

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

June 6, 2007 – June 21, 2007

Second Regular Session

January 2, 2008 - March 31, 2008

Pages 682-1357

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST REGULAR SESSION
52nd Legislative Day
Wednesday, June 6, 2007

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

Prayer by Reverend Mark K. Tanner, Skowhegan Federated Church.

National Anthem by Belfast Area High School Chorus.

Pledge of Allegiance.

Doctor of the day, Kevin Flanigan, M.D., Pittsfield.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Create a Saltwater Recreational Fishing License"

(H.P. 1263) (L.D. 1811)

Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **MARINE RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363)** in the House on June 5, 2007.

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

Representative PERCY of Phippsburg moved that the House **INSIST**.

On further motion of the same Representative, **TABLED** pending her motion to **INSIST** and later today assigned.

Non-Concurrent Matter

Resolve, To Conduct an Independent Review of the Department of Marine Resources, Public Health Division (EMERGENCY)

(H.P. 926) (L.D. 1318)

(C. "A" H-326)

FINALLY PASSED in the House on May 29, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326) AS AMENDED BY SENATE AMENDMENT "A" (S-193)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 338)

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

May 30, 2007

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to our authority under 38 MRSA, §420-B, we are pleased to appoint Representative David Miramant of Camden to serve as a non-voting member of the Department of Conservation Surface Water Ambient Toxics Advisory Group.

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

Sincerely,

S/Beth Edmonds

Senate President

S/Glenn Cummings

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 339)

STATE OF MAINE

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

June 5, 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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 476

An Act To Establish a Reinsurance Fund To Expand Health Insurance Coverage for Individuals and Small Groups

L.D. 1592

An Act To Protect Small Businesses and Individual Health Insurance Consumers

L.D. 1894

An Act To Ensure Affordable Health Care for Maine Families through Shared Responsibilities

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

Sincerely,

S/Sen. Nancy B. Sullivan

Senate Chair

S/Rep. John R. Brautigam

House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 378)

MAINE SENATE

**123RD LEGISLATURE
OFFICE OF THE SECRETARY**

June 5, 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 Education and Cultural Affairs, the nomination of Joseph R. Hanslip of Sanford for appointment to the Maine Community College System Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Joanna M. Jones of Waldoboro for reappointment to the Maine Community College System Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Robert G. Foster of Blue Hill for appointment to the Maine School of Science and Mathematics Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Honorable Michael D. Pearson of Enfield for appointment to the Maine School of Science and Mathematics Board of Trustees.

Upon the recommendation of the Committee on Transportation, the nomination of John D. Bubier of Yarmouth for reappointment to the Northern New England Passenger Rail Authority.

Upon the recommendation of the Committee on Transportation, the nomination of John D. Clifford of Lewiston for appointment to the Northern New England Passenger Rail Authority.

Upon the recommendation of the Committee on Transportation, the nomination of Richard E. Valentino of Saco for appointment to the Maine Turnpike Authority.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ.

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

Representative **VALENTINO**: Thank you Mr. Speaker. I just wanted to call your attention to a typographical error under 2-3, Page 5: The nomination is a Richard E. Valentino, not Robert.

Subsequently, the Communication was **ORDERED PLACED ON FILE.**

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

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

ORDERS

On motion of Representative THOMAS of Ripley, the following Joint Resolution: (H.P. 1354) (Cosponsored by Senator DAMON of Hancock and Representatives: ANNIS of Dover-Foxcroft, AUSTIN of Gray, BARSTOW of Gorham, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BROWNE of Vassalboro, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CARTER of Bethel, CEBRA of Naples, CHASE of Wells, CLARK of Millinocket, CRAY of Palmyra, CROSTHWAITE of Ellsworth, CURTIS of Madison, DUCHESNE of Hudson, DUPREY of Hampden, EDGECOMB of Caribou, FINCH of Fairfield, FISHER of Brewer, FITTS of Pittsfield, FLETCHER of Winslow, FLOOD of Winthrop, GIFFORD of Lincoln, GILES of Belfast, GOULD of South Berwick, GREELEY of Levant, HANLEY of Gardiner, HARLOW of Portland, HILL of York, HOGAN of Old Orchard Beach, HOTHAM of Dixfield, JACKSON of Allagash, JACOBSEN of Waterboro, JOY of Crystal, KNIGHT of Livermore Falls, LANSLEY of Sabattus, LEWIN of Eliot, LUNDEEN of Mars Hill, MARLEY of Portland, MAZUREK of Rockland, McDONOUGH of Scarborough, McFADDEN of Dennysville, McLEOD of Lee, MILLS of Farmington, MIRAMANT of Camden, MOORE of Standish, MUSE of Fryeburg, NASS of Acton, PATRICK of Rumford, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PINKHAM of Lexington Township, PIOTTI of Unity, PRESCOTT of Topsham, RECTOR of Thomaston, RICHARDSON of Carmel, RICHARDSON of Warren, RINES of Wiscasset, ROBINSON of Raymond, ROSEN of Bucksport,

SAVAGE of Falmouth, SAVIELLO of Wilton, SCHATZ of Blue Hill, STRANG BURGESS of Cumberland, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, TIBBETTS of Columbia, TUTTLE of Sanford, VALENTINO of Saco, VAUGHAN of Durham, WALKER of Lincolnville, WEAVER of York, WEDDELL of Frankfort, Senators: BARTLETT of Cumberland, COURTNEY of York, DIAMOND of Cumberland, GOOLEY of Franklin, HASTINGS of Oxford, MARRACHÉ of Kennebec, McCORMICK of Kennebec, MILLS of Somerset, NASS of York, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, ROSEN of Hancock, SAVAGE of Knox, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SMITH of Piscataquis, SNOWE-MELLO of Androscoggin, SULLIVAN of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO RAISE THE WEIGHT LIMIT ON INTERSTATE

95

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 United States Congress as follows:

WHEREAS, Interstate 95 in the State of Maine, which is part of the Dwight D. Eisenhower System of Interstate and Defense Highways and is governed by the Federal-Aid Highway Act of 1956, is central to Maine's commerce and industry; and

WHEREAS, the weight limit on the Interstate Highway System is set at 80,000 pounds by the Federal-Aid Highway Act of 1956 and consequently by Maine statute, yet the State of Maine has a 100,000-pound limit on its secondary roads, which does not match the national limit; and

WHEREAS, the Federal Government has given the State of Maine an exemption from the 80,000-pound limit for the last 5 miles of the Maine Turnpike and Interstate 95, which allows for a 100,000-pound limit, and this exemption matches the limit for the rest of the State; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the United States Congress allow the State of Maine a 100,000-pound limit on all of the Interstate Highway System in Maine, not only the authorized 5 miles, and that the United States Congress review this request when the Highway Bill comes up for reauthorization; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted 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 Ripley, Representative Thomas.

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, let me thank all of the cosponsors of this Resolution. This is a battle that we have been fighting a long time, and we really do need to allow the big trucks to use the big road. It looks like the time may have come: Congressman Allen, Congressman Michaud, have introduced legislation in the US House. Senator Snowe and Senator Collins have introduced identical legislation in the US Senate.

Representative Gifford and I intend to hand deliver this Resolution next week, in hope that in some small way we can help get this passed. With your help and the passage of this Resolution, let's hope that we can finally get this done. Thank you.

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

On motion of Representative KOFFMAN of Bar Harbor, the following Joint Order: (H.P. 1355)

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources, referred to in this order as "the committee," is authorized to meet to study issues related to solid waste management in the State as follows.

1. Convening of committee. The chairs of the committee shall call and convene the first meeting of the committee, which must be no later than September 15, 2007.

2. Duties. The committee's duties include:

A. Reviewing the laws governing the duties and responsibilities for managing solid waste in the State; and

B. Reviewing the laws regarding public benefit determinations, including a review of whether the current determination standards are sufficient and whether currently owned state solid waste disposal facilities must be subject to a public benefit determination.

3. Staff assistance. The Legislative Council shall provide necessary staffing services to the committee.

4. Compensation. Members of the committee are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

5. Report. The committee may, pursuant to Joint Rule 353, introduce a bill relating to the study during the Second Regular Session of the 123rd Legislature.

READ and PASSED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Lewiston High School Hockey Team, on its winning the 2007 Eastern Class A Hockey Championship. The team overcame adversity and obstacles and remained positive throughout the season to reach the finals. It is a young team, with only 3 seniors on it, and it is a team with a fine academic record as well. Twenty-three out of 30 members of the team have a grade average of 85 or better, and 4 are members of the National Honor Society. We extend our congratulations and best wishes to the coaches and the members of the Lewiston High School Hockey Team on their remarkable season;

(HLS 540)

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

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

READ.

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to tell the team that it is not just your families and you classmates who are proud of you in your athletic and academic accomplishments. We are

all very proud of our Lewiston High School Hockey Team. You are a credit to all of us, both on and off the ice.

A special note of acknowledgment and gratitude to Coaches Gagne and Boulet and to their staff: You have encouraged these young men and they are a testament to your good work. From all of us to all of you, sincere congratulations on a wonderful season, and a heartfelt thank you for what you have done.

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

Recognizing:

Dr. Zark VanZandt, of New Gloucester, Dean of the University of Southern Maine's Lewiston-Auburn College, who is stepping down to return to the position of a senior faculty member in the Counselor Education Program in January 2008. Dr. VanZandt previously served as the Associate Dean of the College of Education and Human Development at the University of Southern Maine and as the interim director of the university's libraries. We acknowledge his dedicated service to the University of Southern Maine and the College of Lewiston-Auburn and to the communities they serve. We send him our appreciation for his work and our best wishes on his future work;

(HLS 541)

Presented by Representative MAKAS of Lewiston. Cosponsored by Senator ROTUNDO of Androscoggin, Representative SAMSON of Auburn, Representative WALCOTT of Lewiston, Representative WAGNER of Lewiston, Representative CRAVEN of Lewiston, Senator SNOWE-MELLO of Androscoggin, Representative BEAULIEU of Auburn, Representative SIMPSON of Auburn, Representative VAUGHAN of Durham.

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

READ.

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Having been an adjunct faculty member myself at the Lewiston-Auburn Campus of USM for the past 15 years, including those years that Zark served as our Dean, I hardly know what to say. I will simply add my personal thanks to Zark for having shared his many, many talents, and his wonderful personality with us for a while. Zark: We respect you, we adore you, and we will miss you greatly at Lewiston-Auburn College. Thank you.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In my secret life, I work as the Director of the Career Center for the University of Southern Maine. Over the years, more than a few, I would say probably most of the staff members who have worked for me in the Career Center have taken courses from Dr. VanZandt, and have significantly improved their craft by what he has taught them and his generosity in sharing his knowledge with them.

Zark represents the best of what the faculty at the University of Southern Maine has to offer: He is a faculty member, he is extremely knowledgeable, more than willing to share his skills and his abilities, and has taken on a variety of administrative roles, most recently the job at the Lewiston-Auburn campus. It is under his leadership that the Lewiston-Auburn campus has become the fastest growing part of the University of Southern Maine. He has helped to make it an amazingly dynamic institution.

I certainly want to lend my congratulations. I agree with the good Representative from Lewiston that the Lewiston-Auburn campus will be a little bit poorer for this loss, but I know that the State of Maine will not lose Dr. VanZandt, and his contributions will continue to be made across the state. Thank you, Mr. Speaker.

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

Recognizing:

Charles Norman Shay, of Indian Island, a Penobscot Indian who valiantly fought in World War II and the Korean War, on the occasion of his returning to Europe's battlefields to tell his stories of the war. Mr. Shay, continuing a long tradition of Native Americans fighting in all of America's wars, from the Civil War to Iraq, was a combat medic in the 16th Regiment of the 1st Infantry Division, which heroically stormed Omaha Beach in Normandy, France on June 6, 1944 and lost 1,000 men. Private Shay received the Silver Star for extraordinary valor on D-Day. He remained on the front, fighting in the Battle of the Bulge, and was captured by the Germans after crossing the Rhine Bridge at Remagen, spending the rest of the war as a prisoner-of-war until liberation. Mr. Shay returned to Indian Island in 1945, but re-enlisted in early 1946, returning to Germany. He was assigned to the Military Police in occupied Austria, where he remained for 4 years. In 1950, he joined the 3rd Infantry Division and fought in North Korea, where he was promoted to Master Sergeant and won the Bronze Star. In 1953, Mr. Shay joined the United States Air Force and participated in the atomic bomb test in the Marshall Islands, retiring in 1964. He returned to Vienna to work for the International Atomic Energy Agency for 20 years and then for 3 years as Security Officer for the Vienna Office of the United Nations High Commissioner of Refugees until 1988. At the age of 83, Mr. Shay will return for the first time to the World War II battlefields to detail the oral history in situ with video camera, sound recorder and notepad. We extend our appreciation to Mr. Shay for his extraordinary dedication and service to our Nation, and we send him our best wishes on this remarkable and valuable project he is undertaking;

(HLS 542)

Presented by Representative LORING of the Penobscot Nation. Cosponsored by Representative ADAMS of Portland, Representative ANNIS of Dover-Foxcroft, Representative AUSTIN of Gray, Representative AYOTTE of Caswell, Representative BABBIDGE of Kennebunk, Representative BARSTOW of Gorham, Senator BARTLETT of Cumberland, Representative BEAUDETTE of Biddeford, Representative BEAUDOIN of Biddeford, Representative BEAULIEU of Auburn, Senator BENOIT of Sagadahoc, Representative BERRY of Bowdoinham, Representative BERUBE of Lisbon, Representative BLANCHARD of Old Town, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOLAND of Sanford, Senator BOWMAN of York, Senator BRANNIGAN of Cumberland, Representative BRAUTIGAM of Falmouth, Senator BROMLEY of Cumberland, Representative BROWNE of Vassalboro, Senator BRYANT of Oxford, Representative BRYANT of Windham, Representative BURNS of Berwick, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CANAVAN of Waterville, Representative CARTER of Bethel, Representative CASAVANT of Biddeford, Representative CEBRA of Naples, Representative CHASE of Wells, Representative CLARK of Millinocket, Representative CLEARY of Houlton, Representative CONNOR of Kennebunk,

Representative CONOVER of Oakland, Representative COTTA of China, Senator COURTNEY of York, Representative CRAVEN of Lewiston, Representative CRAY of Palmyra, Representative CRESSEY of Cornish, Representative CROCKETT of Augusta, Representative CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, Representative CURTIS of Madison, Senator DAMON of Hancock, Senator DIAMOND of Cumberland, Representative DILL of Cape Elizabeth, Senator DOW of Lincoln, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUNN of Bangor, Representative DUPREY of Hampden, Representative EATON of Sullivan, Representative EBERLE of South Portland, Representative EDGECOMB of Caribou, President EDMONDS of Cumberland, Representative EMERY of Cutler, Representative FAIRCLOTH of Bangor, Representative FARRINGTON of Gorham, Representative FINCH of Fairfield, Representative FINLEY of Skowhegan, Representative FISCHER of Presque Isle, Representative FISHER of Brewer, Representative FITTS of Pittsfield, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Representative GERZOFISKY of Brunswick, Representative GIFFORD of Lincoln, Representative GILES of Belfast, Senator GOOLEY of Franklin, Representative GOULD of South Berwick, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative HAMPER of Oxford, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Representative HASKELL of Portland, Senator HASTINGS of Oxford, Representative HAYES of Buckfield, Representative HILL of York, Representative HINCK of Portland, Senator HOBBS of York, Representative HOGAN of Old Orchard Beach, Representative HOTHAM of Dixfield, Representative JACKSON of Allagash, Representative JACOBSEN of Waterboro, Representative JOY of Crystal, Representative KAENRATH of South Portland, Representative KNIGHT of Livermore Falls, Representative KOFFMAN of Bar Harbor, Representative LANSLEY of Sabattus, Representative LEWIN of Eliot, Representative LUNDEEN of Mars Hill, Representative MacDONALD of Boothbay, Representative MAKAS of Lewiston, Representative MAREAN of Hollis, Representative MARLEY of Portland, Senator MARRACHÉ of Kennebec, Senator MARTIN of Aroostook, Representative MAZUREK of Rockland, Senator McCORMICK of Kennebec, Representative McDONOUGH of Scarborough, Representative McFADDEN of Dennysville, Representative McKANE of Newcastle, Representative McLEOD of Lee, Representative MILLER of Somerville, Representative MILLETT of Waterford, Representative MILLS of Farmington, Senator MILLS of Somerset, Representative MIRAMANT of Camden, Senator MITCHELL of Kennebec, Representative MOORE of Standish, Representative MUSE of Fryeburg, Representative NASS of Acton, Senator NASS of York, Representative NORTON of Bangor, Senator NUTTING of Androscoggin, Representative PATRICK of Rumford, Representative PENDLETON of Scarborough, Representative PEOPLES of Westbrook, Representative PERCY of Phippsburg, Representative PERRY of Calais, Senator PERRY of Penobscot, Representative PIEH of Bremen, Representative PILON of Saco, Representative PINEAU of Jay, Representative PINGREE of North Haven, Representative PINKHAM of Lexington Township, Representative PIOTTI of Unity, Senator PLOWMAN of Penobscot, Representative PLUMMER of Windham, Representative PRATT of Eddington, Representative PRESCOTT of Topsham, Representative PRIEST of Brunswick, Representative RAND of Portland, Senator RAYE of Washington, Representative RECTOR of Thomaston, Representative RICHARDSON of Carmel, Representative RICHARDSON of

Greenville, Representative RICHARDSON of Warren, Representative RINES of Wiscasset, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Senator ROSEN of Hancock, Senator ROTUNDO of Androscoggin, Representative SAMSON of Auburn, Senator SAVAGE of Knox, Representative SAVAGE of Falmouth, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Senator SCHNEIDER of Penobscot, Senator SHERMAN of Aroostook, Representative SILSBY of Augusta, Representative SIMPSON of Auburn, Representative SIROIS of Turner, Senator SMITH of Piscataquis, Representative SMITH of Monmouth, Senator SNOWE-MELLO of Androscoggin, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STRANG BURGESS of Cumberland, Senator STRIMLING of Cumberland, Senator SULLIVAN of York, Representative SUTHERLAND of Chapman, Representative SYKES of Harrison, Representative TARDY of Newport, Representative THERIAULT of Madawaska, Representative THIBODEAU of Winterport, Representative THOMAS of Ripley, Representative TIBBETTS of Columbia, Representative TREAT of Farmingdale, Representative TRINWARD of Waterville, Senator TURNER of Cumberland, Representative TUTTLE of Sanford, Representative VALENTINO of Saco, Representative VAUGHAN of Durham, Representative WAGNER of Lewiston, Representative WALCOTT of Lewiston, Representative WALKER of Lincolnville, Representative WATSON of Bath, Representative WEAVER of York, Representative WEBSTER of Freeport, Representative WEDDELL of Frankfort, Senator WESTON of Waldo, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth.

On **OBJECTION** of Representative PINGREE of North Haven, 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 Belfast Area High School Band, for their 3rd-place finish at the "Music in the Parks" Music Festival held in the Commonwealth of Virginia on April 14, 2007. The students' concert presentation earned them a rating of "Good" after competing against schools from Maine to Florida and as far west as Wisconsin. Conducted by Music Director John Cameron, the Belfast band performed "Chorale and Shaker Dance" and the 3rd movement of Holst's "First Suite in E-flat for Military Band." We congratulate the following young instrumentalists and offer them our best wishes on their future endeavors: Flutists Jesse Wakeman, Margaret Campbell, Erin Vasil, Carrie Hart, Christine Hill, James Knight, Lydia Rocheleau, Veronica Penniman, Skylar Olson and Allison Blake; Oboist Anna Marceau; Violinist Kristian Winslow; Bassoonist Anne Campbell; Clarinetists Samantha Munson, Belinda Place, Elen McDonald, Brian Miller, Maleah Chadwick and Sierra Ventura; Bass Clarinetist Amber Resmini; Alto Saxophonists Joshua Nougaret, Yates Murphy, Dylan Lindsey, Genevieve Black and Emily Friberg; Tenor Saxophonists Devin Lehman and Tim Rossner; Baritone Saxophonist Austin Turner; French Horn players Russell Varney and Mariah Smith; Trumpeters Dustin Lindsey, Noah Goldstein, John Talbot, Emma Clark, Chelsea Lord, Carlton Huntsberger, Kelsey Woodbury and Nathanael Thomas; Baritone Tyler Benjamin; Trombonists Darcie Simmons and Patrick Howard; Tuba players David Delano and Morgan York; Percussionists Lucas Miller, Matt Francis, Jacob Yentes, Kailyn Connor, Alex

Shaffer, Megan Curtis, Kyle Smith, Gary Desautels and Jacob Denham;

(HLS 544)

Presented by Representative GILES of Belfast. Cosponsored by Senator WESTON of Waldo, Representative THIBODEAU of Winterport, Representative WALKER of Lincolnville.

On **OBJECTION** of Representative GILES of Belfast, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

the members of the Belfast Area High School Chorus, for their 1st-place finish at the "Music in the Parks" Music Festival held in the Commonwealth of Virginia on April 14, 2007. The students' Best Choral performance earned them a rating of "Superior" after competing against schools from Maine to Florida and as far west as Wisconsin. Conducted by Music Director John Cameron and accompanied by pianist Anne Campbell, the Belfast chorus presented their renditions of "Salvation is Created," "Drunken Sailor" and "Gloria Patri." We congratulate the following young vocalists and offer them our best wishes on their future endeavors: Sopranos Desiree Arnold, Allison Blake, Sarah Bowen, Crystal Chadwick, Maleah Chadwick, Whitney Cross, Ariel Durkee, Amy Greenleaf, Emily Harford, Christine Hill, Kari Lisa, Bethany Loureiro, Samantha Munson, Veronica Penniman, Cory Prisco, Misty Ray, Gabrielle Scribner, Mariah Smith, Sara Stalla and Sierra Ventura; Altos Miriam Baldwin, Anne Campbell, Maggie Campbell, Alyssa Curtis, Eliza Duggan, Anna French, Carrie Hart, Paige Kelley, Janet Mathieson and Jaleesa Riley; Tenors Jack Davis, Carlton Huntsberger, Brian Miller, Nathaneal Thomas, Jesse Wakeman and Jacob Yentes; and Basses David Delano, Desmond Haskell, James Knight, Victor LeSan, Dustin Lindsey, Dylan Lindsey, Jeffrey Morgan and Evan Welch;

(HLS 545)

Presented by Representative GILES of Belfast.

Cosponsored by Senator WESTON of Waldo, Representative THIBODEAU of Winterport, Representative WALKER of Lincolnville.

On **OBJECTION** of Representative GILES of Belfast, was **REMOVED** from the Special Sentiment Calendar.

READ.

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 in recognition of the Belfast Area High School Chorus and Band. Under the direction of Mr. John Cameron, the students recently attended the "Music in the Parks" National Musical Festival in Virginia and received outstanding recognition on behalf of our school.

Personally, I have had the great opportunity to hear many performances of the high school chorus and band during the 25 years that Mr. Cameron has served as director. As a member of our local Rotary Club in Belfast, I know that the most favorite meeting of the year is during the holidays when the high school chorus comes to sing for us. For those of us who live in the six towns that make up School Administrative District 34, which is Belfast, Belmont, Morrill, Northport, Searsmont, and Swanville, we know that concerts, graduations, musicals, and football games are so much more enjoyable because of the music these students share with us. Whether modern tunes, jazz, or classic, Mr. Cameron and his musicians are the pride of our community.

I also want to personally congratulate Mr. Cameron on another achievement he has recently had with the school event: Along with the being the high school music director, John coaches the Belfast Area High School Girls Tennis Team, and they just completed an 11-3 season and made it into the semi-finals. This was a best record ever. I thank them all for coming today, and I wish them the best. I wish the chorus a safe ride home because Mr. Cameron is also the bus driver. He is a man truly of many talents, and it is no surprise that Mr. Cameron's students become so successful at whatever they do. Thank you.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Seek Direct Voter Approval To Exceed Government Spending Limits"

(S.P. 562) (L.D. 1618)

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland

Representatives:

BARSTOW of Gorham
BOLAND of Sanford
WEAVER of York
BEAUDETTE of Biddeford
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-128)** on same Bill.

Signed:

Senator:

BENOIT of Sagadahoc

Representatives:

HAYES of Buckfield
COTTA of China

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

READ.

On motion of Representative BEAUDETTE of Biddeford, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow the Use of Credit Cards To Purchase Wine, Beer and Spirits from Distributors"

(S.P. 595) (L.D. 1688)

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:

WEDDELL of Frankfort
PINKHAM of Lexington Township
PATRICK of Rumford
TUTTLE of Sanford
BLANCHETTE of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-185)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

MOORE of Standish
TRINWARD of Waterville
NASS of Acton
GOULD of South Berwick
FITTS of Pittsfield

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

READ.

Representative PATRICK of Rumford 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 **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-434)** on Bill "An Act To Base Value in Eminent Domain Takings of Businesses on Going Concern Value"

(H.P. 720) (L.D. 960)

Signed:

Senators:

NUTTING of Androscoggin
HASTINGS of Oxford

Representatives:

DILL of Cape Elizabeth
JACOBSEN of Waterboro
BERUBE of Lisbon
NASS of Acton
GOULD of South Berwick

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

Signed:

Senator:

HOBBS of York

Representatives:

SIMPSON of Auburn
BRYANT of Windham
DUNN of Bangor
MILLS of Farmington
CASAVANT of Biddeford

Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-434)** Report.

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 320) (L.D. 1003) Bill "An Act To Amend the Tax Credit for Biofuel Production" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-182)**

There being no objections, the above item was 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. 417) (L.D. 1169) Bill "An Act Relating to Uncollectible Cigarette and Tobacco Taxes" (C. "A" S-183)

(S.P. 506) (L.D. 1439) Bill "An Act To Enhance the Workers' Compensation Board Advocate Program" (C. "A" S-179)

(H.P. 1219) (L.D. 1736) Bill "An Act To Amend the Laws Relating to Probation and Supervised Release for Sex Offenders" (C. "A" H-421)

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 Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act Regarding All-terrain Vehicle Registration"
(S.P. 712) (L.D. 1912)
(C. "A" S-186)

Senate as Amended in Non-Concurrence

Bill "An Act To Protect the Scenic Value of the Kennebec River"
(S.P. 531) (L.D. 1508)
(H. "A" H-422 to C. "A" S-147)

House as Amended

Bill "An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax"
(H.P. 1271) (L.D. 1823)
(C. "A" H-413)

Bill "An Act To Allow a Tax Credit for College Loan Repayments"
(I.B. 2) (L.D. 1856)
(C. "A" H-414)

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 in non-concurrence and sent for concurrence and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

Resolve, Regarding Legislative Review of Chapter 007: Implementation of the Essential Programs and Services Funding

Model, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 727) (L.D. 967)

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

On motion of Representative PERRY of Calais, was **SET ASIDE**.

The same Representative **PRESENTED House Amendment "A" (H-398)**, which was **READ** by the Clerk.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am introducing this amendment to replace the words in this rule from "agreed to" to "documented consultation," with the consultation process and documentation being set by the Commissioner. I am doing this in regard to the fact when we talk about "agreed to", as a school board member, we are talking about a binding agreement on issues of policy that in the ultimate end is a board's decision.

Also, in the ultimate end, if something comes up and we are charged with being discriminatory in some of the testing that has been decided upon in agreement outside the board's purview, the school district, and the board are ultimately responsible. I am asking that we strengthen the consultation piece of it, but the "agreed to" is much too binding, and I have asked for this change. Thank you.

Representative NORTON of Bangor moved that **House Amendment "A" (H-398)** be **INDEFINITELY POSTPONED**.

On further motion of the same Representative, **TABLED** pending her motion to **INDEFINITELY POSTPONE House Amendment "A" (H-398)** and later today assigned.

ENACTORS

Emergency Measure

An Act To Extend the Time Allowed for Outcome-based Forestry

(S.P. 713) (L.D. 1914)

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. 126 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 Limit Liability for the Performance of Community Service

(H.P. 313) (L.D. 397)

(C. "A" H-342)

An Act To Amend Laws Relating to Persons Serving as Permanency Guardians or Receiving Permanency Guardianship Subsidies

(S.P. 170) (L.D. 515)

(C. "A" S-176)

An Act Concerning Blasting near Residential Areas

(S.P. 283) (L.D. 895)

(C. "A" S-169)

An Act To Promote Compliance with the Workers' Compensation Laws

(S.P. 359) (L.D. 1107)

(C. "A" S-174) An Act To Modernize the Laws Pertaining to the Sport of Skiing and Use of Ski Areas

(S.P. 419) (L.D. 1171)
(C. "A" S-171)

An Act To Authorize the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving Contracts with the Department

(S.P. 388) (L.D. 1200)
(C. "A" S-170)

An Act To Update the Maine Business Corporation Act

(S.P. 608) (L.D. 1741)
(C. "A" S-178)

An Act To Amend the Laws Relating to Notaries Public

(S.P. 653) (L.D. 1835)

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

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

Expression of Legislative Sentiment recognizing Charles Norman Shay, of Indian Island.

(HLS 542)

Which was **TABLED** by Representative PINGREE of North Haven pending **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative from Penobscot Nation, Representative Loring.

Representative **LORING**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my honor, as the elected Penobscot Nation Representative and a Vietnam Veteran, to recognize Penobscot Nation Tribal Elder Charles Norman Shay, for his courageous and heroic service to his country, his state, and the Penobscot Nation.

On D-Day, June 6, 1944, exactly 63 years ago today, he was a 19 year old combat medic in the 16th Regiment of the First Infantry Division, known as "The Big Red One." Soon after H-Hour, the division's 16th Regiment was fighting for its life on a strip of beach called Coleville-sur-Mer. The beach was so congested with dead and dying, there was no room to land reinforcements. Colonel George Taylor, Commander of the 16th Regiment, told his men, "Two kids of people are staying on this beach! The dead and those that are going to be dead! Now let's get the heck out of here!", and he did not say "heck." The regiment sustained about 1,000 casualties on what has been referred to by combat historians as "the longest day in hell."

For his unselfish heroism, he earned the Silver Star. His official citation states: "Private Shay's subordinated personal safety for the welfare of his comrades, plunging repeatedly into the treacherous sea, and carrying critically wounded men to safety."

After the Normandy Invasion, he participated in the Huertgen Forest Battle and the Battle of the Bulge. In early 1945, his regiment captured the only German bridge across the Rhine, not yet destroyed. Serving in the front lines, his company was among the first to cross into the German heartland, where he was captured. Having survived German POW camps, he briefly returned to the Penobscot Indian reservation in 1945.

Facing poverty and unemployment in Maine, Mr. Shay reenlisted and served as medic in the Military Police, in occupied Austria, and later served as a combat medic in the Korean War, where he was promoted to Master Sergeant and was awarded the Bronze Star with two oak leaf clusters for valor.

Approximately 45,000 American Indians served in WWII, 52 of them earning the Silver Star for "gallantry in action." Mr. Shay was among that select few. Ninety-eight Penobscots served in

WWII, three of whom were killed. Mr. Shay is among the last survivors of those veterans. He is a member of what Tom Brokaw has called "the Greatest Generation."

Mr. Shay has spent much of his adult life abroad, including a few decades in Vienna, where he lived with his Austrian wife Lilli.

About a dozen years ago, he returned to Indian Island where he inherited the house and tipi that belonged to his famous Aunt Lucy Ncolar, aka Princess Watahwasso.

Mr. Shay, like many veterans, has never talked about his experience in war. Perhaps for that reason, he has never been honored for his patriotic services to his country.

In doing background research for an oral history project with Mr. Shay, Dr. Prins and his wife Bunny McBride, found that as far as Maine history and public recognition is concerned, Penobscot and Passamaquoddy veterans in WWI, WWII, and the Korean War, represent a neglected and forgotten group.

It is therefore fitting for the State of Maine and the Penobscot Nation, to officially honor this distinguished Penobscot Nation Elder, as he exemplifies great traditional values of honor, bravery, and unselfish sacrifice.

Mr. Charles Norman Shay, the Penobscot Nation, and the State of Maine thank you for your distinguished and heroic service.

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

The following items were 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.

Expression of Legislative Sentiment Recognizing Holy Cross School in South Portland for their participation in the Department of Transportation's "Back Seat Driver" poster contest

(HLS 539)

TABLED - June 5, 2007 (Till Later Today) by Representative EBERLE of South Portland.

PENDING - PASSAGE.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 723) **JOINT RESOLUTION COMMENDING THE CONCEPT OF A MEDICAL HOME FOR ALL MAINE PATIENTS**

WHEREAS, prominent physician organizations including the American College of Physicians, the American Academy of Family Physicians, the American Academy of Pediatrics, the Maine affiliates of these national organizations and the Maine Medical Association recognize that patient care can be improved through a patient-centered practice model called the "medical home"; and

WHEREAS, these organizations and other physician and health care organizations have deliberated about the concept of a medical home and have issued principles or policy statements in support of the concept; and

WHEREAS, the medical home concept is grounded in a series of patient-centered, physician-guided principles; and

WHEREAS, the medical home concept means that each patient has an ongoing relationship with a personal physician trained to provide first contact, continuous and comprehensive

care and who leads a team of individuals at the practice level who collectively take responsibility for the ongoing care of patients; and

WHEREAS, the medical home concept means that the personal physician is responsible for providing for all the patient's health care needs or appropriately arranging care with other qualified professionals, including care for all stages of life, acute care, chronic care, preventive services and end-of-life care; and

WHEREAS, the medical home concept means that patient care is coordinated and integrated across all domains of the health care system, such as hospitals, home health agencies, nursing homes and practices facilitated by registries, information technology, health information exchange and other means to ensure that patients get the indicated care when and where they need and want it; and

WHEREAS, the medical home concept has as its hallmarks quality and safety; and

WHEREAS, the medical home concept means enhanced access to care through systems such as open scheduling, expanded hours and new options for communication between patients, physicians and office staff; and

WHEREAS, the medical home concept means that payment is commensurate with the added value provided to patients who have a patient-centered medical home; and

WHEREAS, Kevin Flanigan, M.D., of Pittsfield, President of the Maine Medical Association, on behalf of the physicians of Maine, supports the medical home concept for the citizens of Maine and is willing to highlight its concepts to those interested; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the concept of the medical home and to commend the physicians of Maine for using the patient-centered, physician-guided medical home concept as a means to improve the health care of all Maine citizens.

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

READ and **ADOPTED** 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. 12) (L.D. 2) Bill "An Act To Provide a Tax Credit for the Purchase of a Hybrid or Clean Fuel Vehicle" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-195)**

(S.P. 90) (L.D. 253) Bill "An Act To Implement the Recommendations of the Joint Select Committee on Research, Economic Development and the Innovation Economy" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-196)**

(S.P. 138) (L.D. 437) Bill "An Act To Address the Reporting of Oil Spills" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-197)**

(S.P. 169) (L.D. 514) Bill "An Act To Protect Community Safety by Amending Maine's Bail Code" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-198)**

(S.P. 275) (L.D. 882) Bill "An Act To Create a 5-year Statute of Limitations for Environmental Violations" Committee on

JUDICIARY reporting **Ought to Pass as Amended by Committee Amendment "A" (S-202)**

(S.P. 306) (L.D. 955) Bill "An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing of Temporary Workers" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-190)**

(S.P. 371) (L.D. 1119) Bill "An Act To Permit Mental Health Professionals To Disclose Risks to People Likely To Be Harmed by a Patient" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-189)**

(S.P. 646) (L.D. 1817) Bill "An Act To Strengthen and Clarify Maine's Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-200)**

(S.P. 681) (L.D. 1873) Bill "An Act To Amend the Laws Governing Stalking" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-199)**

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4** on Bill "An Act To Stimulate Demand for Renewable Energy"

(H.P. 1356) (L.D. 1920)

Signed:

Senators:

BARTLETT of Cumberland

HOBBINS of York

Representatives:

BLANCHARD of Old Town

RINES of Wiscasset

BLISS of South Portland

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 pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4** on same Bill.

Signed:

Representatives:

THIBODEAU of Winterport

CURTIS of Madison

READ.

Representative BLISS of South Portland moved that the House **ACCEPT** the Majority **Ought to Pass pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4** Report..

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4** Report and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Exempt Nationally Accredited Child Welfare and Behavioral Health Care Organizations from State Licensing Requirements"

(S.P. 418) (L.D. 1170)

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-194)** on same Bill.

Signed:

Senator:

RAYE of Washington

Representatives:

CAMPBELL of Newfield
LEWIN of Eliot

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-194)**.

READ.

Representative PERRY of Calais moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CAMPBELL of Newfield **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 Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill requires the Department of Health and Human Services to approve and license substance abuse treatment, child and adult welfare, behavioral health agency programs, and facilities that receive and maintain accreditations by nationally recognized accrediting bodies. The agency's programs and facilities that have been approved and licensed are not subject to inspection and examination by the Department, unless there is a critical incident that warrants investigation.

All agencies, programs, and facilities may have approval and licensing revoked or modified by the Department for fining resulting from the investigation of a critical incident. What this will do is cut back on all of the paperwork that these agencies have to go through, and I ask you to follow my light.

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. 115

YEA - Adams, Austin, Babbidge, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Cain, Canavan, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Gerzofsky, Gould, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, Miller, Mills, Miramant, Moore, Muse, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Rines, Robinson, Samson, Saviello, Silsby, Simpson, Sirois, Smith N, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Walker, Watson, Webster, Weddell, Woodbury.

NAY - Annis, Ayotte, Beaudette, Browne W, Burns, Campbell, Carter, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Fitts, Fletcher, Flood, Gifford, Giles, Hamper, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, McKane, McLeod, Millett, Nass, Richardson D, Richardson W, Rosen, Savage, Schatz, Strang Burgess, Thomas, Tibbetts, Vaughan, Weaver, Wheeler.

ABSENT - Barstow, Cressey, Dill, Duprey, Greeley, Hogan, Jackson, Pineau, Richardson E, Mr. Speaker.

Yes, 100; No, 40; Absent, 10; Vacant, 1; Excused, 0.

100 having voted in the affirmative and 40 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-203)** on Bill "An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile"

(S.P. 535) (L.D. 1512)

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:

GREELEY of Levant
HILL of York
TIBBETTS of Columbia
SYKES of Harrison

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

Signed:

Representatives:

GERZOFKY of Brunswick
BLANCHETTE of Bangor
HANLEY of Gardiner
PLUMMER of Windham
KAENRATH of South Portland

HASKELL of Portland

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-203).**

READ.

Representative BLANCHETTE of Bangor moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

SENATE PAPERS

Non-Concurrent Matter

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

(H.P. 1201) (L.D. 1718)

FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316) in the House on June 1, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316)** in **NON-CONCURRENCE.**

Representative PINGREE of North Haven moved that the House **RECEDE AND CONCUR.**

Representative BABBIDGE of Kennebunk **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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

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

ROLL CALL NO. 116

YEA - Babbidge, Beaulieu, Berry, Blanchard, Brautigam, Browne W, Canavan, Cleary, Connor, Conover, Cotta, Curtis, Driscoll, Duchesne, Eaton, Eberle, Emery, Faircloth, Finch, Fisher, Flood, Grose, Hanley S, Haskell, Hayes, Hill, Hinck, Hotham, Joy, MacDonald, Makas, Marley, Mazurek, McDonough, McFadden, Miller, Miramant, Moore, Pendleton, Peoples, Pilon, Pingree, Prescott, Samson, Silsby, Sirois, Strang Burgess, Theriault, Thibodeau, Thomas, Treat, Tuttle, Valentino, Vaughan, Wagner, Walcott, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Austin, Ayotte, Beaudette, Beaudoin, Berube, Blanchette, Bliss, Boland, Bryant, Burns, Cain, Campbell, Carter, Casavant, Cebra, Chase, Clark, Craven, Cray, Crockett, Crosthwaite, Dunn, Edgecomb, Farrington, Finley, Fischer, Fitts, Fletcher, Gerzofsky, Gifford, Giles, Gould, Hamper, Harlow, Jackson, Jacobsen, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, Marean, McKane, McLeod, Millett, Mills, Muse, Nass, Norton, Patrick, Percy, Perry, Pieh, Pinkham, Piotti, Plummer, Pratt, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Savage, Saviello, Schatz, Simpson, Smith N, Sutherland, Sykes, Tardy, Tibbetts, Trinward, Walker, Watson, Weaver, Webster.

ABSENT - Barstow, Cressey, Dill, Duprey, Greeley, Hogan, Pineau, Richardson E.

Yes, 60; No, 82; Absent, 8; Vacant, 1; Excused, 0.

60 having voted in the affirmative and 82 voted in the negative, 1 vacancy with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED.**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-192)** on Bill "An Act To Protect Network Neutrality"

(S.P. 580) (L.D. 1675)

Signed:

Senators:

BARTLETT of Cumberland

HOBBINS of York

Representatives:

BLANCHARD of Old Town

RINES of Wiscasset

BLISS of South Portland

ADAMS of Portland

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

CURTIS of Madison

FLETCHER of Winslow

FITTS of Pittsfield

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-192).**

READ.

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

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

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

The **SPEAKER:** The Chair recognizes the Representative from South Portland, Representative Bliss who wishes to address the House on the record.

Representative **BLISS:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The invasion of France, 63 years ago today, D-Day, June 6, 1944, remains the greatest seaborne military invasion ever and a turning point in World War II. Overnight, about 2,700 ships with landing craft and 176,000 soldiers crossed the English Channel. Minesweepers went ahead to clear the water, and paratroops and glider borne infantry landed behind German lines, to capture bridges and railroad tracks. The landing included more than 5,000 ships and 11,000 airplanes. About 31,000 Allied airmen flew 7,500 sorties between midnight and eight o'clock in the morning. At six-thirty in the morning, Allied troops came ashore on a 60-mile front, a 60-mile front on the Normandy coast. All five of the beaches that the Allies landed on were secured by the end of the day.

In the weeks that followed, 2 million men and women went ashore, along with nearly 200,000 vehicles and 500,000 tons of supplies. Paris was liberated on August 25. More than 350,000 Allied troops were killed or wounded in the liberation of France. Mr. Speaker, I urge you and my colleagues to remember that historic day, and to celebrate the men and women who stood and fought on behalf of international freedom and liberty, on that day, in that war. Mr. Speaker, a member of that Allied force that participated in the D-Day events, is present with us as a member of this body. With your permission, I would ask Representative Wheeler to rise and be acknowledged by this body. Thank you, Mr. Speaker.

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

HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (S-185) - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Allow the Use of Credit Cards To Purchase Wine, Beer and Spirits from Distributors" (S.P. 595) (L.D. 1688)

Which was **TABLED** by Representative PATRICK of Rumford pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative FITTS of Pittsfield **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 Acton, Representative Nass.

Representative **NASS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that this bill, as it stands, certainly is confusing. This bill allows a liquor licensee to purchase beer, wine, or liquor with a credit card. As we all know, we are living in a dangerous world. It would seem to me that we would not want delivery people carrying cash, driving around with cash, when in fact there are other means of transferring money. I think in an age of identity theft, the ways that we could be changing money are really kind of dangerous. We could be using wire transfer, and this could open us up to identity theft. I think that this is absolutely a bad business bill the way it is written. I would ask that you please defeat this current motion, and we have already requested the yeas and nays. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also rise in opposition to the pending motion of Ought Not to Pass. The nature of this bill as amended, would allow a licensee to have a line of credit in order to purchase liquor, wine, or beer from the distributor that they use. I will lay out an example of some of the situations that occur today.

Today if you are a bar or restaurant owner, you are in a situation that the only way you can pay for your wine, liquor, or beer delivery is with cash in your hand or check. Now Representative Nass described a situation where a beer delivery driver would be required to accept five or six hundred dollars as a payment on a delivery, in cash, which I do not think we want beer delivery drivers required to take that cash and travel all over the state with that, that is one problem.

But the other problem is just an issue of convenience for business. Businesses have the opportunity under the amendment to negotiate a line of credit that would only be good

for 14 days. It would not be an extended line of credit, net 30, or anything; it would just be a 14-day line of credit, optional.

The **SPEAKER**: The Chair recognizes the Representative from Rumford, Representative Patrick, and inquires to why he rises.

Representative **PATRICK**: Point of Order, Mr. Speaker. The amendment is not before the body. We are voting on the bill as Ought Not to Pass.

On **POINT OF ORDER**, Representative PATRICK of Rumford asked the Chair if the remarks of Representative FITTS of Pittsfield were germane to the pending question.

The **SPEAKER**: The Chair would direct the member to speak on the substance of the bill, not the amendment at this time. However, it is not clear that you necessarily were, so I just would caution you against it, should you even think about that. The Representative may proceed.

The Chair reminded Representative FITTS of Pittsfield to stay as close as possible to the pending question.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the clarification, Mr. Speaker. I will do my best to continue to not speak about the amendment directly, but why we should defeat the present motion, so that we might be able to consider another option.

Again, the issue in why this bill should not be defeated and why it should be considered, is to allow licensees the opportunity to negotiate a line of credit and not have to deal with cash and checks, but rather move into the 21st century, and have the opportunity to purchase in the same way that they would purchase all of the other commodities that they use in their business.

One of the issues that comes up, typically in a restaurant, and what was raised in the hearings, is the issue of what if a restaurant goes under, what happens in that situation? Well the problem is that there are a lot of commodities that are wrapped up in that situation, and a lot of creditors already are affected in that. If we are singling out the liquor business as something that is unique, I think that we are misguided in that. I would ask you to defeat the present motion, so that we may move on to a better alternative, and follow my light. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lexington Township, Representative Pinkham.

Representative **PINKHAM**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am on the Majority Report of this bill, my vote was exactly as I intended. I would really have liked to have pulled it down to the Minority Report with the Amendment, because the credit card bill, I am absolutely opposed to, that if we took the Minority Report, going back to it, it is just a business to business relationship, which every contractor and supplier has when they deliver goods, whether it be lumber or anything else, paying 30 days, this one happens to be liquor and it has a 14 day time limit on it. I would ask you to oppose the bill as written, but support the Minority Amendment.

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. With all due respect to the good Representative Wright Pinkham from Lexington, I am going to ask you to go with the Majority Report of the Committee.

We had discussed and there is any number of reasons when you are dealing with a volatile issue like liquor in the State of Maine. We did away with the Bureau of Alcohol and Liquor, and we went out to distributors. We have a 3-tier system that works

very efficiently. This was contracted out and one of the larger distributors in this area got the contract to deliver alcohol beverages for the State of Maine. When they deliver alcohol, beer, or wine, it is cash on delivery, it always has been, and it always should remain that way, because this is a large investment this distributor has made. The distributor is not just exclusively delivering product to large retail stores, they are delivering to small ones as a sizeable investment that they have made, in purchasing the liquor from the State of Maine. The State of Maine is the one that owns the liquor and the distributor buys this. If in fact a business goes under, are we going to turn around and have our state department that is run on minimum staff, because that was our choice when we dissolved the Liquor Bureau as it stood, and turn them into a collection agency?

This is a fair business practice and they have the ability, and they have had the ability, to offer electronic transfers, so the idea of some delivery driver out there, driving around with six or seven or eight hundred dollars cash in their pocket, is probably almost unheard of. But if a company wants that driver to do that, that company is going to bond that driver so that money is in fact insured and nobody is going to be at the loss. There are, I hate to tell you, so many laws on the books now for theft that I am sure that somebody would probably be prosecuted, and if it went over a certain dollar amount it would turn into a felony.

I am going to ask you—the Committee worked very hard on this, and I think that they came out with a fair and just decision that this was Ought Not to Pass. The Maine Restaurant Association, at the time of our public hearing, testified neither for nor against. There is a letter on your desk from Dick Grotton. They believe that we need to support the Committee, the Majority Amendment now, because it has worked, it has worked well, and businesses are being served. To give issue credit to something as volatile as liquor, is always a bad idea. I urge you to support the Majority Report of the Committee, and let's do what is right.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, Colleagues, and Friends. Alcohol is not like any other consumer product. It has a potential to be misused and abused. Every state controls alcohol via regulation and tax policy. Maine has a 3-tiered system of alcohol regulation. All parties are licensed: manufacturers, distributors, and retailers. As part of that system of control, Maine has for 65+ years had a cash law that has worked and worked well.

A credit law will encourage the wrong kind of market and practices. It will benefit large retailers, to the disadvantage of small mom-and-pop stores. It will translate into increased cost to Maine consumers due to bad debt credit. It will prompt more cross border purchases in New Hampshire. It will make the Department of Public Safety a collection agency for delinquent retailers. It will place increased financial burdens on the distributors, including microbreweries and farm wineries. What a lot of people do not know is that actually about 35 years ago, we had around 28 distributors in the State of Maine, because a lot of the burdens placed upon them, 20 of them have gone out of business and we are down to 8 that are still in business.

Maine's cash law is working: It maintains a level playing field between all licensed entities, it ensures the large and small retailer accounts are treated fairly, and it provides consumers with a wide selection of beverages. There are existing alternatives for retailers already available, and the good Representative from Bangor mentioned at least one of them: They have an escrow account.

Some years ago the Bureau set up a system to make payments on delivery more convenient for retailers, by providing for escrow accounts. They also have electronic fund transfers. In 2005, Senator Cowger presented a bill to further address the retail/retailer payment issues. The Legal and Veterans Affairs Committee and all the stakeholders united in support behind the bill, which codified the statute of electronic fund transfer system, allowing retailers a choice of making payments, and I would ask you to support the Majority Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Lexington Township, Representative Pinkham.

Representative **PINKHAM**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Representative, Chairman Patrick, who I have great respect for: I just really do not see the difference whether it is alcohol or a load of peanuts delivered to Shop 'n Save, how it is paid for. Once those cases of alcohol are delivered to Shop 'n Save, if they have an agreement with the supplier, at that point they own it. I absolutely see no difference whether it is paid for right then, or if it is going to be paid for in 14 days. I absolutely see no difference, whether it be 2 x 4's, a load of strawberries, or a load of alcohol, and I would urge you to vote against this issue.

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. I cannot add much to this, but you have all received the paper that came across your desk from the Allagash Brewing Company in Portland. As you all know, the people of Allagash do not lie, so I would ask you to support Representative Patrick.

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. 117

YEA - Adams, Babbidge, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Gifford, Giles, Grose, Hanley S, Harlow, Haskell, Hill, Hinck, Jackson, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, Miller, Millett, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Theriault, Thomas, Treat, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgcomb, Emery, Finley, Fitts, Fletcher, Gould, Greeley, Hamper, Hayes, Hotham, Jacobsen, Knight, Lansley, Lewin, McDonough, McFadden, McKane, McLeod, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Savage, Saviello, Schatz, Sykes, Tardy, Thibodeau, Tibbetts, Trinward, Vaughan, Walker, Weaver.

ABSENT - Barstow, Cressey, Dill, Duprey, Eberle, Hogan, Joy, Lundeon, Marean, Moore, Pineau, Richardson E, Woodbury. Yes, 85; No, 52; Absent, 13; Vacant, 1; Excused, 0.

85 having voted in the affirmative and 52 voted in the negative, 1 vacancy with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-434)** - Minority (6) **Ought Not to Pass** - Committee on **JUDICIARY** on Bill "An Act To Base Value in Eminent Domain Takings of Businesses on Going Concern Value"

(H.P. 720) (L.D. 960)

Which was **TABLED** by Representative SIMPSON of Auburn pending **ACCEPTANCE** of either Report.

Representative SIMPSON of Auburn moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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. We had this bill in the last session, the first year of the 122nd Legislature, and carried it over and worked on it for a year to try to come up with a solution, and what to do to help Maine businesses when government has to take their property by eminent domain in order to further a public good.

Working with the Maine Oil Dealers Association, the Maine Department of Transportation, the Maine Turnpike Authority, and the Maine Municipal Association, we came up with a formula that we thought balanced the needs to government to know for certain what the cost of a project will be, and businesses being reimbursed for the costs of the imposition of the government taking their property, so we increased the money available from \$1,000 to \$2,500, for the search for a new place to locate your business, and the necessary expenses for reestablishment, we increased the maximum from \$10,000 to \$20,000, and if a business wanted to, instead of going through that process, we made the maximum for a fixed amount \$100,000 in costs that they could receive for the imposition of the government taking their land and business. This was a compromise which just went into effect six months ago.

I think that in opposing the bill, it is not that we oppose those of us who voted in the Ought Not to Pass side oppose Maine businesses, but we want to have a balance and a way for businesses and for government, to know exactly what to expect, and changing things every six months really is not conducive to a steady environment. I hope people would join us, join me, in voting Ought Not to Pass on this. Thank you.

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

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

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

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak against the Ought Not to Pass motion for LD 960. LD 960 addresses a serious matter that faces business owners: the potential loss of business property through an eminent domain taking. I introduced this bill to make eminent domain takings fairer to Maine business owners than our current law.

Let me take a minute, if you will just bear with me, to paint a picture of Maine's business community: We are a small business state. Maine has over 140,000 small businesses, employing 65 percent of all Maine workers; thus, the possibility of eminent domain taking potentially has the most impact to Maine small business owners. Eminent domain is used, when essential, for public infrastructure needs; however, current law compensates

the business owner only for the loss of the real estate and some relocation expenses. Through an eminent domain taking, business owners lose more than just their land and building. They may give up the one thing that may be most important to their business success. This critical ingredient may be described as three words: location, location, location. LD 960 will not correct the loss of the business location; however, the bill will provide fairer compensation to the owner based on the full value of the business, known as a going concern value. A going concern value may be determined by a state approved license commercial appraiser.

I know of a business in my area that the State of Maine took by eminent domain. This was a second generation, family-owned restaurant. The owners worked hard and made a good living from that business for over 50 years. When the state took the property, the business owners lost a very valuable location and one that was critical to their success. After being forced to move, the business never reopened, the family had to find new employment, and all the jobs related to that business were lost.

This bill has a fiscal note, which ironically is why this bill should be passed. When the State of Florida passed a similar law, the dollar amount of their eminent domain takings increased, by 10 percent. The fiscal note attached to this bill includes increasing Maine's annual taking by 10 percent. When you think about it, this 10 percent difference shows the businesses in our state are being underpaid by that 10 percent differential with the system we have now.

In closing, through the loss of a business location, the business owner may lose the income producing potential from that location for the 20, 30, or more years. The governing body in an eminent domain proceeding is literally taking away a lifetime of earnings. I ask you to not support the Ought Not to Pass motion, so that Maine's business owners may receive adequate payment and hopefully continue their businesses for years to come, at either that location or the next one. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to ask for your consideration also, to vote red on this and to vote against the Ought Not to Pass, and to consider making this an actual bill. This is my freshman year, I have learned a lot. I have also found it really just sort of amazing at how this negative business environment continues to exist. This is one of these bills to me that sort of should be an example of treating our citizens in a fair and respectful way.

I own a small business. The last time I checked it is still on Congress Street in Portland. I get a little bit worried. Congress Street is a very, very busy street. I know someday that it is going to get another lane added. I have a fabulous location. Pretty much anybody on their way to the Portland Jetport goes by my company. I can never replace that location. I have a sign and it is there. I have even thought about relocating just because I am cramped for space. I have looked for space. There is nothing in the greater Portland area that can afford me the traffic count that I get in that location. It is, as Representative Giles said; it is the three wonderful words: location, location, location. Twenty thousand dollars does not even go near the payment of the value of that location.

It is only fair that as we do our business in hopefully smart decisions for eminent domain, in places that is appropriate for our growth of our state and our infrastructure, the businesses that we have all worked and nurtured to create be adequately compensated. That is all that is asking to be done. It is a fair and right thing to do and it also sends out the correct message

that we value our small businesses in Maine, because without them, it is the backbone of our state, and we need them, we need to respect them. I would ask for your consideration on this very important message and bill, and please vote red. Thank you.

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

Representative **CASAVANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Being a member of the Judiciary Committee, when I first heard this particular bill, I was very convinced to vote on the Ought to Pass side. It seemed extremely prudent and fair to give business owners what they deserve. However, as I began to learn more about the bill, I began to agree with my Chair, that because there were changes made in the last year or two, that those changes should at least be observed, and in terms of fiscal responsibility, check to see whether or not the system was working.

In this particular time period where we are debating issues regarding budgets at the local level and the state level, it seemed not prudent at the time, at least at this time, to risk spending more money in terms of state funds for the gaining of private property or the municipal level. I did not want to have to go back to my city or town and say "I am sorry, but because of my particular vote, we are going to have to up the cost of when you purchase certain pieces of land", so my logic to voting along with the Ought Not to Pass, is to wait and see how the new laws work. We have to understand that this does not involve a lot of property all of the time. It is select properties, rarely used, so rather than be fiscally irresponsible and up the ant again this year, I think it is much wiser to sit back and actually wait to see how the system works. Thank you.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of the pending motion, and I tend not to wade into other committees' issues, but here I am, and that is obviously because of the fiscal note to this. As the House Chair of the Transportation Committee, if you look at the fiscal note, it is a fairly substantial one. I just need to make sure people understand the unintended consequences as far as—the fiscal note currently will be formed in \$75,000 in the first year and \$910,000 in the second year of the Biennium. Just to give you an idea, we disclosed our budget yesterday because we had holes in the budget and we were looking for savings to close it, and we are talking about a 15 percent decrease in the capital programs at this point. I feel like I get up and repeat myself a lot and I apologize for doing that, but we kiddingly say we are the stewards of the roads; I feel like the Lorax, I speak for the trees—I am pleased that some of you got the Dr. Seuss reference—but it is true.

I do not disagree with the good Representative who spoke about being pro business, but our Committee hears a great deal about, we need the infrastructure obviously for businesses to flourish, to get their goods in and out of market, people in the state to purchase them, and that is also about location, location, location. I was not directly involved, but I had a great number of conversations with the Judiciary Committee and those stakeholders, just as she was saying, I think it was about a year and a half ago that those conversations started in Committee, came together to fruition, and I think it is premature to not give those new rules and regulations a time to see how they help the businesses and how it impacts them. I do know how this would impact the infrastructure and I have grave concerns about that.

I think we all need to make sure if we move forward with this, we understand that implication. We are talking about a million dollar hit, we are going to be cutting capital projects. Also, people mentioned about the municipalities: This bill would be a mandate on them, so please consider that and support the Minority Ought Not to Pass.

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 just wanted to address a couple of points that were brought up by my colleagues in this chamber.

One, this bill will not eliminate the current law that is on the books. This would only provide another tool in the toolbox, if you will, for businesses that might want another option. It puts the burden on the business owner. In the bill it requires that an appraisal be paid for by the business owner and one by the state. If they are within 10 percent of value, they just average the two, if there are some differences they can go to whatever the appeal process is, but it does not require this of all eminent domain takings. This is something that would allow a business owner to have another option to get what they felt was fairer compensation, and again, it puts the burden on the business owner to come forward and to do this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just a couple of points from what I am hearing from my perspective on the Business Committee.

One of the things we hear that business appreciates and needs most in the state is consistency and regulation. It is my understanding that the bill that was passed last year, as the Chair of Judiciary noted, has only been in effect for six months, it gives that consistency that they need, rather than the bill as it is proposed, would actually be an extended process to perhaps gain additional compensation if they could justify it.

Second point to make quickly: It is my understanding the situation was brought to light that caused for this bill to come forward will not be impacted by this bill, as there is a pending lawsuit, and that is being handled separately.

Finally, to address the issue of the business climate: I want to remind members of the body here of a couple of great things we have done last term: phasing out the business equipment tax, it was incredibly helpful for the Business Committee. Just last week, passing the expansion of the Pine Tree Zone benefits statewide, has been put into the budget. That will be happening, again, a great benefit to businesses. Next week we will be voting on the first of many bond issues that will help not only with R&D, but also with infrastructure, and of course, businesses need roads as well, so I think the Ought Not to Pass is appropriate at this time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Austin.

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

The SPEAKER: The Representative may pose her question.

Representative **AUSTIN**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, to anyone that could answer: I have read the summary briefly. Can anybody clarify that in the term of "taking of a business," could that also be applied to substantial holdings, land holdings that would actually displace an entrance to a business parkway because of infrastructure reconstruction?

The SPEAKER: The Representative has posed a question to any member who may choose to answer. Seeing none, a roll call is in order.

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. 118

YEA - Adams, Babbidge, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Cain, Canavan, Carter, Casavant, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hinck, Jackson, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Simpson, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaulieu, Berube, Browne W, Burns, Campbell, Cebra, Chase, Clark, Cleary, Connor, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Emery, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hayes, Hill, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pendleton, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Savage, Saviello, Schatz, Silsby, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Barstow, Cressey, Dill, Duprey, Eberle, Hogan, Moore, Pineau, Richardson E.

Yes, 67; No, 74; Absent, 9; Vacant, 1; Excused, 0.

67 having voted in the affirmative and 74 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative SIMPSON of Auburn, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-434)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, June 7, 2007.

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

Resolve, Regarding Legislative Review of Chapter 007: Implementation of the Essential Programs and Services Funding Model, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 727) (L.D. 967)

Which was **TABLED** by Representative NORTON of Bangor pending her motion to **INDEFINITELY POSTPONE House Amendment "A" (H-398)**.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to repeat again, I guess, what this amendment is about.

My biggest concern with this rule is that it has the words "agreed to" in it, which essentially said this is a negotiated result and it is fine. What it does do is that it takes a piece of policy that the end result goes to the policymaking board of the school district. If there are issues with that policy, the people who have to deal with it and who are ultimately responsible, is the school

board. "Agreed to" leaves that out of it. It is important, however, that the people who are instrumental in doing the work of the testing, and looking at what it is, have to be a part of the process.

I also agree that just consultation is not strong enough, so what I have tried to do in this amendment is keep the policymaking body responsible for what it has to be responsible for, but ensure that the consultation is something real and means something. By doing that, I have asked that it be a documented consultation, and that that documentation is not the decision of the superintendent or whomever is involved in doing that, but that documentation and that process has to be developed and written out and required recording through the Commissioner of Education, so there is no leeway and decision on how this would work. To me, it gives the safeguards that are needed for the collaboration that has to happen for the decision that are being made, but it also keeps the policymaking word reasonability where it belongs, because the buck does end with the policymaking board. I would say that it is important to leave them in that process as well; therefore, I ask that you vote against the Indefinite Postponement, and vote for this amendment. Thank you.

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. Again, I want to remind you that this issue involved a very narrow piece of a major substantive rule of the Department of Education. It is limited only to targeted funds, and in particular, to an action plan around implementation of standards based education.

Let me give you an example, if I can make it a little more concrete: The development of the local assessment system has a very negative effect or very negative impact on our students and on teacher workload. It was brought about by an overbuilt, runaway testing system. It has taken us a couple of years to reverse some of this damage: the moratorium that we had on local assessments last year, and then again, finally, this year the elimination of the local assessment system, that is all of those tests that your kids took, spent half of their time in school taking, and then teachers spent from 3 pm everyday until 6 pm, double scoring and triple scoring them. That was done with very limited teacher voice.

Not only is inclusion of teacher input essential, teachers lend something to this process. They have, in my mind, they help to make decisions that are wise, effective, and efficient, and it really helps with a standard based education. I think the teacher's voice is critical. Teachers not only are particularly well trained by their experience, their education, their responsibility, and their professional dedication, but most important of all they have the correct contact with students and parent, and they need to be partners in these decisions. It is their understanding of what is going on, and in fact, their buy-in is absolutely critical, and I think the language is currently written, does that better than this amendment. Please follow my light and vote green.

Representative NORTON of Bangor **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-398)**.

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 Caribou, Representative Edgecomb.

Representative **EDGEComb**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is the right and the responsibility of the elected school committees and school boards to make decisions and the final decision concerning targeted funds and EPS, and we should not be taking this away

from the school board. I urge you to vote no, vote against the Indefinite Postponement of this amendment.

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

Representative **HAYES**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I, too, rise and ask that you vote against this motion to indefinitely postpone this amendment. In deference to Representative Norton, who speaks of this as only being one small area of impact, it is a huge area of impact in terms of a policy change. The problems that we seek to resolve with the local assessment program were not created by the local school boards; they were imposed upon the local school board and the teachers.

The language here, the compromise that Representative Perry has to offer, really will resolve both problems and allow—it will not affect a significant change and those policy decisions down the road. It includes significant input for the professionals who are involved, and at the same time it rests the final decisions with those policy makers that are elected by the folks and given that authority in the towns. The problem was not created by the local school boards and it will not be solved there. It will be solved by this consultation, and I believe this amendment offers the appropriate balance. Thank you.

Representative MUSE of Fryeburg **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. I am a former school board member in my little town of Bremen and a current selectman. When you describe a narrow piece that requires agreement from a body that does not make educational policy, even if it is narrow, it opens a door that is very difficult to then close in a later time. Absolutely no one argues that our teachers are not overworked, and that our teachers hold our most precious commodity in their hands every single day at school. I think they deserve all of our recognition and appreciation, and that is why the thing of documented complication means that they have to be involved, have to weigh in, and be an equal part of making the decision, but do not hold the final decision in their hands—that belongs to our school boards that we all elect in our communities. Thank you very much.

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 against the pending motion for Indefinite Postponement. I would agree with my friend from Calais. I rise as a former school board member, and when I became school board member I realized there are different parts of educational law, and there are different ways that school boards interact with teachers, other groups, and schools.

One way of interacting with teachers is called meet and consult. When you have a policy come before you, that means you have to meet and consult with the teachers. That is fine, it is a wonderful idea, and they usually think of things that maybe the school board has not thought of.

Then there are other parts of educational law that say that you have to go beyond meet and consult: You pretty much have to get them to agree with what the policy changes. This rule change would put it in the wrong category. We need to keep this in a meet and consult category, and we can do that by voting against the Indefinite Postponement motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-398). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 119

YEA - Adams, Babbidge, Beaudette, Beaudoin, Berry, Berube, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Canavan, Casavant, Clark, Conover, Craven, Crockett, Dunn, Eberle, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Harlow, Haskell, Hill, Hinck, Jackson, Kaenrath, Koffman, Marley, Mazurek, Miller, Norton, Patrick, Pendleton, Peoples, Percy, Pingree, Piotti, Priest, Rand, Rines, Sirois, Smith N, Sutherland, Theriault, Tuttle, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Blanchard, Browne W, Campbell, Carter, Cebra, Chase, Cleary, Connor, Cotta, Cray, Crosthwaite, Curtis, Driscoll, Duchesne, Eaton, Edgecomb, Emery, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Hayes, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, McDonough, McFadden, McKane, McLeod, Millett, Mills, Miramant, Muse, Nass, Perry, Pieh, Pilon, Pinkham, Plummer, Pratt, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Valentino, Vaughan, Wagner, Walcott, Walker, Weaver, Woodbury.

ABSENT - Barstow, Cressey, Dill, Duprey, Hogan, Moore, Pineau, Richardson E, Simpson.

Yes, 56; No, 85; Absent, 9; Vacant, 1; Excused, 0.

56 having voted in the affirmative and 85 voted in the negative, 1 vacancy with 9 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-398) FAILED.**

Subsequently, **House Amendment "A" (H-398) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-398)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (S-192) - Minority (5) Ought Not to Pass - Committee on UTILITIES AND ENERGY on Bill "An Act To Protect Network Neutrality"

(S.P. 580) (L.D. 1675)

Which was **TABLED** by Representative BLISS of South Portland pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-192) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, June 7, 2007.

The following items were 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 (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-425)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Concerning Student Voter Registration"

(H.P. 174) (L.D. 203)

TABLED - June 5, 2007 (Till Later Today) by Representative PATRICK of Rumford.

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

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Where to begin? This is a bill, as you know, that came out some five months ago. It was not intended to be a partisan bill. I applauded the young man from Colby College who made it so. There are red herrings that have been floated on this bill. This is a pure, simple, straightforward bill that would ask students to vote where they reside, not where they are going to school. There has been an amendment put together, and I invite you all to read that if you have not done so at this point in time, and if you have not figured it out, I rise in opposition to the motion on the floor.

The red herring that I speak of is the Federal Law that requires, it enables, and encourage, which I support, that individuals, whether they live under a park bench or wherever they live, be able to speak and vote for elected officials. The bill suggests that folks that are voting in local, state elections ought to reside in the communities and live under the circumstance of the results of those votes.

The Maine Constitution supports this simple measure. It has been tested once that supports my position. A second time it was brought up, no formal decision ever came from the courts. The decisions that we have heard, read about, and talked about, are federal issues.

There have been many polls taken; I recently sent a poll out, some 19 or 20 questions. The question that received the most interest, interestingly, was on welfare, and that is not the issue before us. The second question that received overwhelming support on one side or the other was a question on whether or not citizens should be voting, or students should be voting where they live or where they go to school. Overwhelmingly: 80 percent of Maine people believe this bill should be passed. Many from the other side of the aisle had asked to be signed—let me go back; this is a mistake I made as a freshman legislator: When the bill came out, several people in a general midst asked to sign onto the bill. Subsequently, many from the other side of the aisle asked as well. Unfortunately, the eight spaces were taken and this was branded as a partisan bill.

I invite you to look beyond partisanship, look beyond the rhetoric, and just look at the purpose and the meaning on this simple measure. I ask you to vote against the motion on the floor, and when we do so, Mr. Speaker, I request the yeas and the nays.

Representative **KNIGHT** of Livermore Falls **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 Berwick, Representative Burns.

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

The SPEAKER: The Representative may pose his question.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I realize that this bill pertains to students, and asks that they vote where they go to school rather than where they live, and where they may return to once they are done with school. I understand that here in Maine we are encouraging our students to go to school here in Maine and remain in Maine, but some of them go away, and when they go away we want them to come back here and work, and do business, and deploy their educations.

But I am just wondering, and my question is this: How might the supply, if we go down this road to veterans—I know when I served in the Armed Forces, I voted absentee, and I served in Germany, and I voted according to the candidates who are running back home in the town that I lived in. I am just wondering where this takes us? We have roots in the communities that we grew up in, in the States, that we lived in, so what direction does this take us in, is my question. Thank you.

The SPEAKER: The Representative from Berwick, Representative Burns has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, Colleagues, and Friends. I rise today in support of the Majority Ought Not to Pass Report. This bill happens to probably be the biggest bill by volume that we had in Committee this year. I think we had about 38 or 40 people testify, probably more in the opposition than in support of the bill. I am going to just touch upon three reasons why I think this bill ought to be sent out Ought Not to Pass.

The first reason is there is no similar provision that appears in any other state's election laws. LD 203 conflicts with prior courts decisions; it violates equal protection principles, and leads to unfair, less than rational results. LD 203 would lead Maine in the wrong direction. This is undesirable as a matter of policy.

Within the bill, it actually strikes out some interesting parts. It strikes out the part that says, "This subsection may not be construed to prevent a student at any institution of learning from qualifying as a voter in the municipality where the student resides while attending that institution", and puts in its place, "A student is not a resident of a municipality where the student resides if the student lives in housing owned by an institution of learning while attending the institution unless the student lived in that municipality prior to attending the institution."

Number one, no similar provision appears in any other state's election laws. When setting forth voting residency rules, states typically either do not distinguish between students and other voters, 21 states that is, or they use a statutory approach similar to Maine's in language, or in essence, they provide that one neither gains nor loses voting residency solely because of presence or absence due to certain kinds of employment or status, including being a student in an institution of learning.

Iowa, Louisiana, and Pennsylvania explicitly permit students to establish voting residency while they attend college, or permit students to choose their college community as their voting residence. Wisconsin explicitly provides that student status may not be considered when determining voting residency. Connecticut requires institutions of higher learning to distribute mail, voter registration application forms, and assist applicants who request help. Florida requires education institutions to provide on campus opportunities to register to vote, or update registrations, and California requires its Secretary of State to provide voter registration forms to high schools and state college campuses. The California Legislature intends schools to make every effort to ensure students can register to vote.

My second point: LD 203 conflicts with prior court decisions. In 1971, the Michigan Supreme Court held that a rebuttal presumption that students were not residents of the municipality where they went to college was unconstitutional. The court said that this discriminatory restriction of students voting rights, only minimally addressed voter fraud that Michigan laws already addressed, the restriction was unjustified. In 1979, the United States Supreme Court affirmed that a Waller County, Texas questionnaire, used to block voting residency for college students, was unconstitutional. In 1986, the Second Circuit Court of Appeals held that New York registrars could not reject student-voting registrations based on registrars' conclusions that a student dorm could not be considered a fixed permanent or principle home.

My third point: LD 203 would lead Maine in the wrong direction. Other states in the Union have not enacted restrictive landlord based voting measures like LD 203. In fact, other state laws trend in the opposite direction. Several of them: California, Connecticut, Florida, Iowa, Louisiana, Pennsylvania, and Wisconsin, actively facilitate student voter registration additionally. LD 203 would move Maine in the wrong direction by penalizing an entire class of voters for their purported, though unproven, misdeeds of the few. LD 203 resembles a vote of no confidence in Maine's students, no matter how well informed, or interested in local and national issues they might be. LD 203 risks distancing students and stifling their interest, and in respect for the voting process, as a matter of policy, this is undesirable.

In summation, LD 203 would render Maine out of step with the rest of the nation, raise constitutional equal protection issues, and constitute poor policy. This bill should be voted Ought Not to Pass. 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. First, I want to agree with Representative Knight: We should rise above partisanship with regard to this issue. As my friend, Representative Knight well knows there were editorials that condemned his position on this issue, and I agreed with those editorials as to his position, but some of them went beyond the line and went after him personally. I quickly, forcefully, and publicly defended him, and would be happy to do so again, because we are all friends in this Chamber and we should all stick together when people are subjected to an unfair attack. But having said that, I was awaiting this day because I agree that we should rise above partisanship. That is why we need to all, in both parties, and those who are unenrolled, kill this bill and support the pending motion.

When the good Representative from Rumford points out that it violates the law, this is just not any old law. We are talking about the Fourteenth Amendment; we are talking about the Constitution of the United States of America. This is discriminatory: It discriminates against people based on the type of accommodations in which they live, and it makes no rational sense. As much as I respect him as a colleague, there is no doubt in my mind that we should rise above partisanship, and that every Republican, every Unenrolled, and every Democrat in this Chamber should support the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGEComb**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just like to point out a situation in Limestone: That is where Job Corps is located, or a Job Corps' facility is located. The people in Limestone appreciate having that facility there and really support the program, but at election time, students that come from all

over the Northeast, and they arrive there weekly, are put on a bus. There is a busload of them, and they go into Limestone to vote. You have citizens that are running for select people, for the school committee, and in a small community like Limestone, often those decision or election results are very close. These students—you do not campaign in Limestone for the school board because everyone knows who you are, or for select people, they just know the candidates and they do not campaign. These students do not know the candidates, and just by the luck of the vote it does make a difference in their election. 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. In my most recent legislative survey, which I just calculated last week, the question, should college students be prohibited from voting in Maine if they are not residents of the state, received 76 percent, yes they should be prohibited, and 24 percent, no—that was legal voters. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Pratt.

Representative **PRATT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Few things get me as fired up as this, splake was one of them; this is bigger. I rise from the core of my being, the utmost opposition to my good friend and colleague, Representative Knight's bill. We have had the opportunity to talk about this before, starting long back on a legislative bus tour when I told him it was horrible then, and I believe it is again, with all due respect. But in all seriousness, I cannot—I cannot sit here in this body as one of the people, probably closer than most, to college age, and say, "Sorry, we are not going to let you vote here. We do not think you are smart enough, or you have insight, or you have enough understanding of the local area to make your vote worthwhile."

I was not fortunate enough to go to college in the State of Maine; I had to go a couple states over and went in Vermont. When I went to college in Vermont, I registered to vote there because I felt like I was a member of that community; I was on the volunteer fire department. It was important for me to vote a town meeting, to make sure we got the money from the town in order to do our job. It is unfathomable for me to tell someone—a college student in this state no matter where they are from, or what town they are from, or what state they are from—that we do not value your vote, or do not think simply because you are a college kid and live in a dorm and not a college kid who lives in an apartment, or has enough money, or their mommy and daddy bought them a house off-campus where they have an address that is somehow not a post office box or not a college address, that they are different than somebody who lives on campus in a dorm.

We should be doing everything that we can possibly here, to encourage people to vote and take part in the process. We should be doing everything that we can to encourage young people to get involved. Where does that happen? It happens through education, through college, and through high school. Why on God's green earth we would say to students who may or may not be from here, who may or may not want to stay here, "while you are here you are not part of this community and we do not value your vote"? To me, that is unacceptable, it is despicable. I cannot sit here and allow that to happen on my watch.

I appreciate the understanding the argument that there are people who feel that these students do not know enough about it to make a valuable decision. I can tell you that there are plenty of people who are not students, who do not know enough about it

to make a valuable decision, who go every day and go and vote, and God Bless them, we should be doing everything to encourage them, and educate them. Do not single out one set of people.

I will sit down in a second, but my good friend and colleague from Rumford, Representative Patrick, mentioned Waller County, Texas. I also had the unfortunate time to live in Texas for a little bit, and I was involved in that Waller County, Texas case, where a DA in Waller County, Texas said, "I'm sorry, the black Prairie View A & M University. Anybody who registered there, you cannot vote in this election when you showed up on Election Day." That is unacceptable. Where are we going? I do not want to see that happen in Maine. I do not want to see that happen anywhere in the United States. Let's do everything we can to encourage student participation, student voting, and please, please, please support all of us. Do the right thing: Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

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

The SPEAKER: The Representative may pose his question.

Representative **SYKES**: Thank you, Mr. Speaker. Are members of the United States Military, who are stationed here in the State of Maine to protect and defend this country, allowed to vote here?

The SPEAKER: The Representative from Harrison, Representative Sykes has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from York, Representative Weaver.

Representative **WEAVER**: Mr. Speaker, I was in the military here in Maine for many years, and I had to file an absentee ballot. I voted in Texas, and I will tell Mr. Pratt, Texas is not as bad as he says it is. It is not as good as Maine, but it is not as bad, but I did and I do not know if they have changed since then, but my whole career, I voted in Texas. I would have to send in the application no matter where I was, send in the absentee ballot, and vote that way. That is the way it was done, we knew it, and that was the rules.

I remember one time we voted and we were in U-tha Phao, Thailand, my crew was there, and we landed. I got out the ballot, we had a little scotch there, and we were voting and one guy, I call the names off, and one of them was Clyde Barefoot Sanders. They all stood up and said, "We voted for old Clyde Barefoot Sanders." Thank you, Mr. Speaker.

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

Representative **MILLS**: Thank you, and I think the answer is that both federal law and state law give a great deal of latitude to people stationed in the military, so that they do not lose their residency status by serving in another state, and they have the option, if they are residing in that other state, if they are intending to stay there for a bit, that they can vote in that other state. 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. I will be voting on the 12th, but I will not be going to a polling station. I am voting absentee ballot. Very simple: All you have to do is write in to your local town, village, whatever, and ask for an absentee ballot. They certainly put them out in plenty of time to serve, especially the servicemen who are overseas, be able to vote on their local elections. Not a problem. I am not going to the local polling station, here in Augusta, and saying, "Gee, will you let me vote?"

I live at 2 State House Station, and therefore I deserve the right to vote." Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Silsby.

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With all due respect to the good Representative from Livermore Falls, I remember the first time that I was able to vote. I was excited and honored to truly participate in our democracy. I believe that good citizenship is learned and not innate. We must encourage participation in our democracy, not put up barriers to participation. I am proud to support the pending motion, and I encourage all to do the same.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am so glad this bill is before us. I am so happy that we are here today talking about student voting, because I love to talk about student voting. I wish I had thought to send a survey out to my district before we had this discussion today, because Mr. Speaker, I can almost guarantee that at least 95 to 99, if not 100 percent of the survey response, would have said please defeat this bill and please support the pending motion.

My opposition to this bill is nonpartisan, because the students that I work with in the University of Maine community, in the Town of Orono, and in the greater University community, which includes a lot of towns in the greater Bangor area—the students I work with do not get out to vote in Orono, because they are not invested in the Town of Orono, or in the greater Bangor area, or in the Second Congressional District, or in their Senate seat, or their House seat. They are very much invested. They very much pay attention.

Last year, in fact, we had three students from the University of Maine, some of whom lived on campus, run for Town Council seats. None of them won, but that was okay, that was not the point. The point was that they ran, and that they could run, and that they should run when they feel there is something important going on in the town, that they want to be a part of that discussion, and they want to have the opportunity to sit at that table.

We do not require this legislation before us because there is no problem to solve. This bill, I believe assumes the worst in the students of the State of Maine. It assumes that students do not know or should not care about the town in which they are voting, where their college or university is. I would please clarify, Mr. Speaker that this is for students who reside in the municipality for their education, on campus, in particular, this bill addresses, but also many students, and I can attest because I have knocked on those thousands of apartment and rental doors in my district, Mr. Speaker, have students living off campus, who should not be treated any differently than the students who live on campus. Some of those students, this is where they live. They do not have another place that they come from. All of the students who choose to vote in the Town of Orono know why they are going to the polls; well, at least as many of them as the many of rest of us who are not students, who know about what happens on the ballots when we get there.

In the University of Maine community, there is group called UMaine/UVote. This is a nonpartisan group that brings together members of college Democrats, college Republicans, college Green Party, college Libertarians, nonpartisan people, and just people who care about voting, groups called the Progressive Student Alliance and others. This group gets together once a week during every campaign season, once a week during lunch,

every campaign season, to talk about educating students about what is going to be on the ballot when they go to vote in Orono.

When those students show up to the polls, if any of us have done our work anywhere in the State of Maine, they know what is on that ballot. When that student arrives at the poll, just like the rest of you, just like the rest of us, just like the rest of everyone in the State of Maine, they have to show where they live. If they live on campus, they have to bring a piece of mail, or they have to bring the certified letter that was sent to them on campus. If for some reason, Mr. Speaker, they cannot prove that, just like the rest of us they can sign the affirmative that says to the State of Maine, to the registrar, that "I am not lying, I really do live here, and I am not voting twice. I understand that there are major penalties for me under law, that I am subject to the law if I am lying, and if I am found to not be telling the truth with my voter registration."

But again, that is not really the point. The point is that the student vote all across Maine and all across this country matters. It is the future leaders. I am tempted to ask the good Representative from Augusta, if when she was at the University of Maine, maybe she voted there. I do not know, I think she did. But, Mr. Speaker, absentee ballots are very important. Voter registration is very important. We have set a standard very high for all voters in Maine

As part of that UMaine/UVote process that I am so very proud to be a part of, of my nonpartisan group, we spend more than half of our time talking about how to educate students about how to vote in their hometown. I can guarantee, Mr. Speaker, that at least one person from all of your districts voted in my district in the last election, and I hope they voted for me, but they may not have and that is okay. When they made the decision at the polls, they made the decision to vote there, they registered there, and it was legal. They did not go home and vote twice. Nothing we do can prevent people from breaking the law, Mr. Speaker. If people are going to be bad and try to vote twice in the same day, if they have to drive around to do that, we cannot stop that person, but we have penalties under the law for those people.

More than half of the work that I do as part of that nonpartisan group is to educate students about how to vote absentee at home. We have lists of every municipality in the State of Maine available to students: in the Dean of Students Office, at the Student Information Desk, and at the Voter Registration Desk, right there, so when a student comes up, we say to them first off, "Have you considered voting in your hometown? Did you know you are able to do that? Did you know that you are able to vote here?" Sometimes they vote at home because that is where their heart is, but for those students that feel like they live in the Town of Orono, and they do for at least nine months out of the year, Mr. Speaker, most of them, they should have the right to vote there, because what the town decides impacts them, what the county decides there impacts there, what the Congressional District does impacts them.

Again, Mr. Speaker, I am glad that we have this bill before us, because I am very proud of the student voters in my district. I am very proud of how diligent they are about getting out to vote, and getting out to well-educated voters, and being a part of that. I look forward to continuing to be a part of that: that open process, that fair process, that legitimate process. I encourage all of you in the House to support that current process, as it does work, and assume the best in people of all ages, student, or not student, and support this Majority Ought Not to Pass Report. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have two very embarrassing admissions to make: The first is that I was born in New Hampshire. The second is that my very first vote that I ever cast was for Richard Nixon, and I am horribly ashamed.

But like the sponsor of this bill, I went to Colby College, and that first vote was cast while I was a student, living in Waterville, on campus at Colby College. That was part of the experience that made me stay in Maine. I loved Maine. I loved Waterville. I really enjoyed the community. I got a part-time job in the community, I was part of Waterville. I do not know if that would have really been the same way if I was told by a systematic fashion that "you are not one of us. Please take your youth, take your college education, take your earning potential, and please go back where you come from. You are not one of us."

Mr. Speaker, I think it is important to be a member of the community you are in. When I went to Colby College, I was there for the vast amount of my entire life. I may have gone home for a summer job, but by golly, I was a resident and a member of the Waterville community, and I will never, ever regret that. Thank you, Mr. Speaker.

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

Representative **HINCK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, oppose this bill. I saw it in its early stages, I am surprised it got this far. I have discussed it with the good Representative from Livermore Falls, my friend and colleague, and I believe there that there is a strong basis that this was brought forward to promote, and that is the idea that voters should be invested in their community, should be involved and engaged. But the bill itself is fatally flawed. It makes an assumption that certain people do not fit in that category, and presumably other people do.

There are college students from the great University of Southern Maine and others in my district. I met many of them doing door to door. I certainly support their right to vote. I cannot be assured of getting their votes, not in my district. They will vote for every party known to human kind, whether they are known well in the United States, or somewhere else. Every party is represented as far as I am concerned. That is the way it should be. They add something to our community; they add something to the debate.

The reason why I wanted to address this issue was the nature of the amendment. I thought the bill would get its hearing and go where many of my bills go, and that is nowhere, but low and behold, it is before us with an amendment. The amendment purports to give the students the opportunity to qualify and be voters in Maine, but it has a bias as well, and it is a troubling bias. It allows the voter to present factors. Those factors would include residence factors, but all of them disqualify somebody if they are residents, on their income tax forms, on their first class mail, on their fishing licenses, is a PO Box. That categorizes many of the voters.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick and inquires as to why he rises at this time.

Representative **PATRICK**: Thank you Mr. Speaker. I would just like to, in a bipartisan fashion, say I believe the good Representative may be speaking about the amendment versus the bill.

On **POINT OF ORDER**, Representative PATRICK of Rumford asked the Chair if the remarks of Representative HINCK of Portland were germane to the pending question.

The **SPEAKER**: Again, the Chair would caution the Representative to strictly contain his arguments to the bill at hand. The Representative may proceed.

The Chair reminded Representative **HINCK** of Portland to stay as close as possible to the pending question.

Representative **HINCK**: Thank you Mr. Speaker. It sounds like an apology is in order; I sought counsel from someone more senior than myself and I understood this line of reasoning was appropriate. It is going to be hard to segue at this point.

I do know something about the college voters in my district, and I imagine it categorizes them and many others, and that is they do they changes their residencies. It does not mean they are not committed to Maine. Their residence does not necessarily go from Maine, to another state, and back again, but it often has to move in the state. It categorizes my years in college and for a number of years afterwards, and the best thing that I could do was fix an address and a residence in the records and that is the one that I used, which may be an issue in the bill—I had better leave it at that. I urge you please to give the students that live and work in Maine, that are committed to Maine, the opportunity to vote here, and vote this bill down. Thank you very much.

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 was one of the proudest days that I have had in this Legislature, when this bill came before Legal and Vets. We were pressed with a heavy schedule, we had a lot of public hearings that day, the room was full of kids that attend any number of our colleges within the State of Maine. The good House Chair, and my Senate Chair, opted to move the bill to the very end of the public hearing. Sometimes this is the kiss of death to people participating in the public hearing. Those young people had the tenacity to hang in, because they had something very, very important to say to this Committee: We want the right to vote in the state where we attend school.

Maine does not have a residency requirement for people that move in from out of state. You can move into the street where you live, the next day you can go to City Hall and register to vote. This is wonderful and we encourage everybody to do it. To not allow the students that are investing four years of their very, very formable lives in our state, the option to go to the polls and choose who they want to elect, and if you think for one minute that they do not know who is running, that they do not care who is running, you best go to the campuses and talk to them—I have.

I have a Job Corps—and I am not sure how many of you people here are familiar with the United States Job Corps schools—they are a wonderful institution, but they take some very, very disadvantaged young people and put them through an education process that allows them to become employable, anywhere they want to go. Some of these kids have never been to a voting booth in their life. The pleasure that they have when the school puts them on a bus and transports them to the polling place is priceless. I have gone to my Job Corps, I have been an elected official out of my town for 25 years, and I go to my poll, to go to my Job Corps, every year to talk to the young people. They vote, they vote in masses. I never ask them to vote for me, that is a decision that they make on their own, because the information is there, all of the candidates who are running for office are there, they interact with the students, they talk to them. I just want them to be part of the process that governs this country.

I think we are doing a disservice, and it is almost on the borderline of being discriminating against a certain population. If

you say because I pay \$6,000 or \$7,000 to the State of Maine every year to go to the university, or I pay \$10,000 a year to go to Husson College, that I am not smart enough to vote for somebody that is running in my town. I can tell you that this is not true. I was so happy when those kids hung in there, because they are the future. Ten years from now, five years from now, they may be occupying that seat you are sitting in, and we can only be better for it because they are the future. If you turn them off and they do not get to vote because they are not home, they are not in their home when the candidates are campaigning in their home state. They are in Maine, listening to the candidates that are running for the House of Representatives, the Senate, US Congress, President of the United States, Governor of the State of Maine, County Commissioners, Sheriff, and any other elected official that you want to name. That is the people, the very, very people who are going to influence these young lives for the next four years. Statistics will prove the younger a person cast their first vote, the more inclined they are to follow through with votes for the rest of their life.

I urge you to accept this Majority Ought Not to Pass vote. This is a very, very compassionate open state. I am proud to be a resident of it. I am also equally proud of the first time voter that resides in my Job Corps, when they go over to the polls and cast a vote, whether it is for me or my opponent, it is irrelevant. They have exercised democracy at its best. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from South Berwick, Representative Gould.

Representative **GOULD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am glad to see that as people of so little sleep, we are still people of so much passion. I would hate to put words in the mouth of my good colleague, Representative Hinck, but I think the segue is simply this: The segue is that you need to vote against the pending motion, so that you can afford yourself the opportunity as a resident of your seat, to vote for a much better proposal. 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. Like many others in this Chamber, I have spent my adult life trying to open doors for young people. Despite the efforts of my hardworking colleague from Livermore Falls, I ask you to vote green on this motion.

What we are talking about here is limiting access to the process of American democracy. I recall the first time I was eligible to vote myself, I was in Arizona, and I checked the mail everyday for my absentee ballot. It finally came on Election Day, but as you know, it has to be back here in Maine to be counted on Election Day to count. I want you to know that had I voted, you all would be remembering President McGovern today. I do not want to minimize the fact though that young people care, those young people that have finally gotten to the point where they care about participating in the process. We should not dash or make that hope anymore difficult.

I want to conclude with this: I think what we are talking about here is not just young adults; we are defining ourselves right now. What do we as a Maine Legislature and what does our state stand for? Are we for opening doors for young adults, or are we going to be known for closing doors? Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think it is interesting to note that we already have selected two groups of

people and say to them that just because they are residents of the State of Maine; it does not give them the right of suffrage in the State of Maine.

In an interesting document entitled the Constitution of the State of Maine, Article II, Section 1: Qualification of Electors, and I will read in quote, "persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack or military place, in any city, town or plantation; nor shall the residence of a student at any seminary of learning entitle the student to the right of suffrage in the city, town or plantation where such seminary is established." I wonder why the founding fathers wrote that into our Constitution.

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

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am in my fourth term, but I thought that being this is the third time this bill has come in front of us since I have been here, I would get up again and speak against it. It is one of those proverbial bills that come and go, we defeat it, but it comes back. It has always been brought here by people from the other side of the aisle, who also have a problem with same day registration, Motor Voter, and other issues of voting. It is getting to a point where we are going to be debating this bill long after I am gone, session after session, year after year, and we are going to be defeating it year after year because it has no validity. This is a bill that has grown long teeth over the years that I have been here.

I think that some people, in the sound of my voice, I might even have a problem with anybody that is not white, male, and a property owner voting. That is the way I feel sometimes sitting in here, listening to this debate. We have debated over the years, whether people that are incarcerated can vote, and we have voted to allow that. We have voted whether college students should be able to vote, and we have said yes they can, as the Constitution of the United States has said, yes they can.

We in Maine are very fortunate to live in a state that if it does not lead the nation every election, it is in second place on voter participation, because we make it easy and reliable to be able to vote in the State of Maine. We allow people to come to our state and register to vote with the intention of being a resident. We allow students to vote in the State of Maine, as the Constitution says that we should. We should be very proud of that. We should never, ever take that right away. We should never restrict voting. As long as the State of Maine lives by those ideas, it will be the great State of Maine.

But I know long after I am gone that we will still be debating that, because there are certain people, certain in-laws, that have to bring up, they do not want everyone voting. Well, they are going to have to learn to live with it, because we are going to keep Motor Voter because the country says we are; we are going to keep same day registration, because this body says that we are; and we are going to keep letting college students vote, because this body keeps on saying we are. So, Ladies and Gentlemen, please follow my light and support the Committee Majority Ought Not to Pass on this motion. Thank you, Ladies and Gentlemen.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First of all, I want to publicly thank my good friend, Representative Faircloth, who did indeed tell people out there publicly that I am not a bully; I am not a thug, and some of the things that have been attributed to

me. I think if you got to know me, I am probably one of the biggest supporters of students of anyone in the body, and you will hear it, there are a couple of more bills coming up before this session, and I will be speaking very favorably for students in lots of ways.

I am also pleased that I have been able to take a couple of wallflowers, a couple of introverts like my good friend, Representative Cain, and my friend from Eddington in the back, and empower them to get up and really tell it like they feel, because I have been concerned about their laidback manner and I appreciate it, so I want to thank them all for getting up and telling us how they really feel.

This bill is not, and I will end very briefly, this is not a bill to restrict. We do have the absentee ballot and that is the purpose of the absentee ballot. The Maine Constitution is very clear. We continue to talk about court cases, and the good Chair, my good friend Representative Patrick from Rumford, referenced all sorts of court cases, they are all federal court cases and that is not what we are talking about either, but nevertheless.

I would suggest this question to us all, and it came up when I was chatting with some officials of the University of Maine system, who are obviously opposed to my bill. I put this question in front of them: If you really feel that way, then why do we have out-of-state and in-state tuition? They said, "Please, please, don't go there." You know, I am wondering, it is the old proverbial "have your cake and eat it too." If you are an in-state student, in-state resident, then why would you be paying out-of-state costs? I do not think that they should. I think they should be given the same cost if they are truly in state and that is an area that can be debated another day.

I do want to thank all of my good friends on both sides of the aisle for getting quite involved in this whole process. I have found it to be an edifying experience personally. Perhaps it was the best way for all of you to get to know me. I think we have debated both sides and I am about ready to call the question, I remember that I did ask for the yeas and nays, and just follow my lead please, and 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. 120

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

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

ABSENT - Barstow, Cressey, Dill, Duprey, Hogan, Marean, Moore, Pineau, Richardson E, Richardson W, Simpson.

Yes, 90; No, 49; Absent, 11; Vacant, 1; Excused, 0.

90 having voted in the affirmative and 49 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.

MATTERS PENDING RULING

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-167)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Repeal Term Limits for Legislators"

(S.P. 27) (L.D. 42)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-167)**.

TABLED - June 4, 2007 by Speaker CUMMINGS of Portland.

PENDING - **RULING OF THE CHAIR.**

The SPEAKER: The Representative from Newport, Representative Tardy, had requested a ruling of germaneness. The Chair will rule on the germaneness of S-167 to LD 42. Having carefully considered the matter, pending ruling as to the germaneness of Committee Amendment "A", S-167 on questions of germaneness, the Chair is bound by House Rule 506, which simply requires that an amendment must be germane to the proposition under consideration, and by Section 402 of the parliamentary manual of the House, *Mason's Manual of Legislative Procedure*, Year 2000, edited thereafter.

Section 402 of *Mason's* reads in its entirety as follows: Amendments Must Be Germane

1. Every amendment proposed must be germane to the subject of the proposition or to the section or paragraph to be amended.
2. To determine whether an amendment is germane, the question to be answered is whether the question is relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal.
3. To be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of or be in conflict with the spirit of the original motion or measure and still be germane to the subject.
4. An entirely new proposal may be substituted by amendment as long as it is germane to the main purpose of the original proposal.
5. An amendment to an amendment must be germane to the subject of the amendment as well as to the main question.

Therefore the title of LD 42 is "An Act To Repeal Term Limits for Legislators", Committee Amendment "A", Senate Paper 167, would amend the title of LD 42 to "An Act To Extend the Limits on Legislative Terms from 4 to 6 Terms", which highlights that the subject and purpose of Committee Amendment "A", to extend term limits is different from the main purpose of the repeal in LD 42, they are not synonymous; therefore, Committee Amendment "A" as Amended by Senate Paper 167 is in conflict with the spirit of the original measure. With respect to Committee Amendment "A," the Chair finds that the Amendment is not germane, as posed by the Representative from Newport, Representative Tardy.

The Chair **RULED Committee Amendment "A" (S-167)** was not properly before the body pursuant to House Rule 506.

Subsequently, on motion of Representative CUMMINGS of Portland the Bill and all accompanying papers were **INDEFINITELY POSTPONED**.

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

ORDERS

On motion of Representative PATRICK of Rumford, the following Joint Order: (H.P. 1357)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs shall submit, to the House, a bill regarding term limits.

READ and PASSED.

Sent for concurrence.

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

ENACTORS

Emergency Mandate

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2007, June 30, 2008 and June 30, 2009

(H.P. 383) (L.D. 499)

(H. "T" H-445 to C. "A" H-412)

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

Representative FISCHER of Presque Isle **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We ask ourselves tonight, how did we get to this point, where we stand on the verge of enacting legislation that will cause sustainable and structural reform to our state's budget?

Well, we started off in January, when the Chief Executive presented a balanced budget to this Legislature. That budget included continuance of the essential services of government for the next two years, it included meeting our state's obligation to pay 55 percent of the cost of K-12 education, and it made modest investment in key areas like research and development and higher education. However, the Chief Executive's budget also included several provisions that were troubling to many in this hall tonight. The first was the proposal to merge Maine's sprawling system of 290 education units, into only 26. The second piece that caused many great concerns was a proposal to increase the cigarette tax by \$136 million.

A legislative review of this bill, LD 499, took nearly six months, and I want to take this opportunity to thank many people. The first are the members of our Committee, who are the most diligent human beings I have ever worked with, and I do not want to name names except for the good Republican member from Waterford, Representative Millett, who is invaluable to the process. He worked day and night to help bring this budget to a close and I want to specifically thank him. I also want to thank leadership on both corners and the Speaker, as well as the staff that worked so hard on this budget, especially Ted Potter, and Bill Brown, and Deb Friedman. Finally, I want to thank the staff of the Legislature, both in OFPR and in the Revisor's Office. I just want to specifically thank Jim Dionne, who is our Committee's analyst, who will be retiring on July 1 so he will not

be here in the future, so we all should thank him when we see him.

So, how did we achieve consensus on this budget? Well, instead of raising the cigarette tax by \$136 million, we balanced this budget without raising taxes. We increased enforcement within the Maine Revenue Services, against tax evaders, who free ride on all of the rest of us who play by the rules. We increased enforcement within the MaineCare program, against insurance companies who try to evade paying the bills that we all know that they owe. We will be implementing tonight an efficiency initiative for just over \$10 million that our Committee will be working on starting August, that will look at redundancies, duplications, and waste within state government. Finally, and most importantly, we reduced the rate of growth in discretionary spending in this budget dramatically, to bring it into balance.

Secondly, how did we solve the school issue that we have been talking about? Well, we went from a top down approach, a mandatory approach proposed by the Chief Executive, to a bottom up reform proposal, where we let the local communities pick their partners for administrative consolidation and we give support and resources from the state level. Instead of mandatory consolidation, we include opt out provisions with financial penalties for those who choose to opt out. We took a timeline that was quite constricted and we extended it, so now if units are ready to go forward in January they can; and if they are not, they have until June 2008 to complete their work because we all have to admit, this is incredible change and we want it done correctly, and the only way to do that is to give units an appropriate amount of time. Finally, instead of 26 units as the Chief Executive proposed, we are looking at a proposal here tonight that includes 80 units or a number of units that meets the administrative efficiencies required by the legislative language included.

The final thing we did was we prioritized investments, and prioritized them in such a way that they meet and match up with available resources, and there are three that I think that we especially need to point out: The first are within higher education. In this budget there is nearly a \$40 million increase over the biennium that will help lower tuition costs at Maine's universities, and open the doors of the community colleges to nearly 500 students over the next two years that could not have gone on to college without our assistance. Secondly, as the good Representative from Winthrop said in our Committee meetings, we included a domestic violence initiative for \$2 million, and domestic violence touches all of our communities, and it ravages some of the families here in this state. We need to do all we can to prevent it and this budget will help us to do that. Finally, this budget includes \$2 million in 2008 to help with the over crowding problems at Maine' prisons, so that we can make sure that prisoners do not have to sleep on the floors, and that there is a rational process in place to move us forward.

So, Mr. Speaker, I would say tonight that this is the best budget for Maine. We all worked together to find consensus and we respected the left and the right of our caucuses, we respected the north and south of our state, but together we found the middle ground and we should all be very proud of that. I think most importantly, this is the best process for the Legislature. We revived this year, the bipartisan budgeting process that had unfortunately faltered over the last few years. When we leave in June, we can be very sure that we are leaving this institution in a better condition than when we inherited it back in January, so I can tell all of you that I am so incredibly proud to be the Chairman of the Appropriations Committee this year, when we all together brought bipartisan budgets back to Augusta. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I can honestly say that I can echo and repeat every single word that the good House Chair has just spoken, and I would like to avoid any duplication of the points that he has made, but build upon them in a hopefully very brief set of comments.

When we as a Committee of Appropriations and Financial Affairs received our appointment back in December, there were six brand new House members, three from each side of the aisle including one freshman legislator, the Representative from Belfast, and a new Chair. We could not have known what we were going to be facing when the Chief Executive delivered his budget a couple of weeks later. But as a Committee, I think that we have come a long way and the Chairman is largely responsible for setting that tone. I would like to say that from my experience, this has probably been one of the most, if not the smoothest and most civil budgetary processes that I have observed over about three decades and a half of watching this process flow, and I am deeply indebted to all of the Committee members, both sides of the aisle, and particularly the Chair. I commend him for his real serious and exceptional leadership. Now, let me build upon what he has said, also, in terms of what we have tried to do.

Again, I will say that the two themes that were most important to my side of the aisle were getting a balanced budget that was sustainable, that bent the curve of growth and did not raise taxes, that was an achievement that I think is worthy of all of your attention and to take some credit for it in the long run. The second was to deal with that very contentious school district consolidation issue. I am actually one of the more optimistic people relative to what we did last night and in the weeks that preceded it. In coming to where we are with respect to the school consolidation piece, I actually would even commend the Chief Executive for challenging us to do what we did, because we were on a path that was unsustainable, not just in a fiscal sense, but I do not think that we could have sustained it back home. The delivery system that we had built over the last 50 years was really, and is today, unable to meet our expectations both financially and academically, without a lot of pain in the future if we were not to make some changes.

Statistics that you have all heard that I will through out just briefly: In the last three decades our enrollment has dropped 16 percent, nearly 40,000 fewer students now than we had 30 years ago. At the same time our administrative costs have grown by 54 percent. Actually, in the last four years since we responded to the LD 1 legislation, we have pumped \$810 million of additional spending in the two biennia that represent the four years of growth. That should produce some property tax relief, but I think that we are all struggling to see evidence of that, and we need a new system, a new design, that will help us to achieve that in a much more tangible and visible way—I seriously think that we have created it.

The word sustainability will be a challenge for the 124th Legislature as you look down the road. Even as we bent the curve, reduced the rate of growth substantially in most all cost centers, we are still looking at a punch point in the 2010-2011 Biennium, which will not allow anywhere near the growth that we have produced in the budget before us tonight. We have seen a growth of \$468 million, biennium to biennium, in the budget that will be enacted tonight. Yet, that is probably the least growth and most structural restraint on growth that we have seen in recent years. But if you look at the most recent projections in the 2010-2011 Biennium, we may be looking at growth potential without

violating LD 1 growth limits of less than \$100 million. So, we have some real serious challenges on our plate looking down the road, and I think that we have positioned ourselves well for them.

We have made investments, some of them new, and the Chair mentioned higher education is one that has probably been at the back of the list for far too long, and we have made structural changes in the two growth centers that were the most steep and rapid in recent years; namely Medicaid, where we have actually flattened the appropriation over the two years upcoming; and GPA, where we are restraining it, minimally in numbers, but I think structurally in substantial ways.

I think the future looks pretty good and I would like to thank everybody, including leadership, who have helped us along the way to get to where we are. Those of you who looked at the 824 pages of legislation that is stacked up on your desk and you expect each and every one of us to have an answer for every page, and every item within it, and that is physically impossible. But when you think about it, there are probably thousands of motions made to move in, to move out, to move as amended, and I cannot think of more than a dozen times in all of those motions where there was a division, which is really quite incredible. I thank you all for your understanding of what we have tried to do, hopefully your appreciation for what we have done, and I encourage your support at final Enactment.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise tonight to say thank you. First, I would like to say thank you to the members of the Appropriations Committee, particularly the Chairs, but especially the four of us who worked hard with all of you on the education language: the Representative from Waterford, the Senator from Cumberland, and the Senator from Androscoggin. All members of the Appropriations Committee supported us through all of our hard work that we did with all of you, and you challenged us every step of the way to make hard decisions and get it right.

I would like to thank the Education and Cultural Affairs Committee, Rachel Tremblay from OFPR, Deb Friedman from the Senate President's Office, and Ted Potter from the Speaker's Office. I would like to thank the leadership from the other body. I would like to thank the Chief Executive. I would like to thank the Commissioner of Education and her staff, particularly Jim Rier. I would like to thank the Rural Caucus, who has taught me a lot. I would like to thank all of the members of the Legislature who came forward to work together in good faith.

This was not a new idea, Mr. Speaker. The Education Committee last session talked regularly about moving to a "hub and spokes" model. We have had referenda on 55 percent, Palesky, TABOR, reports from the Brookings Institution, the Maine Children's Alliance, the State Board of Education, and many legislators who proposed at least a half a dozen bills with the same theme, which is that we can do better for Maine schools.

Tonight I can say that we have really done heavy lifting: We have made tough choices and we have made even tougher compromises. But the structural changes that we are making will serve our best interests for long-term efficiencies and sustainability, which will support and improve on our high-quality education for Maine kids for decades to come. We have all given, and I believe that because of our good faith and our hard work, the people of Maine, and especially the children of Maine, will be the beneficiaries of our willingness to work hard and to get it right. It has been my honor to play any role in this budget, Mr.

Speaker, but most of all I am very proud of all of us. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to thank you first, Mr. Speaker, for your very calm and deliberate demeanor over the course of these last five months, and also, all of the party leaders in the building, I think you showed great respect for disagreement and that is really what we had to get through to get to a consensus.

I did, like others, I wanted to thank the staff at the OFPR, and the committee clerks and analysts, who we often do not see them doing the hard work that is being done, but these reports require their work. The Executive has a great staff of commissioners who were very, very helpful in this process, and the Executive staff were also very strong participants. Each of the party's partisan staffs were very strong, and again, very careful to keep as much consensus as possible throughout this whole process. We were able to build you a budget, I think, my colleagues, which is based on good strong data.

I want to take a little bit of time to recognize the thousands of citizens who voiced an opinion in Room 228, and the several thousands that voiced their opinions on their email or by telephone. To me, nowhere is democracy more evident than in this House; after all, this is actually their budget and we need to make sure that we listen to everyone. As their Representatives, we did collectively work earlier this year on strong consensus documents. This body and the other body built a very strong supplemental budget, a responsible bond proposal, and now this one.

I did want to say that I do not want folks here to be misled by the 13-0 Report. Behind that is a great deal of discussions, and I do not want anyone listening, to think that this was a love fest because we came out with a 13-0 Report. Our Committee proposes some targeted spending reductions, very painful ones, and in the agencies, as Representative Millett mentioned, in the state budget that are the high cost agencies: Education and Health and Human Services. Ladies and Gentlemen of the House, this is not pleasant work. We have avoided broad tax increases and have come in under our spending limitations, and during the summer we are going to continue to address government efficiency and administrative costs, to reduce \$10.5 million. The people expect this from us and we have to deliver, and it again, will be very gut wrenching.

On a positive note, within this proposal though, we have addressed many of the economic growth challenges that we listened very carefully to from Brookings Institute, from other directions over the last year, there were a lot of Committees working on this, and we have addressed those. As Representative Fischer said, we have developed some very strong signals and some very strong finances for our universities and community colleges.

I did not want to go into a long speech of thanking people, but I did want to thank the Representatives here tonight for your consideration and your participation. This budget is not developed by the Appropriations Committee; it is developed by everyone in this building. I want to say a special thanks to those people who scrambled so much in the recent days and hours to find the further necessary consensus to bring us to this point.

I also have a very strong affection for the Appropriations Committee teammates that I have gotten to know over the last several months. I value your individual strengths and your willingness to work together. It allowed us to get to a budget that

has a 3.76 percent total increase over two years when you deduct the GPA ramp up that we have to pull out of that, that mainly has 3.76 percent over a two-year period, roughly 1.9 percent per year. I have never been a believer that we can go aggressively and cut spending, because that is really a very, very difficult thing to do, but to control spending is an admirable objective and we have done that, and we have reduced spending in those areas that are growing out of control.

To Representative Fischer, I want to say well done. He is a very hardworking, young leader, who is an outstanding diplomat, and he treated our Committee with the greatest fairness throughout this whole process. Representative Millett, he told you a little white lie before: He said not everyone can have an answer for every single question in the 800 pages—wrong—he does. You just ask him, he has the answer for everything within 10 seconds of the question being asked, and it has been a true honor to serve with him, and to see that talent and all of that focus toward the good of Maine.

To my colleagues in this Chamber tonight: I hope you will pass a strong state budget, and I think that it is worthy of the people of Maine. Thank you, Mr. Speaker.

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

Representative **TRINWARD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, again, would like to rise and thank all of the people that have worked so hard to bring together this budget, I know the negotiating was hard, and we as members of the House appreciate all of their work. But on behalf of the more than 320,000 Maine voters who approved the citizen-initiated Maine Clean Election Act, I would just like to, for the record, object to the \$1.3 million that was cut to the program.

When the Maine people endorsed campaign finance reform in 1996, they endorsed a voluntary, full, public funding system for candidates for all state races. That system has become the default system in Maine, and more than 80 percent of this current Legislature benefited from it.

In that initiative, Maine voters did not leave the funding for Maine Clean Elections to chance. They included a responsible funding mechanism that provided several separate revenue streams that would build the Fund over the four-year election cycle, ensuring that adequate funds would be available for both the Legislature and the gubernatorial candidates.

The law that Maine voters passed describes the Fund as a "special, dedicated, non-lapsing fund," which generates interest that accrues to the Fund. The largest source of revenue is the annual \$2 million allotment that is automatically transferred into the Fund on January 1 of each year. Other sources are the qualifying contributions that so many of us collect from supporters in our district. In addition to these statutory revenues, Maine taxpayers earmark another quarter of a million dollars each year by checking "yes" on their income tax form.

Maine voters passed this law and trusted future candidates to use the funds in a responsible manner. For the most part, this has been done. They also trusted future governors and legislators to meet the financial obligations laid out in the law, so that the program would truly, unduly burden the coffers of this state. Unfortunately the idea of "special, dedicated, non-lapsing fund" has been violated, and monies from the Fund have been borrowed to pay for other state programs. More than \$3 million has never been restored to the Fund; thus, the interest that would have been earned has not been accrued to the Fund. In order to balance budgets and still have money for the program, in 2004 and 2006, we have advanced funds from future annual transfers. These short-term fixes have kept the fund afloat, but they do not conform with the voters' mandates.

The cut that was proposed in this budget was even worse: It cuts more than half of the annual transfer for 2009. Combined with the previous raids on the fund, this cut is going to make it very difficult and challenging to fund the 2010 election cycle. I am sure that it is a great disappointment to all of us that we have not been able to keep faith with the Maine people, who have created and passed this groundbreaking, public funding system, not to mention the tens of thousands of Maine voters who willingly make qualifying contributions in each election cycle. Never before have so many individual Maine people from across the political and economic spectrum participated in funding for our elections.

Most of us use the Clean Election system, many of us would not run any other way, and some of us would not have run without it. Many of the goals of the Clean Election have been met, and I am very proud to say that our program is a model for other states and cities. I just hope that future budgets will restore funding and repair the responsible, incremental, sustainable funding mechanism that the Maine voters approved.

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, too, want to rise today to thank everybody, because no doubt this has been a group effort.

I really want to thank my fellow members of the Rural Caucus for the early mornings and the time we put together. We remained professional, positive, and most of all persistent as we established our message and stayed with it. I would like to offer special recognition to Representative Cain, who truly wanted her position on this Committee, and attended five sessions in a row so she could become an official member of rural, Orono, Maine. I want to thank the Appropriations Committee for listening to us, and I want to thank you, Mr. Speaker, because you provided real leadership in this and I mean that sincerely. Thank you to everybody, and we got a way to go, but we really got a good start. Thank you, Mr. Speaker.

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

Representative **ADAMS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is our legislative intent that when in January 2008, as required under Section XXXX-46 of this bill, LD 499, the Commissioner of Education reports recommendations regarding the subject of this bill to the Education and Cultural Affairs Committee. Those recommendations shall include, but not be limited to the following issues concerning home rule:

1. Protection of municipal charter and ordinance, hearing and voting procedures, and authority in budget validation matters and referendums. It is our belief that at a minimum such conflicts may be resolved by 20-A Section 1487 of this bill, among others; and
2. In the other potential conflicts between local provisions, charters, and ordinances in any provisions of this bill.

Thank you, Mr. Speaker.

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

Representative **TARDY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am proud to support this budget and I certainly look forward to it being enacted; and I respectfully request that members from both sides of the aisle join me as we close a process that I would suggest was open, was respectful, and principle; and a process that brought honor to this institution, and most importantly a better budget to the people we represent. When we entered this

process, I told you, Mr. Speaker, and I told my friend from North Haven, that we needed to show the people of Maine that the Legislature, not Republicans or Democrats, but the Legislature as a whole could enact a responsible budget, one that promoted reasonable growth and sustainability; and a budget that addressed our priorities, such as our local school and our higher education, and the many, many programs that we are able to fund, and the many, many priorities that we are able to address in this document; and a budget that sought real efficiencies, so that going forward, this great State of Maine is on the right path; a path of sustainability, a path towards prosperity, and a path that allows us to protect Maine's most needed.

This budget, I am very proud of the fact that it has many sets of fingerprints on this document. It is a budget that we should all be proud of because it honors process, and it recognizes that working together, we can achieve a greater good. I am personally thankful for the hard work of the Appropriations Committee and my friends from Waterford, Raymond, Winthrop, and Belfast, for the long hours that we put in that back room, where everyone wonders what is going on in that back room and members from Appropriations from the other side of the aisle, particularly my friend from Presque Isle. I would like to thank my good friend from Ellsworth, Representative Crosthwaite, for his leadership, his friendship, and his counsel.

Mr. Speaker, I emphasize the many fingerprints, and I can think of some moments in the past several days that are really symbolic and they are memories that I will take away, that are symbolic of the process of working together. I can think of those hours that we spent in your office with people from different parts of the state, different political viewpoints. I think of the work of the Representative from Vassalboro, Representative Browne; the Representative from Winslow, Representative Fletcher; the Representative from Pittsfield, Representative Fitts, for the work they did advancing core principles advanced by the Rural Caucus, the work of the Representative from Wilton, and I am proud of the priorities that they advanced. But what I really remember and I will take away from this is the work of the Representative from Bremen, and the Representative from Farmingdale, and how Representatives recognize the great responsibility that we have to get to yes, and there were times when it did not look like we would get to yes, and an adjournment without date would have been probably spiteful for many of us, but we did get to yes.

For sure, Mr. Speaker, this is not a budget that makes every Republican rejoice, and for those of us on this side of the aisle, we do not view this as a perfect document. But there are many parts of this package, and the package as a whole, that we all need to be proud of. As the Representative from Presque Isle suggested, we had an original proposal for rather significant tax increase, and that is not here. This present proposal, this present document, spends less than the original proposal, and from a standpoint of what is best for going forward, I would suggest that if future Legislatures acted like us that over the next decade this state is going to be in a much better climate economically, educationally, and socially, because I believe, and I think we would all agree, that sustainability is our lifeline.

Mr. Speaker, since I came to this Legislature, members of my party have been saying, give us a chance. Give us a seat at the table and we will work with you, and we will work with you in good faith. That we can get to two-thirds. That if we are at the table that we will not obstruct, that we will try to construct sound policy in a sound budget that is based on advancing core principles, achieving common ground, and recognizing that compromise can create a document that is best for the people that we represent.

Mr. Speaker, I thank you for your leadership, and I understand the challenges that you face in your role as leader, and also the incredible challenges that you have faced in your personal life over the past several weeks—you have certainly stepped up to the plate.

I would like to thank my friend from Bangor, Representative Faircloth; and my friend from North Haven, Representative Pingree. I would like to thank all the members of the Republican Caucus for always reminding me of where we should be as we advance our priorities. I see a friend of mine from Lee, Representative McLeod, who just about every day will look at me, he will point his finger, and he will say things like, "I did not come here to grow government," and as we enter real tough negotiations, I think of those charges. I think of those words of people like Representative McLeod, and I try to construct in a negotiated process, in a negotiated document, I try to do my part to deliver something that we in the Republican Caucus can be proud of. We as an institution, I think, have done a service to the people of the State of Maine. This is a budget that we should be proud of, this is a budget that we will certainly have our differences as to the details, but as a package it is the right thing to do. Thank you.

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

Representative PINGREE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representative from Newport called me up last night and said, "Are we going to do this love fest tomorrow night?", and we are in the midst of it and there is a lot of talk about thanking each other and feeling good about the work that we have done, and I think that tonight this talk is true, it is real, it is honest. It is important that we do this. We have spent, as a body, six months working on this budget document. Budgets, I believe, are the most important work we as policymakers do. The money we spend on behalf of the people of Maine is incredibly important. The words of everyone who has spoken tonight have been incredibly important and I want to echo some of those.

I think more than almost any other budget I have worked on in my five years in this Legislature, this has been an incredibly inclusive process. From the very beginning, our good Chairman of Appropriations, and his Co-Chair from the other body, talked about this being an open process: it is open to the public; that we hear from the public; that the press, our constituents hear what we are saying, and they hear our negotiations; that they do it in an open microphone. I think that means a lot to the people of Maine.

I think this process has been exactly what the people of Maine want from us. This two-thirds budget, this hopefully far more than two-thirds budget, it is a bipartisan budget, which I think has demanded the best from all of us. The good Representative from Waterford said it is one of the smoothest budgets that he has ever worked on. I know that the good Representative from Waterford has worked on many, many budgets. I know for every one of us in this room who have sat in countless meetings in the Rural Caucus, in our Committees, doing our Committee report backs, there are many, many moments where we questioned whether is the smoothest process that we have ever had because it has taken a lot of hard work. I think that the school issue, which so many in this body from both sides of the aisle have struggled with incredibly, mightily, has been resolved in a way I think many of us feel very good about.

I think the good Representative from Waterford is right: It has been smooth. There have not been press releases flying around. We have always worked in a way that both parties are coming together. On the most important, difficult issues, whether it is the

mental health of the people of Maine, who are the people who we do not hear from, we do not receive emails from, we have struggled mightily to try to do the right thing.

I think we should feel really good about the investments we are making in this state: We are opening the doors of the community college system; we are reducing the tuition increases at the University of Maine; we are providing funding to prevent domestic violence and sexual assault; we are protecting the ground fishing industry; and most importantly, we are protecting the safety net for the elderly, for the disabled, the kids, and the poor.

We have heard a lot of talk tonight about how we are managing spending, reducing the growth in state government. I think that the good Minority Leader said it very well. I think for my party, being responsible about tax dollars, figuring out how to manage our state budget, is how we as leaders are responsible and look after the future. All of the programs we have talked about tonight, whether it is our kids education, whether it is our healthcare system, we are the people who have been elected to safeguard those systems, and if we do not figure out a way to manage those budgets, we are not doing our duty to protect the future of our state.

There have been a lot of thanks tonight and I want to echo those. The Appropriations Committee has worked so hard, people on both sides of the aisle. The good Representative from Presque Isle, I would like to give him a hard time, but he really has gone above and beyond what I think is his duty. I think he has managed this process incredibly well, and I thank him and all the members of his Committee for working so hard on both sides of the aisle.

I could not leave without not mentioning the good Representative from Orono, who I think almost more than anybody else in this body has poured her heart into the school portion of this budget, and up until the very last hours of even the final Senate negotiations, she was there trying to make sure that we all did the right thing, and I want to thank her for her leadership.

Again, it has been said tonight, but both the good Representative from Newport and the good Representative from Ellsworth, have been outstanding leaders to work with. They have always been honest, they have been candid, we have talked very frankly about where we are and how to get both of our caucuses to yes, and I want to thank them. It has been an honor and a pleasure to work with them.

I want to thank the Speaker for his incredibly hard work, and as the good Representative from Newport said, during a difficult time. He has really stepped up. A budget is always a product of the Speaker's leadership, and I want to thank him.

I want to thank my whip, who has done an incredible job. He was negotiating until the final hours of last night on some difficult pieces. Obviously, the product of his work is the lights on the board, so we will give you a couple of minutes, Sean. But in the end, I want to thank this entire body for working so hard. We had an incredible Democratic Caucus last night where everybody was standing up, everybody was trying to get to yes, they were venting their frustrations, they were supporting each other, they were always respectful, and I think in the end that this budget is a product of that. We have done good work, we have done it together, and I think we should all go home tonight feeling really good about the work we have done for the people of Maine.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGEComb**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think you know how I feel about consolidation. I have enough notes to last me

for a considerable period of time, but I think I will just discard those, and let you know that I served in nearly every position in school systems, from spending 20 years in the classroom through being a school superintendent. I will be praying that this body has not turned its back on the children of our state. 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 think we would be remiss if we forgot the date February 5 of this year when the Education Committee met with hundreds of Maine citizens to start this process. I think we would be remiss if we did not thank our good Chair from Bangor, Representative Norton, and the rest of the Committee. I will also finish by saying what Mark Twain said, and I have said in this building before, that giving a speech is like drilling for oil. If you speak for more than 5 minutes, you are boring. Thank you very much.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to add a paltry addendum to the excellent remarks that have been made on this record this evening by this body, by the members of my esteemed Appropriations Committee, my good friends on that Committee and by leadership this evening. Any mere words of mine would be merely anticlimactic to their wisdom and the remarks that they have made tonight.

I wish to rise in brief to add to the remarks of Representative Adams in one respect, because there was some conversation in the lobby yesterday and today about a certain issue. I just want to say that by enacting this piece of legislation, this very excellent piece of legislation, we intend no conflict whatsoever with Article VIII, Part 2 of the Maine Constitution, and should there be any issue raised with respect to that Article, or Article IV, Part 3, Section 16, that we expect that one would turn to the Severability Provisions of Title 1, Section 71 (8).

With that very emotional, passionate expression of gratitude, I also want to thank the individuals on my Committee. We had an open process as had been pointed out, a remarkably open process, a Unanimous Report, a process in which patience and diligent study was our guide, and civility was our touchstone. I am very thankful to have been a member of this Committee this session, to have worked with some many wonderful, wise people, and I hope you will join me in supporting our work product and our work: LD 499. Thank you.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Just a brief comment: I think I was one of the, I think, the hardest sells on this budget, primarily because of the school issue; and I echo the sentiments of Representative Edgecomb in saying that at this point. I think that we have done the very best that we can do, and my task, and I think all of our tasks, is to now go forward with this budget and make it work for the people of Maine, for the schoolchildren of Maine, and for the communities of Maine, and that is my intention and my hope. It is an excellent document. The school part will take a lot of work over many years, it is a start, and I intend to work as hard as I can along with I hope the rest of the members of this House, to make it a positive step forward.

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

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to take this

opportunity to thank everybody for the hard work that they have put in here this year, and Mr. Speaker, I would personally like to thank you for the initiation of the Chairs and Leads meeting. I have been here 13 years, and I think it is high time that was initiated; it should have been here many, many years ago.

I wish that I could see all of the rainbows that I have heard painted with all of the colors in tact and the pots of gold at the end of each one of those rainbows, but I have a little bit of a problem: I guess I am probably too much of a realist. I, too, share Representative Edgcomb's concerns and Representative MacDonald's concerns, and I wish that I could be as optimistic as all of the glowing terms and speeches I have heard thus far.

I am very pleased with this year's progress in the House. The freshmen legislators that have arrived on the scene have been quick reads, and they have learned the process very quickly, and they have contributed a great deal to the legislative process.

The problem that I see is, Representative Fischer mentioned about the hard work and so forth that has gotten us to this point, and it certainly has been hard work, but how do we get to this point in our process? That was his question. My questions is have we arrived at a place where we have built a house of cards as far as our educational system is concerned? We are planning major consolidations, and if it comes out as it has been in the past when you talk about consolidations and fewer schools, we must remember that means less, fewer extracurricular programs for our students, and there are an awful lot of students who go through the programs that would never, never stay in school if they did not have those educational programs to participate in.

Also, have we reached a point where we are signing a death will for many of Maine's towns? Because you lose your institutions in your towns, you lose the reason for having a town. I hope we have not reached a point where we have taxation here without representation.

But one of the things that really concerns me is a pattern that was set in this Legislature, in which one policy committee, you accept the role of another policy committee. I think that sets a terrible trend for this Legislature, and I hope that this is the last time that I will ever see it, that those of you who are here and are going to be here after I am gone, ever see.

So, I would like to take one last thank you for all of the legislators, for helping make the Legislative Scholarship program a huge success. Our propaganda lady did a tremendous job promoting all of these things for us, and I think that she was responsible for helping the big part of making this a success, and all of the staff that pitched in and gave unselfishly of their extra time. Like I said, I hope that those rainbows have all of the colors in tact and that the pots of gold are there at the end of the rainbow. Thank you.

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

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 121

YEA - Adams, Annis, Austin, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Clark, Cleary, Connor, Conover, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Kaenrath, Koffman, MacDonald, Marean, Marley, Mazurek, Miller, Millett, Mills, Miramant, Muse, Norton,

Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Samson, Saviello, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Ayotte, Chase, Cotta, Edgcomb, Gifford, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, Lundeen, McDonough, McFadden, McKane, McLeod, Nass, Pinkham, Rines, Rosen, Savage, Schatz, Sykes, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Barstow, Cressey, Duprey, Gould, Hayes, Makas, Moore, Pineau, Richardson E.

Yes, 112; No, 29; Absent, 9; Vacant, 1; Excused, 0.

112 having voted in the affirmative and 29 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

On motion of Representative HILL of York, the House adjourned at 9:02 p.m., until 1:00 p.m., Thursday, June 7, 2007 in honor and lasting tribute to Robert Blasi, of Kittery.