Milton Townships. I feel sorry for the person, if this passes, that has to represent more townships than that.

On the first Saturday in March, I had three town meetings: one in Stoneham, one in Kingfield, and one in Eustis. How do you get to three town meetings? I do not get enough salaries to

afford a helicopter. What will happen if you pass this that in a district like mine, you will try to go to the big towns, forget the small towns, and they will not get representation. Thank you.

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

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to this bill, but I do have to make a quick correction to Representative Carter's analysis: He only has half of Salem; I have the other half of the rolling metropolis. Route 142 goes down the middle; I have to the right, he has to the left.

I find myself in kind of unique position because I am a city boy. I grew up in New Jersey—yes, yes, I know I will never be a native Mainer, my people at home remind me of that everyday—but I love this place and I do know where I am going to go when it is all done. I do represent a rural area. It takes me an hour and a half to drive around my district following the speed limit. I just think about it, in an urban area, if we pass this bill and the citizens say to go do this, in an urban area, what will they add, ten blocks? In our areas where Representative Clark, myself, and Representative Carter, you will add about ten townships—that adds quite a bit to our trip out there.

I represent the great communities of Phillips, Avon, and Strong, and I spend a lot of time out there. It is an important place for me to be because I really want the pulse of what those people are about. Those are small communities: Avon has 500 people, Strong has 1,200, and Phillips has 800. Would I spend time there? Probably I would. But would my replacement in the future spend time there if the Maine towns that he needs to be elected in are Farmington and Wilton? Probably not.

Cost versus voice. I guess what I come down to is the cost here is insignificant compared to the voice that they have through me when I get the opportunity to come down here and speak. As I think about it, and I am sure Representative Adams can correct me a lot better than I am about to say it, but our heritage is here. This place was built on farmers and foresters years ago. My understanding is that is one of the reasons our Legislature runs the way it does in a timing standpoint, so the farmers could go home and farm their fields. I have made my choice: I will not vote for this bill, I will vote against it. Thank you, Mr. Speaker.

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

The SPEAKER: The Chair recognizes the Representative from York, Representative Weaver.

Representative **WEAVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I voted for this bill in committee, but now I have decided I am going to be a person who voted for it before I voted against it. I have listened to my colleagues here and I have decided to reverse my vote. I am not listening to my seatmate, I am listening to Madison. 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 rise in favor of this bill and I am a member of the Rural Caucus, I am Secretary of the Rural Caucus. I am not of course as rural as some of my colleagues, but I rise in favor of this bill because, I, like some of you, have traveled to other states as a legislator. People are stunned at how small our districts are and I have to defend repeatedly why we have to be so small. Do we really think that we are that unique, that we are that rural versus western states,

that we are that incapable of reaching 1,500 more people through all the mechanisms we have?

I understand the distances in some of my colleagues districts, but I also understand what the people in my district are saying. They said to me repeatedly at the doors to reduce the size of the Legislature—not just the size of government—the size of the Legislature. This is a modest reduction to me. I want to go down to 99 myself. But this is a step and it is time we did it. Thank you, Mr. Speaker.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The question I have: As we have smaller Legislatures, are how many are full time legislators? We are a part-time Legislature, and I know that myself like many others, are holding other jobs, trying to keep those things going, and representing 8,400 people. I am down here most of the week. I would like to be able to make it back to my town meetings and get back and meet with the people, and when I am home to have the time I need to do the constituent work, to actually help my people not feel isolated. Because in a rural area that is struggling just to make it, isolation is what they feel.

Face-to-face contact with your constituents, the ability to work with the towns and communities you represent requires time and effort. If you want to lower the number of legislators, you have to look at what this means in time commitment for the people who are representing you. We need to represent effectively our constituents. If you enlarge the number of constituents that we see that we need to be representing, then you have to take a good hard look at should we be part-time, or is there another way we should configure this. I will not be voting for this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Grose.

Representative **GROSE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to be voting in favor of this bill and let me give you an example why.

I have five districts: I serve all of Woolwich, I serve a small section of Bath with Representative Watson, I serve a small section of Topsham with Representative Prescott, and I serve a small section of West Bath with Representative Percy. My constituents do not even know whom to call. They are so confused by the redistricting that I am in, they do not know which one to call. They will call me and I will say, "Well, you have to call Representative Watson." To me, this makes sense. We are going to be saving money, which is what the people in the State of Maine want.

Two days ago, I was at a small store in Woolwich. A son and his father both got out of a truck, approached me, was raving at me about the size of government up here, about our excessive spending, and he kept pointing to his pocket and kept saying, "You're taking my money from my pocket." I understand him. I pay taxes too. I work two jobs. We need to do something up here, and if this is a start then this is what we need to do. I do not know about the rural areas, I am pretty rural in some of my areas. But why am I with the other four Representatives? I mean it does not make sense. Thank you.

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

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I very much appreciate the comments being made on the floor. I understand our concerns and they are rightfully expressed. I would like to address just a few.

How would this affect our committees: Leadership has not asked for my input, but if I were to give it, the committee structure is determined by our Joint Rules. What I would suggest is committees remain in size 11 to 13, and that leadership assigns people to committees based on expertise as we do now.

Regarding the concerns of the rural areas: Yes, it is likely to impact the rural legislator a little more in size of his district, than impacting an urban legislator in size. But remember, it is proportional, so the rural districts will be reduced in size proportionally just as urban districts will be reduced in size proportionally.

One thing that I think is important to me here is that this is a message that we are sending, it is symbolic in many ways. There are some that are critical of this proposal as not being courageous enough to follow the many other legislators that proposed 99 or 105 Representatives to this body. The message that we are sending also, I think, is that we dare to tighten our belts, we dare to impact ourselves, and that is something that we also need to send as a message to business. This would be the biggest pro-business message we could tell them: We are willing to look, we are willing to sacrifice.

I will say that regarding the size of our districts, you know, I am a second term, but the fact of the matter is perhaps the good Representative from Farmingdale and others here are more understanding, but I would say we have not experienced the size of a district until you are elected to the Senate. Comparative to the Senate, we have it very easy.

I believe that number 151 is not magical. If we were starting from scratch and deciding what should be the decision of this Legislature, then would we come up with that number? Given the economics of this state, I do not think we would. Hearing the arguments that I have heard, I fully expect to hear future legislation to increase the size of this Legislature to 175, or to 250, 400, or whatever it is to meet those goals that you are talking about. This is modest in proportion, it sends what I think is a very good message, and it also expressed trust in the voters. Please give it to the voters and vote green. Thank you.

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

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do not want to prolong this debate, but I did want to speak. I come from one of the smallest House districts here in the state, so you can all envy me. I think in an hour and a half I could walk from one end to the other. But I have served here; this is my seventh year, in committee with members who would say they represent Houlton to the Orient and things like that. They have turned around committee reports 12-1 because they bring some other information that those of us who live in the urban areas would have no way of knowing about.

As we think about if we are going to tighten our belts, whose belts are we tightening? Are we tightening really the cost of government? People, when they speak to me about the cost of government, they say, "All these politicians." When you tell them what we actually are paid, they are shocked. This is not going to save a lot of money, but it is going to reduce the voice of the people who live in rural Maine. It is part of our tradition and our heritage. Since we are a part-time Legislature, comparing us to the State of Massachusetts with 160—they are paid very handsomely—really is not fair. I do not think that we should take away the people's voice, the price is very low, and it makes a difference in terms of keeping the quality of the conversation here in this body, to a level that makes a difference in the lives of people whom we may never know, we may never go to their

towns, but they are part of our community as well. I will not be supporting the pending motion. Thank you.

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

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition, although I have the greatest respect for my colleague from Kennebunk and tremendous respect for the Committee, I reflect on my responsibility as a legislator.

I represent a very small, rural town; I also represent a service center. If I were to be thinking about this solely as a person who would say, "How would this affect me," I really would not see much harm in this consolidation. In fact, I have a number of people in my town who have complained about the fact that Pownal has been divided down the middle and that I share representation. Not because they are complaining about the fact that there are two great, or at least another great Representative who represents Pownal, but the fact that they feel that their town has been divided and they do not like that. But I took a pledge not only to represent my district, but to represent the State of Maine. I feel as though when I was elected that my job became greater than simply representing Pownal and Freeport. My job became one of representing the people of Maine.

A little history, if I have this right: When we first started this great experiment in Maine, in the earlier years, one of my predecessors actually represented noncontiguous towns: Pownal, North Yarmouth, Scarborough, and Casco. Because at that time when this first Legislature was begun, they traded representation around between different towns, it rotated. In fact, you did not really have an opportunity to connect and represent your constituents. I know that someone, an old timer in one of my towns, said there were times previously, many years earlier that they never saw the Representative who actually represented them. But things have changed.

Another little piece of history, if I have this right: At one time this Legislature grew to the size of almost 200, and then to quote someone I have great respect for, they said "Stop this foolishness," and they changed the structure in order that we represented an equal number of people in this state. All of those changes—so I guess that represents to the fact that we have changed the structure of the Legislature in the past. This change, I do not think is a wise one and I say that because I listened to my colleagues from the true rural parts of the state.

In this day and age, with the level of cynicism about state government, I believe we have an obligation to be responsive to all of the constituents who do reach out to state government and do believe that they still have a voice. We need to strengthen that, so I believe my responsibility is as with every issue we face here, one of not what is best for Pownal, what is best for Freeport, what is best for me; but rather what is best for the whole state. I would ask you to not only make that determination on this specific piece of legislation, but on other pieces of legislation that will be coming to you. I have spoken to many of you about other issues that we will be addressing soon, and many of your questions have to do with "What will this do for my town?", "What will this do for my school district?", "What will this do for me?" I ask you to think, "What is best for the State of Maine?" Thank you.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Like the previous speakers, I have nothing further or new to add on this issue. Thank you.

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

Representative **SIROIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am from a somewhat rural area and I am rising to support this bill. We are all looking at it from our perspective, but maybe we also need to look at it from the voter's perspective. I know when I was going door-to-door; I heard many, many complaints about the size of the Legislature. I think we need to at least give the voters in the State of Maine a chance to tell us what they want.

We are expecting schools to consolidate, well what about the representation of people there, when they are going to larger school districts? That is some of their fear that they are not going to have the representation. I just think this is a good example for us to do.

From everything that I have heard, we have a problem with rural Maine, and the reason is because we are going solely on population, and that is not what this bill is dealing with. Maybe we need to look at not only population, but also geography when we are distributing the size of districts for Representatives. Thank you.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to be listening to my rural friends, as I can walk my whole district in two weeks and get to every house. Some of you folks cannot walk, cannot drive the whole district in that time. I am going to listen to you people and I am going to value your input. I am also going to value Representative Peter Edgecomb's quote: "Charlie, this would add another street to your district."

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

Representative **HAYES**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I rise in support of this proposal. A yes vote sends this to the voters and it allows them to confirm our assumptions about their desire for access. I am not afraid of their answer. I would urge you to vote yes and give them the opportunity to choose.

I, too, believe that if a local school board member can represent adequately, a larger number of people in a broader geographic area, and a superintendent can do so, and a special education director, and a food services director, and a transportation director—we can do it too. This is not beyond our capacity as part-time, citizen legislators. But if in fact we are correct in our assumptions about the wishes of our constituents, voting yes should not create any trepidation. Thank you.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If we just send it to the voters—the voters send us up here to make decisions and for us to vote, not to send it back to them for them to make the decisions. If we are going to have to keep doing that then we might as well just dissolve the whole House.

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 appreciate my good friend from Newfield and the comment he just made; however, since this is a Constitutional Amendment, it requires us to send it to the voters. We cannot change the Constitution under our own hand. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Engrossment as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 98

YEA - Babbidge, Barstow, Beaulieu, Berry, Brautigam, Browne W, Cebra, Connor, Conover, Cotta, Craven, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Finch, Fisher, Flood, Grose, Hamper, Hanley S, Hayes, Hill, Hinck, Hogan, Lansley, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Pendleton, Peoples, Pilon, Pingree, Prescott, Samson, Silsby, Sirois, Strang Burgess, Thibodeau, Treat, Tuttle, Valentino, Wagner, Walcott, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Austin, Ayotte, Beaudette, Beaudoin, Blanchette, Bliss, Boland, Bryant, Burns, Cain, Campbell, Canavan, Carter, Chase, Clark, Crockett, Crosthwaite, Dunn, Edgecomb, Farrington, Finley, Fischer, Fitts, Fletcher, Gerzofsky, Gifford, Giles, Greeley, Harlow, Jackson, Jacobsen, Kaenrath, Knight, Koffman, Lewin, Lundeen, McDonough, McKane, McLeod, Millett, Muse, Nass, Perry, Pieh, Pineau, Pinkham, Piotti, Plummer, Priest, Rand, Rector, Richardson D, Rines, Robinson, Rosen, Savage, Saviello, Schatz, Simpson, Sutherland, Sykes, Tardy, Theriault, Thomas, Tibbetts, Trinward, Walker, Watson, Weaver, Webster.

ABSENT - Berube, Blanchard, Casavant, Cleary, Cray, Cressey, Curtis, Duprey, Emery, Gould, Haskell, Hotham, Joy, Marean, McFadden, Moore, Patrick, Percy, Pratt, Richardson E, Richardson W, Smith N, Vaughan.

Yes, 55; No, 72; Absent, 23; Vacant, 1; Excused, 0.

55 having voted in the affirmative and 72 voted in the negative, 1 vacancy with 23 being absent, and accordingly the **RESOLUTION FAILED PASSAGE TO BE ENGROSSED as Amended** and was sent for concurrence.

Bill "An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007"

(H.P. 1290) (L.D. 1851)

(H. "A" H-380 to C. "A" H-321)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative AYOTTE of Caswell, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, honorable members of the House of Representatives. The eloquence here this morning has been impressive; I probably will not be able to match it. Although I will not quote Madison, Thomas Paine, or Patrick Henry, I will quote a couple of my fellow Representatives.

When I first entered the House last January, I received two bits of advice from a couple of veteran Representatives, which I thought made a lot of sense. An old timer said, "Bernard, if you do not know what you are voting on, vote no." The other piece of advice was if you are not quite sure how to vote on a certain bill, just watch the light on the certain elder statesman, which I will not name, and see how he votes. Well, I do not necessarily follow that advice anymore, but it was still solid advice. As a matter of fact, I think that elder statesman watches my light.

I am not going to make any Troy Jackson/Ben Pratt wagers of \$100; I will figuratively wager that a lot of us here do not know enough about RGGI, to cast an informed vote. A number of years ago in the 1970's, the leading celebrated cause was global cooling. Millions of people were going to die according to Paul Ehrlich, because of all the complications caused by global cooling. Then came the AIDS scare of the 1980's; then Mad Cow Disease, bovine spongiform encephalopathy; then it was ZARS, or the Avian Flu; goodness knows what else. Now the celebrated cause is global warming.

When you hear someone say that the studies are all done, the science is in; you can bet right way that their evidence is on very shaky grounds. Science is never done. Also, in reference to RGGI, no one mentioned the fact that when the Soviet Union broke up in the 1990's, literally hundreds of temperature monitoring stations went offline, while temperatures at monitoring stations in warmer parts of the world stayed online. That in itself would cause statistics to show a climb in temperature.

Seriously, there are several items about this bill, LD 1851, that concern me greatly. First of all, the bill is misnamed to the extent that it is gravely misleading, so much so that it borders on the ludicrous. It is misnamed because the bill has nothing to do whatsoever with reducing greenhouse gases in the atmosphere. Rather, the purpose of the bill is to attain an amount of money, a fee, from each electric ratepayer in the State of Maine, and it be placed in an account referred to as Efficiency Maine, or given some other name. This money would then be redistributed to various individuals, some industries, and commercial enterprises, to purchase more efficient equipment. A good idea until analyzed.

Secondly, the bill is misleading because LD 1851, or the RGGI Initiative, would do absolutely nothing to reduce the amount of CO2 put into the atmosphere by the electric generating plants that use fossil fuels. As a matter of fact, it may prove to be a disincentive to the electric generating facilities, as they would simply bid higher for the carbon credits and pass the cost on to the consumer. Basically, the money would be raised by charging a fee to each electric generating plant of approximately \$5 per ton of CO2, or carbon dioxide, that their plants would be discharging into the atmosphere.

Thirdly, it has been determined, by whom I do not know, that the ten states included in RGGI are allowed to discharge a total of 187 million tons of CO2 per year; of that, Maine is allowed 5.9 million tons per year. If one multiplies 5.9 million or 6 million, by \$5 per ton that would amount to \$30 million per year that the ratepayer would be expected to pay, compliments of the Maine State Legislature.

Fourthly, it is quite certain that generating plants would not bear the burden of this huge amount of money, but rather pass it on to the ratepayer at a time when they have just experienced a tremendous increase in their bills.

There are a number of other concerns such as the administrative cost of such a bureaucracy, another layer of government, and most certainly a life of its own with not an end in sight. I firmly believe that a workshop for the Legislature should be conducted, a more open discussion to be held before such an expensive project be undertaken. I could not, in good conscience, support this bill. Thank you, Mr. Speaker.

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I wanted to rise, actually because the debate on this yesterday, I cannot remember if there was one—if there was, it was somewhat limited, and I just wanted to take this opportunity to thank this

Chamber for their vote. I wanted to thank the good Speaker, the Chairs of the Committee, and the bipartisan members of the Committee who worked so hard on this initiative. There were literally countless hours of work that went in before the bill even came to this Legislature, between industry, between the environmental community, between all of those in this state who care so much about our environment, about the future of our community, and understand that reducing the amount of carbon we put into the atmosphere is incredibly important. I just wanted to acknowledge those contributions. This is an incredibly important bill for this Legislature to pass, I believe it is monumental. I just want to acknowledge the hard work of so many legislators who made it happen.

Representative SAVIELLO of Wilton asked leave of the House to be excused from voting on L.D. 1851 pursuant to House Rule 401.12.

The Chair granted the request.

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

Representative BERRY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to point out as a member of the Utilities Committee that the good work that we have done, and I credit everyone on both committees, including the good Representative from Caswell, with that work. It does not lose any water if we suppose, for the sake of argument, that global warming is not happening and that it is not caused by humans. Even supposing that, there is no fee to ratepayers as part of this, I want to correct that statement. There is a cost for carbon emissions to large generators, which is what we are talking about there. The Office of the Public Advocate, whose job it is to look out for small ratepayer, has made it very clear that they support this measure. The large energy users association has made it clear that they support this measure; they too look at this as a net good for them, for our state, and for our region.

The only opposition we heard was from the T&DB's, the transmission and distribution companies, whose profit depends on increased energy sales. They are concerned that we might become more efficient in our use of energy, and that would be a bad thing for their profit margin. I do not think that is a good enough reason to vote against this. When we voted yesterday, I think, many of us did so too with the knowledge that energy efficiency is extraordinarily, profoundly a good investment.

Right now, if you look at the cost of energy on the market, the ratio of buying a kilowatt-hour to investing in energy efficiency that will save you a kilowatt-hour is about 8 to 3. In other words, 8 cents right now, for a kilowatt-hour of electricity on the spot market, and 2.9 cents to invest in efficiency and save that kilowatt-hour and never use it at all. I think with the amendments we have put forward, and the excellent bipartisan work that has been done, and I really credit the Representative from Winslow, Representative Fletcher, with making it better, we should absolutely feel confident that our vote yesterday was a good one, and vote the same way again today. Thank you.

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

Representative ANNIS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This was initially a bill that I personally had a lot of problems with. Two committees worked on this: Utilities Committee and Natural Resources Committee. There was a lot of diversion initially. We got together and we worked very hard on this bill to make sure that both sides of whether the opponents or the supporters were for this bill. As far as I am concerned, it is a good bill and it should happen.

Like I said, we worked very hard on this, and many of us are very supportive of this particular bill at this particular time. I appreciate all the work that has been done by the leadership on both committees, to put it together and make it come out right. Thank you, Mr. Speaker.

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

Representative BABBIDGE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise with trepidation because anything I have touched lately has had the kiss of death.

I would like to just basically say that I spent two years on Utilities and Energy and am now on Natural Resources and have great concern about this country and energy efficiency. I know that I had some reservations about this initially, but upon examination, the Regional Greenhouse Gas Initiative was the brainchild of George Pataki of New York and it is designed to reduce the carbon imprint. It is a proactive statement that we can make; our European brothers are way ahead of us on this. This can make a real difference, and I urge your support. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Engrossment as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 99

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Cebra, Chase, Clark, Connor, Conover, Craven, Crockett, Crosthwaite, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marley, McDonough, McKane, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Pendleton, Peoples, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Ayotte, Cotta, Gifford, Jacobsen, Joy, McLeod, Tibbetts.

ABSENT - Berube, Blanchard, Casavant, Cleary, Cray, Cressey, Curtis, Dill, Duprey, Emery, Gould, Haskell, Marean, Mazurek, McFadden, Moore, Patrick, Percy, Pratt, Richardson E, Smith N, Vaughan.

Yes, 120; No, 7; Absent, 22; Vacant, 1; Excused, 1.

120 having voted in the affirmative and 7 voted in the negative, 1 vacancy with 22 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Provide for the 2007 and 2008 Allocations of the State Ceiling on Private Activity Bonds

(S.P. 564) (L.D. 1620)
(C. "A" S-145)

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. 122 voted in favor of the same and

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

Acts

An Act To Establish a Labor Center within the University of Maine System and To Restore Lost Funding to the Bureau of Labor Education

(H.P. 115) (L.D. 123)
(C. "A" H-142; S. "A" S-138)

An Act To Increase the Availability of Public Education Services from Child Development Services

(S.P. 99) (L.D. 317)
(C. "A" S-142)

An Act To Clarify Land Planning in the Unorganized and Deorganized Townships of the State

(S.P. 159) (L.D. 472)
(S. "B" S-137 to C. "A" S-116)

An Act To Equalize MaineCare Reimbursements to Hospitals

(H.P. 499) (L.D. 650)
(C. "A" H-162; S. "A" S-136)

An Act To Clarify the Exemption of Federal, State and Local Public Assistance Benefits under State Bankruptcy Law

(S.P. 246) (L.D. 797)
(C. "A" S-141)

An Act To Amend the Laws Governing Reimbursement of Nursing Facilities

(H.P. 1178) (L.D. 1669)
(C. "A" H-292)

An Act To Improve Continuity of Care within Maine's Community-based Mental Health Services

(S.P. 612) (L.D. 1745)
(C. "A" S-143)

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, Regarding the Provision of Over-the-counter Medications in the MaineCare Program

(S.P. 386) (L.D. 1198)
(C. "A" S-134)

Resolve, To Study Flood Control and Water Storage

(S.P. 407) (L.D. 1219)
(C. "A" S-135)

Resolve, Directing the Department of Professional and Financial Regulation, State Board of Nursing To Amend the Rules for the Medication Course for Certified Nursing Assistants

(S.P. 570) (L.D. 1626)
(C. "A" S-146)

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

An Act Concerning Maine's Highway Safety Laws

(H.P. 1284) (L.D. 1844)
(C. "A" H-270; H. "A" H-333)

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

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

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-270)** was **ADOPTED**.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just simply so people understand, we amended this bill with a new fiscal note and did not strip off the last fiscal note, so it is in conflict. The fiscal note is currently—there are actually two of them in conflict, and we are removing the one that is incorrect. Thank you.

On further motion of same Representative **Committee Amendment "A" (H-270)** was **INDEFINITELY POSTPONED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-333)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "C" (H-334)** - Minority (2) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Designate May 1st of Each Year as Cold War Victory Day" (**EMERGENCY**)

(H.P. 103) (L.D. 111)

TABLED - May 30, 2007 (Till Later Today) by Representative **BEAUDETTE** of Biddeford.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

The Bill was **READ ONCE**. **Committee Amendment "C" (H-334)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, June 4, 2007.

TABLED AND TODAY ASSIGNED

HOUSE DIVIDED REPORT - Report "A" (9) **Ought to Pass as Amended by Committee Amendment "A" (H-355)** - Report "B" (3) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-356)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Enact the Informed Growth Act"

(H.P. 1262) (L.D. 1810)

TABLED - May 31, 2007 by Representative **BARSTOW** of Gorham.

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

Subsequently, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-355)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, June 4, 2007.

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

CONSENT CALENDAR

First Day

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

(H.P. 215) (L.D. 259) Bill "An Act To Clarify the Composition of the Advisory Council on Tax-deferred Arrangements" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-389)**

(H.P. 258) (L.D. 323) Bill "An Act Permitting Substitute Teachers To Opt Out of the Maine State Retirement System" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-390)**

(H.P. 308) (L.D. 392) Bill "An Act To Establish Penalties for Violation of the Severance Pay Law" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-391)**

(H.P. 624) (L.D. 827) Bill "An Act To Allow Certain Special Education Teachers To Acquire Time from the Maine State Retirement System" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-392)**

(H.P. 849) (L.D. 1156) Bill "An Act To Protect Owners and Occupiers of Homes from Civil Liability" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-396)**

(H.P. 891) (L.D. 1263) Resolve, To Continue the Tribal-State Work Group (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-395)**

(H.P. 922) (L.D. 1314) Bill "An Act To Reimburse MaineCare in Certain Workers' Compensation Cases" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-393)**

(H.P. 1014) (L.D. 1445) Bill "An Act To Calculate the Livable Wage and Measure the Bureaucratic Costs To Subsidize Workers Paid Less Than a Livable Wage" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-394)**

(H.P. 1292) (L.D. 1853) Bill "An Act To Enact the Model Registered Agents Act and Amend Entity Acts To Rationalize Annual Filings" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-397)**

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:

(S.P. 713) (L.D. 1914) Bill "An Act To Extend the Time Allowed for Outcome-based Forestry" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(S.P. 170) (L.D. 515) Bill "An Act To Amend Laws Relating to Persons Serving as Permanency Guardians or Receiving Permanency Guardianship Subsidies" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-176)**

(S.P. 270) (L.D. 860) Bill "An Act To Amend Certain Laws Affecting Transportation" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-177)**

(S.P. 283) (L.D. 895) Bill "An Act Concerning Blasting near Residential Areas" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-169)**

(S.P. 359) (L.D. 1107) Bill "An Act To Promote Compliance with the Workers' Compensation Laws" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-174)**

(S.P. 419) (L.D. 1171) Bill "An Act To Modernize the Laws Pertaining to the Sport of Skiing and Use of Ski Areas" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-171)**

(S.P. 388) (L.D. 1200) Bill "An Act To Require the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving State Contracts" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-170)**

(S.P. 608) (L.D. 1741) Bill "An Act To Update the Maine Business Corporation Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-178)**

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

SENATE PAPERS

The following Joint Order: (S.P. 719)

ORDERED, the House concurring, that when the House and Senate adjourn, the House do so until Monday, June 4, 2007 at 9:00 and the Senate do so until Tuesday, June 5, 2007 at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek who wishes to address the House on the record.

Representative **MAZUREK**: Thank you, Mr. Speaker. On the record, had I been present I would have voted yea on LD 1851. Thank you.

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

On motion of Representative MARLEY of Portland, the House adjourned at 11:24 a.m., until 9:00 a.m., Monday, June 4, 2007 pursuant to the Joint Order (S.P. 719) and in honor and lasting tribute to the Honorable Mitchell Cope, of Portland,.