

# 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  
61st Legislative Day  
Wednesday, June 20, 2007

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

Prayer by Father Raymond Lagace, OFM, Catholic Staff Chaplain, Veteran's Hospital, Togus.

National Anthem by Kristen Meadows, Amanda Kelly and Deanna Kelly, Topsham.

Pledge of Allegiance.

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

The Journal of yesterday was read and approved.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the Chuck Wagon restaurant in Livermore Falls, on the occasion of its 40th anniversary of doing business in town. The Chuck Wagon opened on July 10, 1967 and is under the current ownership of Norman and Marc Paradis. We congratulate the owners, the patrons and the staff on this anniversary, and we send our best wishes for future success;

(HLS 647)

Presented by Representative KNIGHT of Livermore Falls. Cosponsored by Senator NUTTING of Androscoggin.

On **OBJECTION** of Representative KNIGHT of Livermore Falls, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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. There are two landmarks in Livermore Falls: One is a four-story building, of about a 30-foot clock tower; it is the Saraff Building, generally called the Bank Building. But there is another equally important landmark in our town; it is the Chuck Wagon restaurant. As perhaps many of you know, and you all know, the backbone of the economy in this state and indeed this country are of small businesses. Eighty percent of businesses fail within five years of starting up, most of them within the first two years. It is particularly difficult to make it in the restaurant business. But we are very, very fortunate to have a business that has made it not five years, or two years, but 40 years this coming July.

The Chuck Wagon restaurant is a restaurant that provides good food, good service, good prices, and by that I mean reasonable; but most important and what brings them to this date, is good management. The Chuck Wagon restaurant has been run by the same family for the 40 years. Norman Paradis, the dad, started the business, and for the last 20 plus years, his son Marc has helped manage the business.

I am just delighted today to add my congratulatory note and best wishes to the Paradis family, and wish them 40 more years. It has been a great run, and they are a business that has helped make downtown Livermore Falls the heartbeat that it is. Congratulations, to the Paradis family.

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

**Recognizing:**

Gary Crocker, of West Gardiner, on the occasion of his retirement after 27 years of advocating for Maine's community colleges and the students they serve. Mr. Crocker first joined the Maine Community College System as the Director of Adult Education at the Central Maine Vocational Technical Institute in Auburn. He has been involved in the colleges through their transition from vocational technical institutes to technical colleges and finally to community colleges. Mr. Crocker holds a deep belief in the mission of the community college system and in his current position as Director of State and Federal Programs for the Maine Community College System has been successful at forming meaningful connections with people at all levels of State Government. He has been extraordinarily effective in his role as ambassador. We acknowledge his remarkable contributions to education in Maine and we send him our congratulations on his retirement;

(HLS 656)

Presented by Representative RINES of Wiscasset.

Cosponsored by Representative BLISS of South Portland, Representative FINCH of Fairfield, Representative SAMSON of Auburn, Representative KAENRATH of South Portland, Representative EBERLE of South Portland, Representative HILL of York, Representative CHASE of Wells, Representative CAIN of Orono, Representative FISCHER of Presque Isle, Representative PERRY of Calais, Representative EMERY of Cutler, Representative FAIRCLOTH of Bangor, Representative BLANCHETTE of Bangor, Representative DUNN of Bangor, Representative NORTON of Bangor, Senator McCORMICK of Kennebec, Representative TREAT of Farmingdale.

On **OBJECTION** of Representative BLISS of South Portland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **RINES**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is truly an honor and a privilege to stand up and recognize Gary this morning on this retirement. Twenty-seven years with any organization in today's world is most definitely an accomplishment, with downsizing, mergers, and all those types of things. Anyone who has been in the halls for very long has gotten to know Gary and his honest, straightforward way of working with you, and working with the issues around the Community College System. We appreciate his ability to communicate with us and to work with us.

The first time I met Gary, he was giving one of his patented, Maine-type, humorous speeches to a group of firefighters, which is kind of unique in its own way because Gary, in his former life, was a police officer, and anybody that has been around the service very long knows that police officers and firefighters are kind of like oil and water. Gary, we wish you the best in your retirement. I wish that I could tell a good Maine-humorous-style joke in the way you do, so if I was to say, "Mr. Crocker, I hope you and your wife have a great time as you travel Route 1, stop at Dot's Good Deals, and Red's Eats, and have a lot of fun." Thank you, Gary.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am not quite sure what it means that we are acknowledging Gary Crocker and the

Chuck Wagon restaurant on the same day, but it can only be a good thing.

In my other life, in my real life, I worked as an administrator in higher education institutions all my life. I have worked with folks who have allegedly represented those institutions, to government agencies and to Legislatures in other states, as well as in this one. I have never, never, met anyone, who does a better job of representing his institution to the government, than does Mr. Crocker; does it not by being heavy-handed, or not by filling us with facts and figures, but just by being a regular person who shares with us his deep commitment, his passionate belief that the Community College System is the right thing for Maine. It just rubs off on us, from him. It is that engrained in his being that he believes in what he is doing, that we cannot help but to understand it and share it. It is impossible, I think, for anyone to ever take his place. It is equally impossible, for the Community College System ever to have gotten as far as it has gotten, without him.

It is no accident that the cosponsors of this sentiment are legislators whose communities include locations of the Maine Community College System, today. They all clearly benefit by the existence of the Maine Community College System, but in truth, we all, every one of us, benefit. We all and all of our constituents benefit by the job that the Maine Community College System is doing today, and it is doing it today because of work that Gary Crocker has done for all of those years, encouraging us slowly but steadily, step by step, to move forward with a Community College System. The people of the State of Maine owe this man a debt of gratitude that can never be repaid, but if our acknowledging you today on your retirement is one little bit of that thank you, thank you.

The SPEAKER: The Chair recognizes the Representative from Farmingdale, Representative Treat.

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am lucky, or perhaps unlucky, from time to time to be the Representative that represents my constituent, Gary Crocker, who can sometimes come out with stories, many of which are true, about his hometown of West Gardiner, which I represent, and other interesting characters around the State of Maine.

Gary is, of course, the unregistered Maine guide that we have come to know and love, and has been an incredibly effective advocate for the Community College System, which we should remind everyone here, was not actually a Community College System when Gary Crocker started representing it. He has had a huge role in moving this state and that System, and all the legislators here today, toward the recognition of the role of community colleges in our state, educational system, in our economy, and as a major force in the State of Maine, today.

Gary brings such incredible humor to this institution, and it is always a pleasure to have him around. I really hope that he will be coming by in the future. I know there have been some past occasions, towards the end of the session, when Gary Crocker entertained this body, and I am hopeful that that tradition may not cease with his retirement; that is perhaps a message to the Speaker, as well as to Gary. But we do hope to see him back here, and I am sure he will not go far. Again, congratulations, and we look forward to whatever you do in the future.

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 would like to rise and congratulate and thank Mr. Crocker for certainly my time here. He has been a good guy to talk to, someone that I respect, and someone that I feel the same. I have no problem laughing

with people, laughing at myself, and Gary is that type of guy, so I truly enjoy joking around with a guy like that.

I would like to say, Gary, when you get your sentiment, if you could take it out of the frame and sign my name as one of the guys endorsing your sentiment, because if I had been asked, I certainly would have liked to have been on it. I have all the respect for you in the world.

Again, talking about the group I had down here in my first year here, Gary spent an hour with them going through a big part of his act, putting those guys at ease; it was really cool, he had them laughing in stitches, another one that those guys all remember from down here. I am sure, again, we will see you, and I certainly want to see you around so please stop back in as much as possible. Take care and good luck.

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We talk a lot about the advocacy that Mr. Crocker did on behalf of the Community Colleges, and we also talk about his advocacy of humor, with regards to him being a Maine humorist. The thing that we forget in this institution is how strong of an advocate he was, and my good friend from Ellsworth will also attest to this, in lobbying my committee to make Moxie the official soft drink of the great State of Maine.

In all sincerity, I am going to miss seeing Gary around the halls of the House, and I had the opportunity in my real job, as the Recreation Director, in Buxton, to bring Gary down for Community Day to be a performer. The one thing that was found as he performed and was very one-on-one with the group that we had watching his performance, is that they could see how lucky I was to be able to work with him, here in the State House, on issues of importance to citizens in our state. We congratulate you on the great work you have done, and hope you have the best in retirement. Thank you, Mr. Speaker.

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

Representative **ANNIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a freshman, I was approached by Gary as a lobbyist and I let him go on and on, and I said, "Gary, I don't know if you realize it or not, but I am a strong supporter of the technical colleges." At that time it was Eastern Maine Technical College and I approved of anything to do with the trades, we needed to see more trades in the State of Maine. When they went over to the Community College, I had some strong reservations about what was going to happen, as far as the technicals were concerned, and he assured me and promised me that nothing would change.

I have a strong appreciation for Gary. We have worked together many times, putting bills through, making sure things happen for the good of the Community Colleges in the State of Maine, especially Eastern Maine. Gary, good luck; I tried to talk you out of retirement because I enjoy your lobbying, putting me on the right track, but nevertheless, I wish you well. Thank you for everything. Thank you, Mr. Speaker.

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 today to honor Gary Crocker for two reasons: First, I would like to extend a sincere thank you to Gary for being my, how do you say it, Gary, partner in the Legislative Memorial Scholarship Auction, on reading applications. But it is not just about the applications, because Gary, along with many of us in this Chamber and outside this Chamber, have poured themselves into the Scholarship Auction,

into collecting donations, into reading applications, but most of all showing up to meetings very early in the morning during session to try to raise a little more money and create a little more opportunity for Maine's students, so I want to thank Gary for that work.

But that work only begins to describe why I enjoy Gary Crocker so much. When I became elected in 2004, at the age of 24, I came here with a single focus, with a passion so strong for something called higher education public policy. It is what I do for fun; it is what I read for fun. When I met Gary Crocker, I knew that I had found a true kindred spirit in someone who cared as much about getting higher education public policy right, as I did, and I met someone who shares that same level of intense passion for advocacy for the right type of higher education policy.

But most of all, one of the reasons I am going to miss Gary Crocker so much is he is one of only two men in my life, who in the same breath, can make me laugh hysterically with some piece of Maine humor, teach me something, and challenge me to be a better person and a legislator—those two people are Gary Crocker, and my husband, Danny Williams.

Gary, I just want to say that I will miss you, and I want to say thank you, and I want to say the State of Maine, in particular the Maine Community College System, is a better place because of you. Thank you, Mr. Speaker.

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 add my voice to these compliments, to Gary Crocker, and along with the good Representative from Allagash, I hope that he will mentally add my name to that list of people who sponsored this sentiment.

One of the reasons, I will just be brief, is he is a very strong advocate of education. I serve on the Education Committee and he has been a tireless supporter of the Community College System, and we thank him for that.

I also wanted to thank him for his sense of humor, sometimes in the middle of the night when we were all very, very tired in past sessions, and I wanted to thank him, in particular, for something that I think some people may not be aware of. That is he has been very, very loyal in helping our veterans, who are serving in Afghanistan and Iraq, know that somebody in Maine remembers them and cares, so I appreciate that too.

So for all of those many things: his advocacy of education, for veterans, and for his sense of humor, I have to say that this man has Moxie, and I hope that now that he is retired we will still see him as much in the hallway, but maybe he will have a little more time to sit and chat, so thank you, Gary. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We would not want the voice machine to go out on this side of the Chamber again today.

I had the privilege of working with Gary Crocker as a colleague for over 20 years, and all of you here in the Chamber have worked with him in various capacities, I am probably the only one who had that many years of working with him as a fellow employee of what started as the Vocational Technical Institute System, went to Technical Colleges and then to Community Colleges. I want you to know that he was as welcomed on the campuses of the System around the state, as he is here in the State House. Gary always brought a little breath of fresh air when he visited the campus. Everyone hoped we would get a few lines from him; in fact, a few times he visited the campus in

Presque Isle and put on a happy presentation for students and employees, which we all enjoyed very much.

Underlying all of Gary's wonderful sense of humor was his passion and concern for students, for workforce development. He never let us forget the mission of those two-year institutions in the State of Maine. He had a sense of purpose and a relationship with students, and whatever he was doing, you have seen him here from a lobbying perspective, we saw him for an implementation perspective. He would find some extra dollars somewhere: He had state dollars; he ran some of the federal programs. He and I did not always agree on what the purpose of the program was, but he was committed to providing a better education for the workforce in Maine. He was a true pleasure to work with. I, too, would have happily put my name on the sentiment. He was a great colleague, and I am lucky that I was able to spend a little time with him here this session, and I wish him the very best. West Gardiner is going to have the pleasure of a little more of Gary Crocker and I think that is great. Thank you.

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

Representative **HASKELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. One of the little known facts about me, and I know this in not about me, but one of the little known facts about me is that my oldest cousin happens to be the President of the New England Moxie Congress, which meets with great seriousness, on the second Saturday of July. I wanted to extend to Gary the personal congratulations of the President of the New England Moxie Congress, on your retirement, and Godspeed, Mr. Moxie.

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 think that all of us in this body probably regret that we were not able to be included on the signature list of the sentiment for Gary Crocker. I do not think there is anybody in here who does not know how strong an advocate he has been for the Community College System, and prior to that, the other names that the System had. I think that he was probably able to be such an advocate for the colleges because he had so much faith in the young people of Maine. I have never seen a man who had any more faith in them than he has, and he is always working to give them chances to improve themselves.

There are a few things that some of you do not know: He had been a very, very dedicated member in attending our legislative prayer group. I have the distinction of actually seeing him at a time when he was speechless, now I am sure that he will probably relate that to you if you ask him about it, but it is not very often that you catch Gary when he does not have a lot of words he can share with you; but I will let him tell you that story about when he was speechless, it really was a classic moment.

I am very pleased to note that my wife and I were able to give him a gift that goes along with what Representative Haskell said about the Moxie thing. My wife used to collect bottles, and over the years, we had managed to corral a bunch of Moxie bottles, so we presented him with a case of quart Moxie bottles, with the labels all in tact. They were emptied over the years and we had been saving them, so they have an antique value to them because we had them over 40 years. He has those and tells us that they occupy a place of pride in his office. Gary, congratulations on a successful career and may you do well in your retirement—don't forget to come back and see the people here.

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. Now I have heard everything: A member of this body saying that they will miss being lobbied, I am being facetious. I, too, will miss seeing Gary around. I suspect that this is one of those retirements where the man is retiring but he will not stop working, and I hope that some of that working will mean coming back to visit with us. Seriously, I will miss his wit, I will miss his caring manner, and very much, I will miss those orange cards that said "Please call if I can help you with anything." Thank you.

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

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to add my congratulations to Gary. I wish he would wait a few more years before retiring; I had just gotten to know him fairly well and would have enjoyed the association. I, too, hope that he spends time back here in the halls so that we can continue the friendship.

I wanted to pass on a story I guess you would call it: Gary helped me with a constituent. The constituent had some learning disabilities that had been unknown until the young woman wanted to get into a surgical technical program and was unable to get in, and she was very frustrated and was not able to pass any preliminary courses and tests. I brought the problem to Gary and he went right away and did some work with the Community College that we were relating to, and low and behold, the people at the Community College brought their staff together, created a program. The end of the story will be next December 21st, this young woman will graduate, and she will probably be number one in the class. This story would not have happened without Gary's assistance, I appreciate it and her parents certainly do, and the young woman is well on her way to a wonderful future. I thank Gary; I thank the institution itself for making all these opportunities available. Thank you, Mr. Speaker.

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

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In song:

Dear Gary Crocker,

We are writing this to you and we hope that you will read it so you will know, our hearts beat like a hammer and we chuckle and we stammer, every time you corner us in the State House halls. We guess we are just real fans of yours and we thought we would write and tell you so. You made us love you, we didn't want to do it, we didn't want to do it. You made us want you and boy you really did it, you really, really did it. You made us happy, sometimes you made us sad, but there were time, dear, oh, Gary, you made us so glad. You kept our spirits high, we know you really meant to, thank goodness you really meant to. Please don't say goodbye, not yet, please not yet, just not yet. Give us, give us what we really long for, you know you got the brand of hugs and laughter that we all long for. You know you made us love you.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, and Gary Crocker. Gary never let me forget, I had a little heart problem a couple of years ago and Saturday morning I am in the shower, taking a shower, of course, you take a shower with no clothes on, and the phone rang and my wife told him I was in the shower and brought the phone in, I kind of slowed the water down and took the phone

and Gary and I chatted. But to this day, he runs down the halls and tells everybody about me taking his phone call: He wanted to know how I was feeling and that I took it in the shower. Gary, you can call me anytime, whether I am in the shower or not in the shower. Stick around, will you? I need you tonight to keep us awake.

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

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**In Memory of:**

Edward L. Cummings, of Woolwich, beloved husband, father, friend and proudly independent Mainer. Born in Bath, the son of Edward A. and Christine Cotton Cummings, he was a 1956 graduate of Morse High School. With pride in craftsmanship, he made his own way in life, specializing in forestry, land development and general contracting. In recent years, he was a millwright at Bath Iron Works and a loyal member of Union Local 1996. As an avid outdoorsman, Mr. Cummings enjoyed countless hours with his family sharing the beauties of Maine. He treasured the history and heritage of the coastal towns where he had deep family roots, and he lovingly restored his century-old family homestead in Woolwich. His pride in the many accomplishments of his sons greatly enriched his later years. He will be sadly missed by his loving family, his large circle of friends and all those who admired his sense of humor, his sense of justice and his pride in independence that are symbolic of Maine, his native "Pine Tree State";

(HLS 642)

Presented by Representative HARLOW of Portland.

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, Representative BEAUDETTE of Biddeford, Representative BEAUDOIN of Biddeford, Representative BEAULIEU of Auburn, 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, Representative BRAUTIGAM of Falmouth, Representative BROWNE of Vassalboro, 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, Representative CRAVEN of Lewiston, Representative CRAY of Palmyra, Representative CRESSEY of Cornish, Representative CROCKETT of Augusta, Representative CROTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, Representative CURTIS of Madison, Representative DILL of Cape Elizabeth, 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, 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, Representative GOULD of South Berwick, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative HAMPER of Oxford, Representative HANLEY of Gardiner, Representative HASKELL of Portland, Representative HAYES of Buckfield, Representative HILL of York, Representative HINCK of Portland, Representative HOGAN of Old Orchard Beach, Representative HOTHAM of Dixfield, Representative JACKSON of Allagash, Representative JACOBSEN of Waterboro, Representative JONES of Mount Vernon, 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 LORING of the Penobscot Nation, Representative LUNDEEN of Mars Hill, Representative MacDONALD of Boothbay, Representative MAKAS of Lewiston, Representative MAREAN of Hollis, Representative MARLEY of Portland, Representative MAZUREK of Rockland, 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, Representative MIRAMANT of Camden, Representative MOORE of Standish, Representative MUSE of Fryeburg, Representative NASS of Acton, Representative NORTON of Bangor, Representative PATRICK of Rumford, Representative PENDLETON of Scarborough, Representative PEOPLES of Westbrook, Representative PERCY of Phippsburg, Representative PERRY of Calais, 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, Representative PLUMMER of Windham, Representative PRATT of Eddington, Representative PRESCOTT of Topsham, Representative PRIEST of Brunswick, Representative RAND of Portland, 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, Representative SAMSON of Auburn, Representative SAVAGE of Falmouth, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Representative SILSBY of Augusta, Representative SIMPSON of Auburn, Representative SIROIS of Turner, Representative SMITH of Monmouth, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STRANG BURGESS of Cumberland, 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, 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, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth, Senator BARTLETT

of Cumberland, Senator BENOIT of Sagadahoc, Senator BOWMAN of York, Senator BRANNIGAN of Cumberland, Senator BROMLEY of Cumberland, Senator BRYANT of Oxford, Senator COURTNEY of York, Senator DAMON of Hancock, Senator DIAMOND of Cumberland, Senator DOW of Lincoln, President EDMONDS of Cumberland, Senator GOOLEY of Franklin, Senator HASTINGS of Oxford, Senator HOBBS of York, Senator MARRACHÉ of Kennebec, Senator MARTIN of Aroostook, Senator McCORMICK of Kennebec, Senator MILLS of Somerset, Senator MITCHELL of Kennebec, Senator NASS of York, Senator NUTTING of Androscoggin, Senator PERRY of Penobscot, Senator PLOWMAN of Penobscot, Senator RAYE of Washington, Senator ROSEN of Hancock, Senator ROTUNDO of Androscoggin, Senator SAVAGE of Knox, Senator SCHNEIDER of Penobscot, Senator SHERMAN of Aroostook, Senator SMITH of Piscataquis, Senator SNOWE-MELLO of Androscoggin, Senator STRIMLING of Cumberland, Senator SULLIVAN of York, Senator TURNER of Cumberland, Senator WESTON of Waldo.

On **OBJECTION** of Representative ANNIS of Dover-Foxcroft, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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. It is with deep sadness for us to realize the passing of Eddie Cummings. Eddie was a classmate at Morse High School, Class of 1956, and he had a quiet, but effective demeanor. I grew up in Bath and Eddie lived in Woolwich, and I remember walking the Carlton Bridge with rifle in hand, looking forward to the hunt. We hunted together on occasion, but did not bag much, but we enjoyed being out in the woods, as we both did for many, many years. I know he had great pride in his son's achievements, as well as do I. Thank you, Mr. Speaker.

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

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**BILLS HELD**

On motion of Representative PINGREE of North Haven, the House **RECONSIDERED** its action whereby Expression of Legislative Sentiment in Memory of the Honorable Michael J. Sockalexis, of Old Town

(HLS 639)

Was **ADOPTED.**

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Blanchard.

Representative **BLANCHARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A few months ago, it was a real hard problem for me to stand up and talk about Mike Sockalexis, the day after he had passed away. I related a few stories about Michael, and the sentiment basically explains everything about Michael, as far as his love and his chase for Indian rituals, and what he did for the youth on the islands. He was especially fond of track and field, and as the sentiment shows, they named a club after him. He loved to run, but he also loved to dance, and he loved to dance to tribal dances. But most of all, he wanted to keep tribal dances moving on, so he had special sessions to teach the youth on the Island tribal dances, tribal drumming. He wanted to leave, basically, a little bit of Mike Sockalexis to the youth on the Island.

I was very fortunate, as I said before, to be Michael's Senior Little League coach, and I told you that when he showed up, he wanted to play center field and I did not need anyone in right or left. Well, at the wake, the night of his wake, I happened to be

standing on the shorelines of the Island and was talking to a few of his real, old friends, and one of them happened to be a fellow ballplayer who played on that same team. He says, "I heard the remark you made about Michael covering left and right." I said, "Yes." But he says, "You know Dick, you probably forgot about the best story about you and Mike." I said, "What are you talking about?" He said, "You know, every time Mike got on base through a walk or a base hit, you used to tell him: Slow down Mike, I will give you the sign to steal." Well, needless to say, Mike never paid too much attention to the sign.

So this one day, it was a very crucial ballgame, kind of late in the ball game, Michael took it on his own, stole second, the ball ended up in center field and was rolling towards the fence, Mike is still rounding second, he is on to third, and the next thing I know he is sliding into home plate. He comes over to the bench and says "What do you think of that, Coach?" Needless to say, I benched him for the rest of the game; but also, needless to say, he never took another sign of not to steal, because he went on his own all the time.

I will say one thing about Mike: Mike left his mark on the youth of the Island and everywhere you go, you see that big sign, Sockalexix Arena, and it brings back to the youth what Mike has done and what he has left to the Indian Tribe on the Penobscot Nation. Thank you, Mr. Speaker.

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

Representative MILLER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mike Sockalexix was a very gentle soul. I got to know him as a seatmate, right here on the floor, and a seatmate in Health and Human Service Committee. He was a very active and vital member our committee and that gentleness that we all knew about him, peeled away in fiery resolve in our committee, when he could sense injustice and untruths that we heard before us in committee; and it was a sight to see sometimes.

He had a rough time, here at the Legislature, stemming from a fall on our very own steps, an icy fall, and he was confined to a wheelchair, then walkers and canes; he had a very rough time. Michael, we hope you are now dancing wherever you are.

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

Representative PINGREE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to follow my good colleague from Somerville, who both of us spent the past two years in the last legislative session on the Health and Human Services Committee with Mike Sockalexix, and her comments were very accurate: He had a twinkle in his eye, he cared very much for the health and safety of the state and the people of the Penobscot Nation, he was very proud to be serving on the Health and Human Services Committee.

What frustrated him most is having been a very active person his entire life, he did struggle very much with his health while he was a member of this body. I am sure most of you remember him with a walker, in his wheel chair with two canes. He was actually hospitalized off and on while he was in this body, and I think it is a real testament to his spirit. He would be get out the hospital, be very weak, and struggling considerably, and come back here to try to make his voice heard for the people who he represented. He was a tremendous spirit, he will be missed.

The good Speaker and I had the opportunity to attend his wake and I have never been to a wake on Indian Township, and I have to say it was an incredibly sad experience, but uplifting as well. He was in an open casket, and he was fully dressed in beautiful gear, headgear, and beads and he looked incredibly peaceful. His family was around him and they were singing and

they were chanting and talking about his life and all the wonderful things he had done, so I just wanted to share that experience with the House. He will be very much missed, he died at a far too young age of 60 years old, and our best wishes certainly go out to his family.

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. I have been on my third term now in Health and Human Services, and I really enjoyed those two years with Mike. I cannot add really anything to what has already been said. He was a great person, and he will be sadly missed.

The SPEAKER: The Chair recognizes the Representative from Passamaquoddy Tribe, Representative Soctomah.

Representative SOCTOMAH: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. Mike was a very unique individual. He was very proud of his ancestry and very proud of his relatives. I do not know if many of you know that one of his relatives was the first Native American to play in Major League Baseball; he had another relative that was in the Olympics. He comes from a long line of Sockalexix' that are very proud, very athletic, and they are very proud to be Penobscot, very proud to be citizens of the State of Maine. I know Mike is dancing among the stars, in his full regalia, with his family. I know his present sons and members of his family are very proud of him, and they are going to carry on his legacy. Thank you.

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

Representative HARLOW: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am probably the only person here who can say this: I had Mike in school when I taught at Old Town. That is when I learned that his relative not only played baseball, but that is why they call them the Cleveland Indians today, it was named after his grandfather. Mike was a great guy. When I first saw him, I never forgot him and he never forgot me for some reason. Thank you.

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

Representative VAUGHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I knew Mike Sockalexix before either one of us were in this body, and I know many members of his family; in fact, I am good friends with some of his sons. We would get together sometimes and talk about some Indian things. Sometimes we would get together about jobs, jobs, jobs. I just want to express to his family members that I am very sorry for your loss and he will be missed. Thank you.

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At this point, the Members of the House stood and joined in a moment of silence in honor of the Honorable Michael J. Sockalexix, of Old Town.

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

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#### REPORTS OF COMMITTEE Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Impose Reasonable Limits on the Growth of State Government"

(H.P. 1140) (L.D. 1632)

Signed:



Senators:

PERRY of Penobscot  
STRIMLING of Cumberland

Representatives:

PIOTTI of Unity  
RAND of Portland  
CLARK of Millinocket  
WOODBURY of Yarmouth  
HOTHAM of Dixfield  
WATSON of Bath  
PILON of Saco

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-613)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

KNIGHT of Livermore Falls  
CHASE of Wells  
LANSLEY of Sabattus

**READ.**

Representative PIOTTI of Unity moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative TARDY of Newport **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 Unity, Representative Piotti.

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just briefly wanted to outline what this bill is; it is, in essence, **TABOR**. So if you like **TABOR**, vote for it, or vote against it since the motion is **Ought Not to Pass**. If you are opposed to **TABOR**, follow the green 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. 179**

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

**NAY** - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Burns, Campbell, Cebra, Chase, Cotta, Cray, Cressey, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Jacobsen, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Savage,

Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver, Woodbury.

**ABSENT** - Duprey, Emery, Gerzofsky, Greeley, Hill, Hotham, Lundeen, Moore, Pratt, Richardson E, Simpson.

Yes, 83; No, 57; Absent, 11; Excused, 0.

83 having voted in the affirmative and 57 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass Report** was **ACCEPTED** and sent for concurrence.

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

**UNFINISHED BUSINESS**

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

**HOUSE DIVIDED REPORT** - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-297)** - Minority (3) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Repeal the Maine Use Tax"

(H.P. 695) (L.D. 920)

**TABLED** - May 24, 2007 (Till Later Today) by Representative **PINGREE** of North Haven.

**PENDING** - **ACCEPTANCE OF EITHER REPORT.**

Representative PIOTTI of Unity moved that the House **ACCEPT** the Minority **Ought Not to Pass Report**

The **SPEAKER**: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a bill that came out of committee with a strong Majority Report; I was on that Majority Report. It is a bill that, in essence, repeals the Maine Use Tax, and I think many of us like the idea of lower taxes. Even though in some ways I think this bill is unrealistic, I think it has a fiscal note of close to \$400 million, we voted for it in committee. However, since that time, we have heard from several retailers who like the idea of the Use Tax because it puts them in a better competitive position. The Use Tax is charged on goods that people might buy out of state, and if that tax is not being charged, it sometimes makes it harder to sell in state. I just wanted to offer some information by way of clarification and to explain my stance: Although I was on the Majority Report, I will now be voting with the Minority Report, which I have moved. Thank you.

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

**SENATE DIVIDED REPORT** - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-281)** - Minority (4) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Reduce the Income Tax"

(S.P. 303) (L.D. 952)

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

**TABLED** - June 18, 2007 (Till Later Today) by Representative **PINGREE** of North Haven.

**PENDING** - **ACCEPTANCE OF EITHER REPORT.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-281)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-281) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Bill "An Act To Support County Government"

(H.P. 894) (L.D. 1266)

- In House, Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** on June 13, 2007.

- In Senate, Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557) in NON-CONCURRENCE.**

TABLED - June 18, 2007 (Till Later Today) by Representative **BARSTOW** of Gorham.

PENDING - **FURTHER CONSIDERATION.**

Representative **PIOTTI** of Unity moved that the House **INSIST.**

Representative **BARSTOW** of Gorham **REQUESTED** a roll call on the motion to **INSIST.**

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

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

Representative **BARSTOW:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do rise in opposition the Insist motion that is pending before us, regarding this legislation, and would like to speak a little bit to the fact of what this bill would be looking to do. I do understand it is an 11-2 Report, and I do respect the Committee's need to work through this legislation. At the same time, though, I put this bill in looking at trying to find a way to get increased revenue to county government, to help offset the property tax burden that seems to be occurring in our communities with regards to the cost of jails, and the other cost of other services that counties do provide.

You may or may not know that municipalities receive revenue sharing from the State of Maine through the sales tax, and there are other methods for municipalities to receive subsidies to help support the services they provided to citizens here in the state, and also to offset the property tax burden that could be felt from that. Beyond the Community Corrections Act and the approximately 10 percent that goes towards jails, there really is no support for the services that are mandated by the state for the counties to be provided. We have explored the idea through other jurisdictions and committees, of having the state have more control of jails, and that is an ongoing conversation, I think, that is occurring; however, I think that if we are looking to provide services at a quality level and look to do it in a cost-efficient manner, but make sure the services that people need and deserve are out there, we need to start looking on a more regional basis, and I think that county government is a vehicle, though many people ignore it in this Chamber and in our state, it is something that should be explored.

Further, even if we do not reform the way that we deliver services to people in the state, we need to start looking at ways to fund the services that are being provided at this level of government. I would urge you to oppose the Insist motion that is before us. Thank you, Mr. Speaker.

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

**ROLL CALL NO. 180**

**YEA** - Adams, Annis, Austin, Ayotte, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchette, Bliss, Brautigam, Browne W, Bryant, Cain, Campbell, Canavan, Carter, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Flood, Gifford, Giles, Gould, Grose, Hamper, Harlow, Haskell, Hinck, Hogan, Jackson, Jacobsen, Jones, Joy, Kaenrath, Knight, Koffman, Lewin, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Rosen, Savage, Saviello, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Barstow, Blanchard, Boland, Burns, Casavant, Cressey, Crockett, Curtis, Eaton, Fletcher, Hanley S, Hayes, Lansley, Muse, Plummer, Samson, Schatz, Silsby, Sirois.

**ABSENT** - Duprey, Emery, Gerzofsky, Greeley, Hill, Hotham, Lundeen, Moore, Richardson E, Rines, Simpson.

Yes, 121; No, 19; Absent, 11; Excused, 0.

121 having voted in the affirmative and 19 voted in the negative, with 11 being absent, and accordingly the House voted to **INSIST.**

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-308)** on Bill "An Act To Secure Maine's Transportation Future"

(S.P. 634) (L.D. 1790)

Signed:

Senators:

**DAMON** of Hancock

**SAVAGE** of Knox

Representatives:

**MARLEY** of Portland

**BROWNE** of Vassalboro

**FISHER** of Brewer

**MAZUREK** of Rockland

**HOGAN** of Old Orchard Beach

**CEBRA** of Naples

**ROSEN** of Bucksport

**THERIAULT** of Madawaska

**PEOPLES** of Westbrook

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

Signed:

Senator:

**DIAMOND** of Cumberland

Representative:

**THOMAS** of Ripley

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308) AS AMENDED BY SENATE AMENDMENT "B" (S-339)** thereto.

Representative PINGREE of North Haven moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

**READ.**

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

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**SENATE PAPERS**

**Non-Concurrent Matter**

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)

**FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-398) AND "B" (H-597)** in the House on June 19, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-398) AND "B" (H-597)** in **NON-CONCURRENCE**.

Representative NORTON of Bangor moved that the House **INSIST**.

Representative FINCH of Fairfield moved that the House **RECEDE AND CONCUR**.

Representative NORTON of Bangor **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**: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a bill that we voted on probably more times than you would prefer to. This is a bill about educational policy, and it is a rule where the good Representative from Calais, Representative Perry, added an amendment requiring documented consultation instead of "agreed to" language that was in the original rule. That is the bill, that if you Recede and Concur, that is what you will be accepting. Those of us, who have experience in educational policy, were concerned that the "agreed to" language eroded the position and authority of the folks that make it and would put educational policy in to the area of negotiations. Thank you very much.

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree that this is somewhat policy, this is the Department's major substantive rules, and as I said the other day, this truly has been made into something that it is not. It is a small piece of the Department's rules. Again, I remind you of the unintended consequences when we start doing that kind of thing. Thank you.

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

Representative **FINCH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I must disagree with my good friend, the Representative from Bangor, that this is a minor issue.

If we were to enact this rule as originally written, it would involve allowing the teachers, employees, to have a veto power over a portion of a school budget, a budget which is by law prepared by the school district and submitted to the voters. We have voted here a couple of times to remove that "agreed to" and to substitute to it with a documented consultation. I fear that if we take this step and open up a part of a school budget to negotiations where the employees must agree, that we are taking away the authority of the school board to do what a school board is elected to do, which is to prepare a budget. If you agree with me that the financial decisions of a school system should be left in the hands of the elected officials, then I hope you will vote yes to Recede and Concur.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Farrington.

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just a quick reminder: The rule, as it was originally proposed, was the attempt on behalf of the Department to avoid a repeat of the debacle that all now acknowledge was the Local Assessment System. Many of you will remember hearing from teachers in your districts about the mess that this system created, the untold hours and dollars that were spent on a flawed system that we have now accepted as a failed system. How do we avoid a repeat? How do we avoid pouring millions of dollars into the development of an assessment system that could, again, collapse and fail because of the flawed design?

Given that the people who are responsible or doing the overwhelming share of the work in designing, implementing, in revising, people doing that work are the teachers, it only makes sense that if we want the new standards-based assessment system that is going to be implemented across the state to succeed, we need to make the teachers partners in developing this. This is not giving teachers control over the budget; these are targeted funds. Teacher input is not going to influence how much money any school district gets for this type of work, but in terms of designing a plan that has a chance to be successful and does not repeat the mess that so many teachers had to deal with that drove many good teachers out of the profession, this is the attempt to avoid a repeat of these scenarios; so I urge you to vote against the Recede and Concur motion.

On motion of Representative **TARDY** of Newport, **TABLED** pending the motion of Representative **FINCH** of Fairfield to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

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**REPORTS OF COMMITTEE**

**Divided Report**

Six Members of the Committee on **INSURANCE AND FINANCIAL SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-615)** on Bill "An Act To Make Health Care Affordable, Accessible and Effective for All"

(H.P. 1322) (L.D. 1890)

Signed:

Representatives:

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

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-616)** on same Bill.

Signed:  
 Senator:  
 SNOWE-MELLO of Androscoggin  
 Representatives:  
 VAUGHAN of Durham  
 RICHARDSON of Warren  
 SAVAGE of Falmouth  
 McKANE of Newcastle

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-617)** on same Bill.

Signed:  
 Senators:  
 SULLIVAN of York  
 BOWMAN of York

**READ.**

Representative CROCKETT of Augusta moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.  
 On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** Report "A" **Ought to Pass as Amended** and later today assigned.

**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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dispose of Unfunded Liabilities in State Retiree Health Care Plans

(S.P. 534) (L.D. 1511)  
 (S. "A" S-311 to C. "A" S-259)

**TABLED** - June 19, 2007 (Till Later Today) by Representative FISCHER of Presque Isle.

**PENDING** - Motion of Representative TUTTLE of Sanford to **INDEFINITELY POSTPONE SENATE AMENDMENT "A" (S-311) to COMMITTEE AMENDMENT "A" (S-259)**.

On motion of the Representative TUTTLE of Sanford, **TABLED** pending his motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-311) to Committee Amendment "A" (S-259)** 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. 176) (L.D. 564) Bill "An Act To Streamline the Regulation of Agricultural Composters" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-357)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence. **ORDERED SENT FORTHWITH.**

**ENACTORS**

**Acts**

An Act To Provide Adult Adoptees Access to Their Original Birth Certificates

(H.P. 802) (L.D. 1084)  
 (C. "A" H-601)

An Act To Clarify That Certain Separately Itemized Charges Are Subject to the Sales Tax on the Rental of Motor Vehicles

(H.P. 1154) (L.D. 1645)  
 (H. "A" H-606 to C. "A" H-510)

An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman

(H.P. 1361) (L.D. 1923)  
 (H. "A" H-607)

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

**Resolves**

Resolve, Establishing an Apportionment Commission To Increase the Number of Androscoggin County Commissioners

(H.P. 1349) (L.D. 1916)  
 (H. "A" H-608 to C. "A" H-507)

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

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dispose of Unfunded Liabilities in State Retiree Health Care Plans

(S.P. 534) (L.D. 1511)  
 (S. "A" S-311 to C. "A" S-259)

Which was **TABLED** by Representative TUTTLE of Sanford pending his motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-311) to Committee Amendment "A" (S-259)**.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would hope that you would support the pending motion to Infinite Postponement. The Labor Committee has worked very hard on this issue and we have a Unanimous Report. I have talked to the individual, who offered the amendment in the other body, and he has agreed to accept the motion of Indefinite Postponement, and I would ask that you allow that motion to go through. Thank you.

Subsequently, **Senate Amendment "A" (S-311) to Committee Amendment "A" (S-259)** was **INDEFINITELY POSTPONED.**

**Committee Amendment "A" (S-259)** was **ADOPTED.**

Representative **TARDY** of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-259).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-259). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 181**

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

NAY - NONE.

ABSENT - Brautigam, Burns, Carter, Cressey, Dill, Driscoll, Duprey, Emery, Gerzofsky, Hill, Hotham, Lundeen, Moore, Pineau, Richardson E.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the RESOLUTION was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-259) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (S-308)** - Minority (2) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act To Secure Maine's Transportation Future"

(S.P. 634) (L.D. 1790)

Which was **TABLED** by Representative PINGREE of North Haven pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

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

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill does some very good things, but I voted against it in committee for two reasons: First of all, it raises fess. Call them what you want, but a fee is a tax, and a tax is a fee. This bill demands the people of Maine to pay millions of dollars more, to state government, people who are already paying way more in taxes than they should. But increased taxes are not the worst part of this bill.

This bill creates a complicated method to borrow money that circumvents the Constitution. The Maine Constitution requires a

two-thirds vote of this body, and voter approval at referendum, to borrow more than \$2 million, \$2 million or more. This bill creates a revenue stream that goes to the Maine Bond Bank that will service \$250 million in revenue bonds that will only require a majority vote of this body and not voter approval.

When I took the oath to uphold the Constitution, I took it seriously. If we do not like the Constitution, we should change it. Until then, we should not ignore it or create loopholes to circumvent it. For those reasons, I would ask you to vote against this bill.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you today in support of the pending motion Ought to Pass, LD 1790, and I want to tell you why.

This pioneering piece of legislation, approved overwhelmingly by the Transportation Committee, does several things; it does quite a few things, actually: This comprehensive piece of legislation will ensure that we keep our Interstates in good or better condition; it will ensure that we reconstruct 228 miles of deficient urban and rural arteries by 2022; it will ensure that we reconstruct 506 miles of deficient urban and rural state highway major connectors by 2027; it will ensure that we reconstruct minor connectors when municipalities and Maine DOT can agree to partner on them; it will ensure that we evenly distribute the service life of our highways by 2027; it will ensure that we maximize freight and passenger transportation benefits, while we look at environmental impact.

This bill creates a debt policy that we establish for our Highway Fund, General Obligation bonds, and our federal GARVEE bonds that will limit Highway Fund General Obligation bonds to 10 percent of the Highway Fund revenues and a 10-year limit. It will limit GARVEE bonds to 15 percent of the Highway Funds that comes from the Federal Government and a 15-year limit, keeping it within our lifetime, within our working lifetime, not passing it on to our kids; to also create a TransCap revenue-bonding feature that will be limited by a revenue and appropriations amount, set by us, in the Legislature, and those terms do not exceed 15 years.

You know people of my ilk, we want to talk about business, we want to talk about commerce, and we talk about moving the state forward economically. Well, my friends, the products that we make in this state—potatoes up in the County, forest products coming from our forests; the tourists we bring into this state, up and down the coast and in our lake areas—cannot move, commerce cannot move unless we have the infrastructure and the transportation foundation that this state needs. I would urge my colleagues in the body to support this bill for the future of Maine's transportation, for the long-term goals that it sets out, and for our ability to say at the end of the day, today: we put in place a plan, for the first time we put in place a plan that we know the MDOT can live up to, and we can be proud of as a state. I thank you, Mr. Speaker, and Ladies and Gentlemen of the House.

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

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I fully agree with the good Representative from Naples, and I, too, rise today to urge that you support LD 1790 and make our highways and bridges safer. Think about those unsafe road conditions you experience every single day: A common one is rutted roads that collect water, snow, and ice. In these conditions, your tires may no longer be part of the pavement, and needless to say, that is

an important part of staying on the highway.

Research conducted last fall indicates that 62 percent of us, here in Maine, experience these kinds of rutted roads every day, and that large number experiences other obvious unsafe conditions every day like blind spots, sharp curves and the like. The exclamation point is that one or more of these unsafe road conditions has caused nearly half of us, a family member, a friend, to have an accident. To most of us, this is not theoretical, it is an everyday risk. You would like to think that common sense and compassion would solve this problem, but after neglecting this many roads for 50 years, you have to wonder, is it really just about money? That does not make sense.

The cost of vehicle crashes to the Maine economy is roughly \$1 billion a year; that would be at least four times more expensive than what we spend in Highway Fund dollars and repair and maintain of our roads and bridges. Add to that startling number the fact that you and I, on an average, spend more money on our car repairs each year due to bad roads, than we pay in state gas taxes. Insurance companies also pay more on auto claims in Maine, each year that we raise through the state gas tax. In other words, your safety is being compromised for the sake of no offsetting economic benefit.

Today I hope that you will support LD 1790 and better roads. Let's end the toll we pay for bad roads through car repairs, higher insurance, traffic delays; and most of all, let's end the toll for our needless injury to ourselves, our families, friends, and fellow travelers to this state.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am here today to ask you to support LD 1790, "An Act To Secure Maine's Transportation Future." Now let me be clear: Our roads and bridges are seriously deteriorating, and it only takes a little bit of civil math to understand why.

Maine DOT has the responsibility for about 8,400 miles of road that carry almost 80 percent of all the travel occurring in Maine. With the next biennial budget and the bond issue just approved by the voters, we can expect to rebuild about 39 miles of road a year for the next two years. At this pace, it will take us about 215 years to rehabilitate every Maine DOT road. Now realize that a road generally requires rehabilitation about once every 45 to 50 years, and that roughly 3,600 miles of road already in need to be fixed, you start to see how serious our problem is.

The picture gets even bleaker when you consider the condition of our bridges. It is true that a bridge, on the average, will last as long as a human being, assuming we take care of things along the way. Now, like the boomer generation that is about to surge the ranks of the elderly, so too is there a large group of bridges built well over 50 years ago that demands our attention. We already have 10 percent of our bridges on a watch list, and without bold action, the number of bridges over 80 years of age will double in 10 years, and triple in 20 years. At the current rate of replacement, bridges will need to last 180 years to accommodate our present schedule.

If you are not sufficiently alarmed yet, you should know that we have not been keeping up with recommended resurfacing schedules either; so in essence, we are letting the roof of the house go, which as you know cost a lot more later to fix than if you do it now. Check out the transportation infrastructure indicator in the *Measure of Growth Report*, printed early this year by the Maine Economic Growth Council: Maine's conditions are worsening, largely due to inadequate paving, while the rest of New England is improving.

In Maine, we speak continuously of economic development. I believe economic development is one of the key blocks of economic development, along with education, a good work force, broadening our internet, is a good, strong infrastructure. Not only are engines for structure needed to transport goods and services, but more importantly, people and ideas as well. With these thoughts in mind, I urge you to please support 1790, which begins us on the path of reversing these trends. We need LD 1790, as it provides new financial tools to tackle our problems, and new revenues to put these new tools to work. It will cost a great deal to face this problem, but I am convinced that without LD 1790, it will cost a great deal more in the future. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you, here today, as a freshman Representative and I was placed on the Transportation Committee, and when I first went there, I thought maybe I should just pack my bags and go home; there was a big need, a very large need in this State of Maine. As I stand here before you, what I am asking is for you to support 1790. The Committee that I have worked on were exceptional people, everybody was just A1, but what we need from you today is support because our highways, our bridges, everything that everyone has spoken about here before so eloquently, is very much in need. Thank you.

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

Representative **PEOPLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to urge your support of LD 1790. While my length of service on the Transportation Committee has been short, my experience as a municipal officer and a planning board member has shown me the importance of transportation, in terms of our economic development.

In the 2004 National Corporate Survey of 24 factors for location, access to highways was second only to labor costs, and amazingly enough, it ranked more important than either taxes or energy costs.

Another view of the link between the economy and transportation can be experienced in southern and mid-coast Maine, where most of the half billion dollar per year costs due to traffic delays is experienced; that is half a billion dollars a year in traffic delays. An hour of delay due to traffic congestion for a commercial truck, on average, costs \$350. Abandoning our transportation infrastructure is not the path to a competitive Maine economy.

Western, eastern, and northern Maine have their burdens as well. Each year during spring thaw, these regions experience postings on roughly 2,000 miles of highway, out of 8,500 under Maine DOT jurisdiction. By limiting the weight trucks can carry, posting puts these rural areas at economic risk. When Route 11, between Ashland and Sherman, was posted a few years ago, the Northern Maine Development Commission placed the added costs to the local economy at \$8 million per year. For \$15 million, the road was rebuilt to carry loads without interruption. That cost was recouped in less than two years, considering the annual savings to truckers and the business they support in the region. Again, my point is that not investing in transportation has huge consequences for our economic prospects.

LD 1790 provides a focus for transportation capital investment. It provides new tools for capital financing, and it provides resources needed to stem the tide of neglect that we are currently experiencing. I am comfortable with this notion because without a strong transportation investment strategy, we will never

have a healthy financial fixture for the General Fund. Consider the General Fund receives 20 percent of sales tax revenues directly, due to vehicle and transportation related sales. The direct and indirect wages generated by the transportation sector alone are very significant in generating personal and corporate income taxes. Without any transportation investment, just how large a General Fund would we have? The revenue coming to the Highway Fund is in decline, even with motor fuel tax indexing. A serious fix is needed now. LD 1790 provides the solution we must consider. I ask you to vote favorably on LD 1790, "An Act To Secure Maine's Transportation Future," and I might add, Maine's economic future. Thank you.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am probably not going to say anything that is going to convince you, you have heard all of the arguments already, we are kind of preaching to the choir. All of you as candidates, I am sure, have heard from your constituents about the terrible conditions of the roads and bridges. We know that the gas tax does not generate enough funds because of the high price of gas, and the fact that people are buying more efficient vehicles, so that is falling short. We hear the perception that the General Fund takes Highway Fund money, and also that the DOT maybe is not as efficient as it could be, and also there is no long-range construction plans with report back dates.

What this bill proposes to do and has been described as being a very good piece of legislation, which, I believe, is trying to address some of these problems. It is establishing a sustainable revenue source; this is very important for the DOT Planning Department, and it is also important for our local contractors, so they will have an idea about whether or not they are going to have work. It sets up a debt policy for the General Obligation and the GARVEE bonds, something that has not been done before. It sets up a TransCap Trust Fund, which is dedicated to the Highway Fund only, it cannot be raided. It establishes measurable goals on how many miles of materials and local roads that are going to be done, with report back dates, so it will be up to the Transportation Committee and the Legislature to make sure that people are doing what they say they are going to do; and it requires the General Fund to fund from 40 percent up to 50 percent, which is in line with what the OPEGA report suggested. Now there are some questions, there are some concerns, there are some fee increases that are fairly minor, but I believe that there should be a user charge. People using the roads would like to have some of that money be dedicated for the roads and bridges.

The important part of this bill, as far as I am concerned, is not necessarily the money, it is if it passes as amended why it would be in the neighborhood of \$28 million, but I think it establishes a plan and I think that is very important. Again, I urge you to support this bill. Thank you.

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

Representative **FISHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do not often rise, but this is an issue that is very, very important to me, and I will take very little of your time.

I think one of my big responsibilities down here is on public safety, and this certainly is an issue of public safety. All of you very well know the condition of our roads, the condition of the roads we send our families and our friends out on a daily basis, conditions that are not good. The roads you understand: You drive on them every day, you go up and down through the

potholes, and see the soft shoulders that have been mentioned, previously. What some of you do not pay much attention to are the bridges you go over, and I would suggest that you go down to the Transportation Committee room and see a rather large chunk of a bridge from down along the coast that could very well have gone on to a vehicle. It is our responsibility to take care of these roads, to take care of these bridges. Now the Committee all understands that; you have seen most of us rise and speak on the issue, and even the gentleman who rose and spoke against the issue is a very strong advocate for better roads and bridges, our approach just may be a little different.

We have a budget that was passed this year with the support of this body that was fair, I guess that is how I would describe it; it does not keep pace. We had a nice bond package that has gone out, a very nice bond package that went out, and I am very appreciative of the support you folks gave and also the support of the public, but that is not enough to keep pace. Somehow or another, we have to find some way to make this transportation funding sustainable and this is a start and a process.

For the gentleman who spoke about fees, I cannot argue with you: A fee is a tax; it is a transparent tax though, people understand that they are paying it and what they are paying it for. A more hidden fee that we do not think about is the fee that we pay the garage around the corner for the broken front-end, the tires that fail, the shocks and struts that you have to put on your car. The minimal increases in fees certainly are not nearly as much as it costs to do that kind of work to your car. We are in fact, I believe, doing our customers, our folks out in the public, a great favor by taking care of the roads a little better so that they do not have to pay these hidden fees.

One aspect that has not been talked about is the jobs aspect, not just sand and gravel jobs, not just paving jobs, but engineering jobs and the various components of highway and bridge construction. We have some of the best highway people in the country here; they have a limited amount of time to do their work; they do a great job, Cianbro and Reed & Reed, two of our folks that were involved in the Penobscot Narrows Bridge, that have been recognized recently for the quality work that they have done. Ask those local folks in your districts how many less people they have working for them now because of the lack of funding for our highways. People not working, making decent money, putting money back into our revenue stream, going into the General Fund which the Appropriations has to finance some of their other programs.

I have very strong feelings about the importance of getting this through; you have heard most of our committee speaking this way, numbers of you folks have spoken to me about the issue, continued to give us support. Let's see what we can do with this and make our roads safer for the people.

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

Representative **PRESCOTT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do not serve on Transportation, and I do not have the expertise that others may have concerning the grave matter of road and bridge repair, but I do drive on Maine's roads and bridges, as do all of you. LD 1790: Is it an instant solution? No, probably not. But it is a start, and start we must. We need to catch up, it is imperative for all of Maine.

We all got the maps with the green and red dots on them throughout the State of Maine, everybody got those, and throughout our great state there are these roads and bridges that need repair. But this is just a piece of paper that most of us looked at and probably filed, or maybe threw it somewhere else. Do you want reality? Go down to the Transportation room and



look at the piece of real granite that sits on the floor that came from a real bridge in the Town of Bath, close to where I live. This is not a freak occurrence, it is a real threat, and if we do not take responsibility and action it will only worsen. We do not have a choice, but a responsibility, so if you have not made up your mind yet, think of that and please take a visit down there. LD 1790, I believe, is a start, so please support the Majority Ought to Pass. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **WATSON**: Thank you Mr. Speaker. As a member of the choir who has been preached at now for 45 minutes on things that I think we all know, I would like to pose a question to any member of the Transportation, or Appropriations Committee, to whom may care to respond.

This bill, 1790, involved many, many, many millions of dollars of General Fund money; I would like to know where that is coming from and how it is to be delegated to DOT? Thank you.

The SPEAKER: The Representative from Bath, Representative Watson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the question. First, I also appreciate all of the Committee members and non-committee members, bipartisanly, who have spoken about this. I think the consensus out there is that there is a need and everyone recognizes the need. Why don't we talk a little bit about the finances? That is a great point.

One of the first things is—I will not show it because I am not supposed to use props on the House floor—but you just got a three-tiered chart in front of you that is rainbow colored, and it shows you the loss buying power from the '04 to the '05 Biennium, to now, and we have lost approximately \$216 million in buying power with what the Highway Fund currently has in revenues. That is the issue that we have at hand as far as we cannot afford the maintenance on the existing infrastructure, much less the needed capacities and the bridge need that is out there as well.

Another piece that went around, you saw earlier, had a number of graphics and it talked about the inflationary cost, it talked about the 30 percent cut to the transportation projects, you'll see, in the next two bienniums, and then it talked about that bridge bubble. Currently, it says, Maine bridges that are 80 years or older will double in 10 years, triple in 20 years and quadruple in 30 years. At this rate, we are going to have to expect bridges in Maine, and there are a significant number of them, to last 180 years. Believe me, there will be more Waldo-Hancocks, there will be more bridges that we are going to have to close because we have not gotten to them.

The issue though, the question from the good Representative from Bath, is how are we going to do this, how are we going to take this comprehensive measurable set of goals that the bill creates; the good Representative from Naples discussed this. The first thing is the GARVEE, which is federal highway dollars; using it we have created a debt ceiling. How we are going to use that, nationally it is considered 20 percent as a national conservative estimate of how much you can use; we have cut that at 15 percent. We are looking at revenue bonds as well, ways to take revenues that go and some of them are Highway Fund, and many of them are General Fund, if this bill passes, revenues that are going to what is called the TransCap Fund, and

that would go to the Maine Revenue Bond Bank and would create these revenue bonds that would allow us to leverage these dollars so that we can build some of these projects, because anytime you start opening up a road, build a bridge, you are talking about tens of millions of dollars. Those funds primarily will come from the modest revenue increases that we talked about, and just to let you know, those fee increases are still significantly under the New England average. They have been moderated in another paper we will be talking about in a few moments, but they are below 15 percent for title fees and 26 percent the New England average for registration fees; currently they are forming the original document, but it will be modified.

Then it looks at the car rental tax as a piece that is currently a General Fund dollar, that would go for alternative modes. Then we are looking at, in this vehicle, looking at 4 percent of General Fund sales taxes, and over five bienniums, would grow to 20 percent of the General Fund revenues coming in would go to transportation needs. If you think about it, how it is identified is approximately, currently, 19 or 20 percent of the revenues that go to the General Fund are transportation related. One of the reasons we are having this big discussion on the tax reform bill, is our state is really built on construction and vehicles sales. Vehicle sales are a huge, huge revenue to the General Fund, the Highway Fund does not see any of those, it makes sense that a portion of that would come to the Highway Fund to support the roads that those ride on, so that is where many of the dollars come for the TransCap.

The final thing is the public safety, state police. Currently, 60 percent is funded by the Highway Fund; 40 percent by the General Fund. There is an OPEGA report you have heard us talk about several times, about what is the real mission of the state police: Should there be more, heavily invested and paid for by the General Fund or the Highway Fund? OPEGA feels that it is no more than 34 percent that should be paid for by the Highway Fund. Even Colonel Poulin, before he retired, we had him before the committee, and we said, "In your estimate, is this a reasonable estimate?" He agreed. He said the mission of the State Police has changed greatly and that it is much less than the 60 percent. We tried to accommodate that, and we stepped into it over time.

Another version will have it going to 50-50; 50 percent Highway Fund, 50 percent General Fund, and then we will study and see where the real amounts fall. That is where the General Fund impact comes in, but I have to go back to the pieces, if we do not pay now, we will pay later, and we will pay significantly more later and it is still going to cost our constituents hundreds and thousands of dollars individually, and millions of dollars collectively in damage to cars, lost productivity to our businesses. We really need to address this because it is a lacking transportation issue and I think it is going to have significant impacts on our economy. I appreciate all of the support on LD 1790; we have gotten a great deal of it. I hope you will support the Majority Report. Thank you.

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

Representative **AUSTIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Of this road we have traveled, thus far, together, you have heard me sing the praises of the completed work of the Gray Connector. I cannot tell you the great asset that the completion of this job has meant to my community and to my region. It has untangled the snarled and obstructive traffic of five major roads into our village, which was kindly nicknamed "The Crossroads of Maine." Do you suppose this is the only project that needed to be completed of that type? You only have to look to the west, to my good



Representative from Gorham, to see that that village is in that same setting, the same situation. These projects mean everything to our local and our regional economy; you are talking just those two projects alone in Cumberland County, where the traffic, as you well know, is very compressed and very heavy.

This spring, due to the conditions of our roads, many of the roads in the area of Gray, New Gloucester, Pownal, and North Yarmouth were closed; they were posted to the heavy traffic. I had a gentleman who has run a logging business for 30 years, he woke up one morning, and he was in a landlocked situation. He had to wait until things chilled down to get out of the job. This affects our economy. This is just one concern, one business.

This bill, I think one of the most promising pieces of it is the reliability that it offers to us as legislators, to know moving forward that any of the projected works and projects out there all across Maine—north, south, Cumberland County, Washington County—can have a sense of completion, or hope for completion, at the end of the project session. So I would urge all of you to really listen to the speakers you have heard thus far, because although I do not like to be contrary to the good Chair of the Transportation Committee, I think people seem to realize this, but I am not sure that they really fully understand the impact enough to support this. So I would ask you to give it due consideration and join my community, my region, who has seen success of what these projects can mean to the local economy. Thank you, Mr. Speaker.

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

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to respond to Representative Watson of Bath's question regarding the impact to the General Fund. I serve on Appropriations, and while we did not have a presentation of this at Appropriations, I did attend the Rural Caucus meeting in which there was a presentation on LD 1790, and I asked several questions regarding the TransCap Trust Fund, which is being established to create stability for the fund, and I do appreciate the hard work that the Transportation Committee has done, but as you try to establish stability to one fund, I think you do need to be cautious that you do not create instability in another fund.

So to respond to his questions, the impact that I was able to determine is under the section that talks about we are allocating highway funds away from a gradual reduction to Highway Fund for support of the Department of Public Safety, which more specifically is the State Police, that there would be a \$12 million hit to the General Fund for that as we went forward, and that on the phased in set-aside of the 20 percent to be taking of transportation-related sales tax receipts, as I understand, that is primarily our auto sales tax receipts, and while it is 4 percent initially, ultimately, it will build in up to 20 percent of that, and right now that is running around \$200 million, so that would be approximately another \$40 million. So, to me, it sounds over the next two to four years, we would be looking at around \$50 to \$55 million that might contribute to our structural gap, and people might want to be mindful of that. Thank you.

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

Representative **EBERLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The cost of not doing this far outweighs the cost of doing this. This is a cycle that sustains itself: It is jobs, it is our construction companies, and in turn, the citizens of the state benefit by improved passage and by improved access to all the places they need to go, which in turn provides more business. It is a cycle that we must fund, we must

maintain, we must sustain to move forward, so I encourage your support of 1790. Thank you.

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

**ROLL CALL NO. 182**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Browne W, Bryant, Burns, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Flood, Gifford, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hogan, Jackson, Jacobsen, Jones, Kaenrath, Knight, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McFadden, Miller, Millett, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Walker, Weaver, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Cain, Fischer, Fletcher, Giles, Hinck, Joy, Koffman, Lansley, McDonough, McKane, McLeod, Mills, Simpson, Thomas, Vaughan, Watson, Webster.

ABSENT - Brautigam, Cressey, Duprey, Emery, Gerzofsky, Hill, Hotham, Moore, Pineau, Richardson E.

Yes, 124; No, 17; Absent, 10; Excused, 0.

124 having voted in the affirmative and 17 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-308) was READ** by the Clerk.

On motion of Representative TARDY of Newport, **TABLED** pending **ADOPTION of Committee Amendment "A" (S-308)** and later today assigned.

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

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-403)** - Minority (4) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Essential Programs and Services Funding Formula"

(H.P. 759) (L.D. 1041)

**TABLED** - June 5, 2007 (Till Later Today) by Representative NORTON of Bangor.

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

On motion of Representative NORTON of Bangor, the Bill and all accompanying papers were **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and sent for concurrence.

Bill "An Act To Require Insurance Coverage for Temporomandibular Joint Disorders"

(H.P. 1003) (L.D. 1429)

TABLED - June 18, 2007 (Till Later Today) by Representative TARDY of Newport.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-605).**

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-605)** and later today assigned.

An Act Regarding Involuntary Treatment of Mental Health Patients

(S.P. 350) (L.D. 1033)

(C. "A" S-332)

TABLED - June 19, 2007 (Till Later Today) by Representative PERRY of Calais.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative PERRY of Calais, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-332)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-620) to Committee Amendment "A" (S-332)**, 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. This amendment actually corrects a conflict with the bill we passed earlier, LD 1855, which has now been signed by the Governor's Office. There was a conflict in some of the language in terms of the process that was used and this amendment corrects that conflict, so that we can move into Enactment. Thank you.

**House Amendment "A" (H-620) to Committee Amendment "A" (S-332)** was **ADOPTED.**

**Committee Amendment "A" (S-332) as Amended by House Amendment "A" (H-620)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-332) as Amended by House Amendment "A" (H-620)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

#### SENATE PAPERS

The following Joint Order: (S.P. 736)

**ORDERED**, the House concurring, that Order, "Joint Order To Create the Joint Select Committee on Prosperity," H.P. 1018, and all its accompanying papers, be recalled from the legislative files to the Senate.

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

**READ.**

Pursuant to Joint Rule 404, this Joint Order required the affirmative vote of two-thirds of those present for passage. 87 having voted in the affirmative and 23 in the negative, 87 being

more than two-thirds of the membership present, the Joint Order was **PASSED** in concurrence.

The following Joint Order: (S.P. 737)

**ORDERED**, the House concurring, that Bill, "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2007-08," H.P. 1307, L.D. 1875, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

**READ** and **PASSED** in concurrence.

#### COMMUNICATIONS

The Following Communication: (S.C. 402)

#### MAINE SENATE

#### 123RD LEGISLATURE

#### OFFICE OF THE SECRETARY

June 20, 2007

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Judiciary on Resolve, To Study Adoption Laws and Practices (H.P. 307) (L.D. 391)

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

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

#### ENACTORS

##### Acts

An Act To Permit Public Schools in the Lower Kennebec River Area To Regionalize To Achieve Efficiency and Improve Quality

(H.P. 685) (L.D. 910)

(C. "B" H-589)

An Act To Assist in the Cleanup of Waste Motor Oil Disposal Sites

(H.P. 1368) (L.D. 1929)

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.

##### Acts

An Act To Restrict the Use of Credit Scoring for Insurance Purposes

(H.P. 335) (L.D. 419)

(C. "A" H-71)

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

#### Resolves

Resolve, To Streamline the Regulation of Agricultural Composters

(S.P. 176) (L.D. 564)

(C. "B" S-357)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, 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:

Bill "An Act To Require Insurance Coverage for Temporomandibular Joint Disorders"

(H.P. 1003) (L.D. 1429)

Which was **TABLED** by Representative PINGREE of North Haven pending **ADOPTION** of **Committee Amendment "A" (H-605)**.

Representative BRAUTIGAM of Falmouth **PRESENTED House Amendment "B" (H-622) to Committee Amendment "A" (H-605)**, which was **READ** by the Clerk.

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a good amendment. It delays the effective date to July 1, 2009, for "An Act To Require Insurance Coverage for Temporomandibular Joint Disorders," it is one of those disorders that is caused by trying to say that word too many times. This is a good amendment, and I ask you to follow my light. Thank you.

**House Amendment "B" (H-622) to Committee Amendment "A" (H-605) was ADOPTED.**

**Committee Amendment "A" (H-605) as Amended by House Amendment "B" (H-622) thereto was ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-605) as Amended by House Amendment "B" (H-622) thereto** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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.

Bill "An Act To Clarify the Method of Education Cost Sharing among Certain Municipalities"

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

(C. "A" H-262)

**TABLED - May 23, 2007 (Till Later Today) by Representative PINGREE of North Haven.**

**PENDING - PASSAGE TO BE ENGROSSED.**

Representative **NORTON** of Bangor moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative **BABBIDGE** of Kennebunk **PRESENTED House Amendment "C" (H-565)**, which was **READ** by the Clerk.

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. Thank you for being patient as I get through some of this procedure, and I thank the Speaker and the Clerk for their assistance here.

When we honored Mr. Crocker this morning, one of the moments he will indelibly be a part of for me, is his CD about that

great moment in the Red Sox-Yankees series, when down 3 games to none, and in the 9th inning, there was pinch runner for the Red Sox who stole second base, and I remember at that moment, leaping out of my chair and thinking, yes there is hope. Well, we are in the 9th inning right now, Ladies and Gentlemen, in this legislative session, and before you leap from your chair with whatever emotion that you will have, I bring before you LD 1590, a bill that I have been requested to bring before you by the Town of Kennebunk. We have had a discussion on the floor—what was it, six weeks ago?—about cost sharing among municipalities; that was generic bill. This bill was designed specifically to address, this amendment is designed specifically to address the Kennebunk-Kennebunkport situation.

What the Town of Kennebunk asks is that their 36-year agreement with Kennebunkport, voted on by both towns, be honored because as you know, or as you may know, the funding for EPS affected certain districts adversely, and in our case, there was a multimillion dollar shift from one town to another and the Town of Kennebunk seeks that relief.

Let me tell you that these two communities are sister communities. We have three Representatives in the Chamber that represent these two towns. The good Representative from Biddeford, who represents Kennebunkport, inherited this dilemma this term; some of us have had to deal with this for three years. What I tell you is that these two towns are really one in many, many ways: They share the same schools, they share the same Hannafords, they share the same post office; in other words, what I am saying is there is an awful lot of people in Kennebunk who use the Kennebunkport Post Office, a lot of people on the shore side of Kennebunk actually use the Kennebunkport address because that is an economic boom and so forth. I have not only students in both towns, I have family in both towns, so I am not looking for one great winner and one side here to be defeated, so everything I have come to the floor with, from my personal perspective, I have looked for compromise. The Town of Kennebunk has allowed me to offer a compromise position, and that is what this House Amendment is that is before you.

Now if I can give you just one brief summary of cost sharing: The Town of Kennebunk and the Town of Kennebunkport are two York County towns; as Maine is considered, they are too well off York County towns; they are property rich towns being on the coast. Kennebunk has about three miles of coast; Kennebunkport has about 10 miles of coast. We both have our millionaires on the coast; we both have our poor people. When I say poor people, people who are struggling with a very meager home, living on fixed income in the backcountry; we both have that.

What the bill I had before you asks is that we revert to a cost sharing formula of 50 percent property evaluation and 50 percent pupil count. Let me give you the figures very briefly. Remember, all schools in Maine that have a municipality that has a school system, the Town of Waterville, the Town of Lewiston, the Town of South Portland, they do all of their school funding based on 100 percent property evaluation. Of the 73 SADs in this state, three-quarters of them fund their schools by 100 percent property evaluation. Some SADs that had a property rich community in it, decided to give that property rich community with few students a break when they created their SADs, so there were 17, about a quarter of the SADs, that when they were formed, and this included my own district, MSAD 71, in 1968, when they were formed, they decided to give the property rich community with few students a break, and to allow pupil count to be a factor in the sharing of costs. So when, in 1968, that question, shall we use a 70 percent property evaluation and a 30 percent pupil count to determine the cost sharing formula of the SAD, when

that went to the voters, the property rich town with few students voted for it 4 to 1, in this case that is Kennebunkport, and the Town of Kennebunk, who would have rather not had a pupil count as a factor, decided to approve it, but by barely a majority. That is where we were for the last 36 years until LD 1924, which dictated the cost sharing formula for LD 1, was passed in the final hours of the 121st Legislature, in April 2004. So that is where we are.

The question I had before you is a compromise question, it is private and special, it only applies to Kennebunk and Kennebunkport. If you have that yellow sheet in front of you that was just passed out regarding LD 1590, you can see. I need to have you know that this is a three-rule problem; why is that? Well, when I was first elected in 2004, I became aware of this problem about five weeks later, and like a person about to be executed, I put my hands up and said, "Wait, stop, give us time." The school superintendent had seen me and said this will devastate the schools; a multimillion dollar cut to a school budget that just was defeated last year because of a taxpayer's insurrection, was going to hurt an excellent school system. So we needed time to come up with a better solution than what we needed in order to save the schools. I think Kennebunkport, whose school kids went to these schools, and Kennebunk, which is the larger community, and their tax revolution, would determine the school budget, whether it went up or down, came together and said, "Okay, what can we do in Augusta?"

What we asked for was time and so we asked for a ramp and the ramp was initially supposed to hold us harmless for a year, and then over a period of three or four years, incrementally put the law into effect while we looked for a long-term solution, okay. What is happening now is that we are looking for that long-term solution. There is the argument, well wait a minute; we created a ramp for you folks. But like that person holding their hands up saying "don't shoot, wait", we are now being told we waited, not it is time to pay the piper. An injustice is an injustice. The school has been saved, we have cut 39 positions in four years, but we have maintained as much quality, and we have avoided that taxpayer revolt to defeat future budgets. But my point now is fairness for the taxpayers.

Now this is the question: There is a millionaire on the shorefront of Kennebunkport; there is a millionaire on the shorefront of Kennebunk Beach, in Kennebunk. What can happen, right now, even under the future consolidation plans, is that one be taxed many times what the other one is being taxed, even though their homes are of the same value; if you can understand that. The single person in the backwoods, same thing, a discrepancy in the mil rate by which they are being taxed. What I am asking you to look at is merely make property evaluation a 50 percent factor.

The neighbor to our north, MSAD 57, was exempted; their cost sharing formula, rather than being by state law as passed two years ago, is 50 percent property evaluation, 50 percent pupil count. Our neighbor to the west, I believe it is SAD 60, is exempted; they are 50 percent property evaluation, 50 percent pupil count. Our neighbor to the south, Wells-Ogunquit, is exempted; their cost sharing formula is 67 percent property and 33 percent pupil count. What we are asking for is to be not exempted, that would be back to 70-30, which is the agreement that we have had for the last 36 years. We are actually saying okay, allow us to give Kennebunkport \$800,000 or more per year, more than they were getting in the past out of Kennebunk's taxpayers pockets, but don't go to where we are in route to going: Next year, it would be \$1.8 million and after that, nearly \$2.5 million every year out of Kennebunk taxpayers pockets, in order to go to Kennebunk.

Ladies and Gentlemen, there are people who are struggling and there are very wealthy people in both communities, but we are paying very different mil rates, and we are just asking that we have a fair shot at people in Kennebunk not being taxed excessively more than the people in Kennebunkport. They will be taxed more under this proposal, Kennebunk will pay a higher mil rate to education under the proposal that I am giving you, but it will be less severe and the bleeding will not be as great if we adopt this compromise. 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. This amendment, this bill, does not belong here at all. What it does, essentially, no matter how anybody votes, it is essentially bidding a local issue, constantly involving two communities; you cannot win. Just like Kennebunk and Kennebunkport; they cannot win. It is a local thing and what has happened over the last 33 years is there was an agreement in place, then a couple of years ago because of LD 1 and so forth, a new arrangement was made and people were there in the room and everybody assumed that everything was okay. Now, all of the sudden, Kennebunk does not want that particular deal. They are even suing Kennebunkport—suing Kennebunkport—do we want to get involved in that? I do not really think so.

As I said, there is no way this body can win. I do not think that we want to embody this type of bill in a statute; it should be dealt with by the Department of Education, that is where it is best suited, that is where it has always been. Let them set up the rules, but I do not think it is for us to do that type of thing whatsoever.

Lastly, I do not see this as a compromise amendment whatsoever; it is a unilateral amendment, the people of Kennebunkport have not been involved at all. Again, I do not think it is wise and I do not think it is fair that deals should be struck here without the input of that community. Thank you very much.

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Representative FISCHER of Presque Isle assumed the Chair. The House was called to order by the Speaker Pro Tem.

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Representative NORTON of Bangor moved that **House Amendment "C" (H-565)** be **INDEFINITELY POSTPONED**.

Representative BABBIDGE of Kennebunk **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-565)**.

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

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

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is true that the Education Committee, the respected Education Committee which I have almost appointed myself as an additional member, I have enjoyed visiting them so often, has chosen not to solve this cost sharing dilemma and that is why I bring it before you. I believe, the Majority Report on this committee, I do not want to speak for them, but the issue often has been, do we want to get involved in these local issues? The response that the Town of Kennebunk has is that this dilemma is caused by state action and can be undone by state action. This is a state intrusion in what was an agreed to cost sharing formula, and therefore, the state can remedy this just as they caused the dilemma in the first place.

I will say, yes, the Town of Kennebunk, not having been able to get anywhere in two years of appealing to this body in the 122nd, did begin litigation, but this amendment would not impact the determination of that litigation. That is why we do not get involved in areas that are being litigated; it is because we do not want to prejudice the decision of that litigation. In this case, we would actually save the state money because there would be no litigation if we solved the problem that we caused. Thank you very much, Mr. Speaker.

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

Representative **CONNOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. An Indefinite Postponement motion that was just made would not allow me to tell you that this is a state issue, it is an issue that was created by the state, so when we say it is a local issue, go home and fix it, we cannot do that. This is an issue that created by the state, it can only be fixed by the state, so an Indefinite Postponement would not allow me to tell you that, an Indefinite Postponement would not allow me to tell you other things that are important about this bill. I ask you to please follow my light on this motion, and we will talk later. Thank you, Mr. Speaker.

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. At the very least, this bill is untimely. In the process of the Education Committee's deliberations this year, we had at least three different internal cost sharing suggestions come forward, all different, all affecting communities differently. I have been approached many times by those people about; can I make mine the general rule? It would be very inappropriate for us to try to move on something like this before we know the implications that it would have on each and every community in the state. We just have no idea how even districts at this point will be affected. Since we are involved in regionalization, people do not even really know who their partners are, least of all do we know who their partners will be, so to try to come up with some kind of fair cost sharing is very difficult. Even to try to act on one that has been back to us several times, I think, is difficult to do. It is very easy for one community to decide.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Connor, and asks why he rises.

Representative **CONNOR**: Mr. Speaker, I am looking for a point of order, as I do not feel the current speaker is discussing the Indefinite Postponement, but actually the merits of the bill.

On **POINT OF ORDER**, Representative **CONNOR** of Kennebunk asked the Chair if the remarks of Representative **NORTON** of Bangor were germane to the pending question.

The SPEAKER PRO TEM: The Chair would answer to the Representative from Kennebunk, Representative Connor, and say that the motion of Indefinite Postponement is a rather broad one and the Representative from Bangor is discussing cost sharing, which is the subject matter of the amendment before us. The Representative from Bangor may proceed.

The Chair advised Representative **CONNOR** of Kennebunk that the remarks of Representative **NORTON** of Bangor were germane to the pending question.

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am looking to have this Indefinitely Postponed because I feel that it is untimely. I do not know if I understood, Mr. Speaker, exactly what you were telling me I could or could not speak about.

As I started to say, it is very easy for one community to decide an internal cost sharing agreement, how it should be; very easy for one community, you heard me. It is more difficult for two to come up with a cost sharing agreement that they both agree on, and in fact, it is even far more difficult, I am sure, when there are a lot more communities involved. We are, as I said, looking at regionalization, and I think everyone needs to be wary of any kind of internal cost sharing agreement that is made right now, so I am asking you to Indefinitely Postponement this amendment so that we can look at it, again, when it is more timely.

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

Representative **CONNOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the good Chair and her statements, but in fact when looking at this bill and the current amendment that has been motioned, this is now a private special; it affects MSAD 71, it does not affect other communities. In fact, when we look at other communities that have cost-sharing formulas, when EPS went in, there were about eight towns exempted straight out. When Representative Babbidge, the good Representative from Kennebunk, and I do not what that makes me as the other Representative from Kennebunk, but when he was working hard to have this ramped, to slow the process down to help the folks in Kennebunk not lose as much money as they were going to, other towns were working towards just getting an exemption, leave us alone. Well, I have to say that if Representative Babbidge knew that then that that was a possibility, he would have done that.

So we are coming before you today with this bill to say look, you do not have to leave us alone, you do not even have to put it back to what it was, because I think the good folks in Kennebunkport feel that was unfair. But we do want you to do something for us and would like to go to 50-50, sum evaluation, sum pupil count, and help us a little. Again, I would appreciate your support and follow my light on this Indefinite Postponement. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: 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 am a member of the Education Committee, and here we are on the last day and we are doing a lot of good and hard work here. There has been a lot of conversation about this, in spite of the good Representatives from the Kennebunk areas, what we really tried to do; I am brand new to this, and what we looked at each one of these bills as they came forward, and I would liken them the mother-father aspect of things that if you do not get the right answer you go ask the other parent. We have consistently, one of the things that we have done really well is we have consistently pushed all of these back, instead of your different parties coming to the Education Committee to say here, you fix the problem, we just cannot do it. We have pushed all of them back to each of the parties and said you need to figure this out yourselves, because if you do not and we solve, in theory, the answer here, then the other party will be back before this body, our next session, with a bill in to reverse what you did, and we can play this ping-pong match forever. Only when decisions are made—you folks, we have spent months in this Chamber discussing local control; well, here it is and it needs to get decided at the local level. Please vote in support of Indefinite Postponement. Thank you.

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

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the comments from the good Representative from Cumberland, Representative Strang Burgess, but in fact that is not the record. The record is that Wells-Ogunquit, which has almost an identical property evaluation to pupil count formula that Kennebunk and Kennebunkport have, was exempted so that Ogunquit, a very high property value town, beautiful town, with only 46 students, pays probably the highest per pupil cost. No, I am not saying that is wrong, but I am saying they still pay a fair share to public education, which because they have so very few students, ends up being an exceptionally high per pupil cost, which I do not particularly say is a relevant factor. Pupil count is relevant in looking at efficiencies, it is not legitimate as a public school funding measure, and so what the state has done is exempted some and not exempted others.

We have tried to meet and the very first time that actually I came up with a compromise proposal a year ago, we planned a meeting to be televised in both communities. Again, our television, which was Adelphia, or Time Warner now, is shared by both communities, and we were going to have that meeting televised at the initiative of Kennebunk. Kennebunkport, at that time, refused to meet. Now I do not want to paint Kennebunkport folks in any negative manner whatsoever; that is why the state is so important in this process. The people of Kennebunk and the people of Kennebunkport, as I say, are friends and family to each other; however, the town officials played their roles. The selectmen of Kennebunkport have a job to do and they have a pot of gold that has been awarded by the State of Maine and they are going to defend their right to that pot of gold, and the Town of Kennebunk, from which that pot was taken, it now feels this is wrong. Why should a person with a meager income in the hinterland of Kennebunk have to pay additional taxes, significant additional taxes, in order to give a town with 40 percent of their property evaluation being second-home residents from out of state, in order to give those people a tax break? That is the kind of injustice we see here, so we are asking that we get the same kind of cost sharing formula that the state has permitted other towns in similar situations to have. That is the reason. There are good people in both towns, the selectmen in both towns are doing their task as they see their task to do, and that is why the state needs to remedy a problem that it itself caused. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative Farrington.

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As another member of the Ed Committee, I wanted to just very briefly speak in support of the remarks of our Chair and of Representative Strang Burgess, and respond a little bit to the previous speaker, my friend, Representative Babbidge, who cited another school district, Wells-Ogunquit, as having been exempted from the changes under EPS. In fact that district did come to us, or one of the parties in that district did come to the Ed Committee this year with a bill to try to change their cost sharing formula as well, and what ended up being resolved there was an agreement between those communities to take it and try to work it out locally.

The Ed Committee, again, as Representative Strang Burgess suggested, has tried to be consistent in encouraging the local districts, the communities that are having these difficulties with cost sharing, to try to resolve them locally. In that particular instance, I think Representative Strang Burgess was accurate in portraying the policy of the Ed Committee to not try to solve all of these local issues in Augusta. I encourage everyone to support

the Indefinite Postponement, and then move on and support the Majority Report and defeat this bill. Thank you, Mr. Speaker.

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

Representative **EDGECOMB**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The right thing to do here is to vote in favor of the Indefinite Postponement. Thank you.

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

Representative **CASAVANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just one thing, I apologize; we have other things, more important matters than this little battle that is going on between the two communities. It is just that the Indefinite Postponement thus allows the two communities to get together, because that is where it really has to happen. It is not going to happen here. Kennebunkport has been involved in the process of making the amendments; it would only be fair that directly they become involved and if an impasse occurs, it is the fault or the responsibility of the two parties, the two communities. At least the Indefinite Postponement gives both towns a chance to sit down and do something. Thank you.

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

Representative **CONNOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I agree with Alan Casavant, the good Representative from Biddeford: I would love the opportunity to sit down with the two communities and work this issue out at home; in fact, for the last three years, we have attempted to do that. It is not working. The Town of Kennebunkport was given a gift by this Legislature, in the last time, of about \$ 2 million a year, and for them there is no reason to come back to the table. There is nothing for them to do to say, sure, we would love to give some money back; why wouldn't we meet with you and say, here you go, here is a million, and we are all happy? They do not want to do that. I can appreciate it; they have a fiscal responsibility to their taxpayers, just as Representative Babbidge and I do to Kennebunk.

This Legislature has the opportunity to put those two people back to the table by saying, yes, we should go back to the original formula that you had, you should have been exempted when we exempted nine other towns. I misspoke to the record before; it was not eight, but nine other towns and communities were exempted the last time when the EPS formula went through; Kennebunk and Kennebunkport were not. I want to fix this, I need your help, and I would appreciate it if you follow my light. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-565). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 183

YEA - Annis, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Brautigam, Browne W, Bryant, Burns, Cain, Casavant, Cebra, Chase, Clark, Conover, Cotta, Cray, Crockett, Crosthwaite, Curtis, Duchesne, Dunn, Eberle, Edgecomb, Faircloth, Farrington, Finley, Fischer, Fitts, Fletcher, Gerzofsky, Gifford, Giles, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hinck, Jackson, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Muse, Nass, Norton, Percy, Perry, Pieh, Pinkham, Piotti, Prescott, Priest, Rand, Rector, Richardson W, Rines, Robinson, Rosen, Savage, Saviello, Simpson, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Tibbetts, Treat, Tuttle,

Vaughan, Wagner, Walcott, Walker, Webster, Weddell, Wheeler, Woodbury.

**NAY** - Adams, Babbidge, Boland, Campbell, Canavan, Carter, Cleary, Connor, Craven, Dill, Driscoll, Eaton, Finch, Fisher, Flood, Gould, Hayes, Hogan, Jones, Lundeon, MacDonald, Mills, Miramant, Patrick, Pendleton, Peoples, Pilon, Plummer, Pratt, Richardson D, Samson, Schatz, Silsby, Sirois, Smith N, Theriault, Thomas, Trinward, Valentino, Weaver.

**ABSENT** - Barstow, Cressey, Duprey, Emery, Hill, Hotham, Moore, Pineau, Pingree, Richardson E, Watson, Mr. Speaker.

Yes, 99; No, 40; Absent, 12; Excused, 0.

99 having voted in the affirmative and 40 voted in the negative, with 12 being absent, and accordingly **House Amendment "C" (H-565) was INDEFINITELY POSTPONED.**

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, To Review the Procedures by Which a Municipality Assesses Property (EMERGENCY)

(H.P. 217) (L.D. 261)  
(C. "A" H-75)

**FINALLY PASSED** in the House on May 1, 2007.

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

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

**Non-Concurrent Matter**

Resolve, To Establish the Maine Civil War Sesquicentennial Commission

(H.P. 809) (L.D. 1091)  
(C. "A" H-85)

**FINALLY PASSED** in the House on May 3, 2007.

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

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

**Non-Concurrent Matter**

Joint Study Order To Establish the Commission To Study Strategies To Promote Financial Literacy

(H.P. 1330)

**READ and PASSED** in the House on May 8, 2007.

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

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

The following Joint Order: (S.P. 689)

**ORDERED**, the House concurring, that the Joint Standing Committee on Marine Resources shall review the options available for the long-term support of Maine's commercial groundfishing industry during the Second Regular Session of the 123rd Legislature; and be it further

**ORDERED**, that the joint standing committee is authorized to submit legislation based on its review of the options available for the long-term support of the commercial groundfishing industry to the Second Regular Session of the 123rd Legislature.

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

**READ and PASSED** in concurrence.

**Non-Concurrent Matter**

Joint Study Order To Establish the Committee To Study the Prison Industries Program

(H.P. 1334)

**READ and PASSED** in the House on May 10, 2007.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-347)** in **NON-CONCURRENCE.**

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

**Non-Concurrent Matter**

Resolve, To Provide Education Concerning and Insurance Coverage for Lyme Disease

(S.P. 544) (L.D. 1521)  
(C. "A" S-78)

**FINALLY PASSED** in the House on May 15, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-78) AS AMENDED BY SENATE AMENDMENT "A" (S-349)** thereto in **NON-CONCURRENCE.**

On motion of Representative BRAUTIGAM of Falmouth, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

**Non-Concurrent Matter**

Joint Study Order Authorizing the Joint Standing Committee on Natural Resources To Study Solid Waste Management

(H.P. 1355)

**READ and PASSED** in the House on June 6, 2007.

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

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

The following Joint Order: (S.P. 717)

**ORDERED**, the House concurring, that the Commission To Develop Strategies To Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults is established as follows.

1. Commission established. The Commission To Develop Strategies To Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skilled Adults, referred to in this order as "the commission," is established.

2. Membership. The commission consists of the following 13 members:

A. Two members of the Senate, who may not be from the same political party, appointed by the President of the Senate;

B. Five members of the House of Representatives, of whom no more than 2 may be from the same party, appointed by the Speaker of the House of Representatives;

C. One representative of a low-income advocacy group, appointed by the President of the Senate;

D. One representative of the Maine Educational



Opportunity Center, appointed by the President of the Senate;

E. One representative of a public higher education system with expertise in financial aid and access programs, appointed by the President of the Senate;

F. One representative of a statewide organization representing the economic interests of women, appointed by the Speaker of the House of Representatives;

G. One representative of a statewide organization with expertise in economic policy analysis, especially relating to challenges faced by low-wage, low-skilled adults, appointed by the President of the Senate; and

H. One employer with experience in, and who has demonstrated support of, educational programs for employees, appointed by the Speaker of the House of Representatives.

The commission may invite the participation and input of the Commissioner of Labor or the commissioner's designee.

3. Commission chairs. The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

4. Appointments; convening of commission. All appointments must be made no later than 30 days following the passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission.

5. Duties. The commission shall study and make recommendations on ways to assist low-wage, low-skilled adults to overcome barriers to obtaining postsecondary degrees or occupational credentials to achieve the goals of improving the economy of the State and increasing the number of workers who earn a family-sustaining wage. In performing its duties, the commission shall consider:

- A. The need for remedial or developmental education;
- B. The availability of financial aid for nontraditional students that takes into account their need for flexible and part-time attendance;
- C. The need for a financial aid package that recognizes the full array of education-related expenses that nontraditional students incur, including expenses for child care and transportation and lost wages as workers reduce their work hours to attend classes;
- D. The need for additional resources for student advising and counseling to help students navigate academic challenges and social and economic barriers that affect attendance;
- E. The alignment of related program resources in other departments of State Government to help students with access to postsecondary education; and
- F. The design of program offerings, including modules, nontraditional hours and distance learning opportunities.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

7. Report. No later than December 5, 2007, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Labor and the Joint Standing Committee on Education and Cultural Affairs. Pursuant to Joint Rule 353, the commission is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Labor, pursuant to Joint Rule 353, may introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

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

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The following Joint Order: (S.P. 724)

**ORDERED**, the House concurring, that the Joint Standing Committee on Health and Human Services shall review eligibility for and transitioning of the MaineCare program and may submit legislation to the Second Regular Session of the 123rd Legislature. The committee shall consider in its review the coverage of young adults 19 and 20 years of age, qualified working disabled persons whose unearned income does not exceed 150% of the federal poverty level, parents and caretaker relatives whose income exceeds eligibility levels and children whose family income exceeds eligibility for the Cub Care program.

Came from the Senate, **READ** and **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-346)**.

**READ**.

**Senate Amendment "A" (S-346) READ** by the Clerk and **ADOPTED. PASSED as Amended by Senate Amendment "A" (S-346)** in concurrence.

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The following Joint Order: (S.P. 720)

**ORDERED**, the House concurring, that the Joint Standing Committee on Health and Human Services shall hold a minimum of 10 meetings during the 2007 interim to receive information regarding and to review the MaineCare program. The review of the MaineCare program must include full exploration of a range of issues regarding MaineCare. The issues must include, but are not limited to:

1. The efficiency, cost-effectiveness, performance and fiscal soundness of the MaineCare program;
2. The potential for maximizing 3rd-party liability collections and other cost savings;
3. Analysis of MaineCare program delivery and options for improving delivery;
4. The roles that care coordination and disease management play in improving health outcomes and consequent reductions in utilization and costs;
5. Fulfillment of the obligations of the State in operating the MaineCare program;
6. The implementation of health care reforms in the MaineCare program during 2007, including clinical management and managed behavioral health care;



7. The relationship of the MaineCare program to the Dirigo Health Program and the elderly low-cost drug program;

8. The effect of the merger of the Department of Health and Human Services and the Department of Behavioral and Developmental Services on the MaineCare program and the delivery of MaineCare services; and

9. The transformation of the Department of Health and Human Services, Office of MaineCare Services.

The joint standing committee is authorized to submit legislation regarding the MaineCare program to the Second Regular Session of the 123rd Legislature.

Came from the Senate, **READ** and **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-345)**.

**READ.**

**Senate Amendment "A" (S-345) READ** by the Clerk and **ADOPTED. PASSED as Amended by Senate Amendment "A" (S-345)** in concurrence.

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The following Joint Order: (S.P. 725)

ORDERED, the House concurring, that the Committee To Study Appropriate Funding of the State Police is established as follows.

1. Committee To Study Appropriate Funding of the State Police established. The Committee To Study Appropriate Funding of the State Police, referred to in this order as "the committee," is established.

2. Membership. The committee consists of the following 13 members:

A. Three members of the Senate, appointed by the President of the Senate, 2 of whom serve on the Joint Standing Committee on Transportation and one of whom serves on the Joint Standing Committee on Criminal Justice; and

B. Ten members of the House of Representatives, appointed by the Speaker of the House, 5 of whom serve on the Joint Standing Committee on Transportation and 5 of whom serve on the Joint Standing Committee on Criminal Justice.

3. Committee chairs. The first-named Senator is the Senate chair of the committee and the first-named member of the House is the House chair of the committee.

4. Appointments; convening of committee. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee.

5. Duties. The committee shall examine the formula for funding the Department of Public Safety, Bureau of State Police from the General Fund and the Highway Fund. The committee shall examine the final report of the Office of Program Evaluation and Government Accountability issued in February 2007 entitled "Highway Fund Eligibility at the Department of Public Safety - an

Analysis of Select Departmental Activities" and any other information the committee determines appropriate. The committee shall develop recommendations for appropriate funding for the Department of Public Safety, Bureau of State Police.

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

7. Compensation. Legislative 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.

8. Funding. To the extent funding for the study described in this joint order is provided from the Highway Fund by appropriate allocation or other provision of law, the committee is funded from such funds. If such funding is not provided, or if the committee requires additional funding, the committee may be funded from other available funding sources as approved by the Legislative Council.

9. Report. No later than December 5, 2007, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Transportation and the Joint Standing Committee on Criminal Justice. Pursuant to Joint Rule 353, the committee is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Transportation may, pursuant to Joint Rule 353, introduce a bill during the session in which the report is submitted to implement its recommendations on matters relating to the study.

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

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The following Joint Order: (S.P. 726)

ORDERED, the House concurring, that the Joint Standing Committee on Marine Resources shall study the depletion of finfish stocks in the Gulf of Maine and may report out a bill to the Second Regular Session of the 123rd Legislature implementing the committee's recommendation on matters relating to the study.

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

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The following Joint Order: (S.P. 731)

ORDERED, the House concurring, that the Joint Standing Committee on Transportation study certain transportation-related matters as follows.

1. Duties. The Joint Standing Committee on Transportation shall:

A. Examine the physical and functional features of and jurisdictional responsibilities over the current collector and state aid highway networks;

B. Review the evolution of state and federal law governing the current collector and state aid highway networks;

C. Identify inequities experienced by municipalities as a result of current law regarding jurisdictional responsibilities over and funding of the current collector and state aid highway networks;

D. Compare Maine with other states on matters of jurisdiction over and financing of major and minor collector highways;

E. Assess the need to:

(1) Coordinate existing multiple highway classification systems;

(2) Adjust jurisdictional responsibilities for highway maintenance;

(3) Adjust jurisdictional responsibilities for capital improvement of highways;

(4) Amend the level of funding and the distribution formula under the Urban-Rural Initiative Program under the Maine Revised Statutes, Title 23, section 1803-B;

(5) Increase financial resources for maintenance and capital improvement of highways; and

(6) Improve the efficiency and effectiveness of maintenance and capital improvement methods; and

F. Develop recommendations to address identified issues and needs related to the subject matter of this study and identify the anticipated positive and negative impacts to property tax valuations and rates, local road conditions and state aid collector road conditions resulting from those recommendations.

2. Meetings. The Joint Standing Committee on Transportation may meet up to 4 times during the 2007 interim for the purpose of conducting this study. The committee may request authorization from the Legislative Council for additional meetings.

3. Staff assistance. The Legislative Council shall provide necessary staffing services to the Joint Standing Committee on Transportation for this study.

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

5. Funding. To the extent funding for the study described in this joint order is provided from the Highway Fund by appropriate allocation or other provision of law, the committee is funded from such funds. If such funding is not provided, or if the committee requires additional funding, the committee may be funded from other available funding sources as approved by the Legislative Council.

6. Legislation. The Joint Standing Committee on Transportation may submit a bill during the Second Regular Session of the 123rd Legislature relating to the subject matter of the committee's study pursuant to this joint order.

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

**Non-Concurrent Matter**

Resolve, To Provide for a Careful Examination of the Motor Fuel Taxes

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

**FINALLY PASSED** in the House on June 11, 2007.

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

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

**Non-Concurrent Matter**

Resolve, To Establish the Council on Financial Literacy and Create a Financial Literacy Matching Grant Program

(H.P. 187) (L.D. 216)

(C. "A" H-554)

**FINALLY PASSED** in the House on June 15, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-554) AS AMENDED BY SENATE AMENDMENT "A" (S-348)** thereto in **NON-CONCURRENCE**.

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

Bill "An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process"

(S.P. 738) (L.D. 1931)

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

On motion of Representative TUTTLE of Sanford, **TABLED** pending **REFERENCE** and later today assigned.

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

Resolve, To Establish the Maine Civil War Sesquicentennial Commission

(H.P. 809) (L.D. 1091)

(C. "A" H-85)

Which was **TABLED** by Representative BARSTOW of Gorham pending **FURTHER CONSIDERATION**.

Subsequently, on motion of Representative BARSTOW of Gorham, the House voted to **RECEDE AND CONCUR**.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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 to Pass as Amended by Committee Amendment "A" (H-562)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-563)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1333) (L.D. 1900)

TABLED - June 14, 2007 (Till Later Today) by Representative NORTON of Bangor.

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

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-562)** was **READ** by the Clerk.

Representative MARLEY of Portland **PRESENTED House Amendment "C" (H-627) to Committee Amendment "A" (H-562)**, which was **READ** by the Clerk.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is the amendment that a number of us have been working on; I appreciate all of the efforts of everybody: the advocates, the parents, the Department, the Committee members.

Basically, just to give you an idea, the real issue around the Report, the two differences around the issue of adverse effect and how we define that in Maine State law, and so the advocates and the parents are saying they needed more time, they needed more time to see what this meant to work with it; the Department has a deadline on aligning with the Federal Rules on Special Education. As many of you know, I am a special education teacher, so this perked my interest.

What this amendment will do is it will allow the Department to move forward and be in compliance with the federal regulations on IDEA, Individuals with Disabilities Education Act. The amendment, however, will remove that definition that was being placed in by the Majority Report on adverse effect, and will allow a stakeholders group to move forward. It is a 21-member group that has special educators, Special Ed directors, parents, and advocates from a variety of groups—the Autism Society, Learning Disabilities Association, etcetera—to continue working on this. The stakeholders group will present to the Commissioner their findings, September 28, 2007. These will be considered provisionally adopted major substantive rules. They will have to go back to the Committee for review before they go into effect. This will allow those members to move forward, it will allow the Department to meet their needs, and I think it will give everybody a sense of inclusion and collaboration.

The other thing that it does, that it changes the Majority Report, is it changes the statute of limitations. We all had concerns about that, going from six years to two years in the Majority Report; this will move it to the same as the Minority Report at four years. The final thing it does, which is a piece for the advocates, is they just wanted to make sure that their hard work on the Task Force was heard and recognized and utilized, so it talks about the rules being provisionally adopted by the Commissioner, in the section "must expressly consider and address the recommendations contained in the report." It does not bind your hands, but it really makes her look at the issues and try to bring that forward, and the essence of the Task Force recommendations. I hope you will support this, I believe this is something everyone can live with. 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 would like to thank Representative Marley, Representative Norton and a number of folks from the Education Committee. There has been a tremendous amount of time and energy and

work spent on this subject, and it has been an interesting process and an education for me to go through as well.

My biggest concern from the get go is that there are families out there who are working all day long, dealing with their children who are currently receiving special services from our school systems, and I am a mother of two of those kids. I can tell you it is so much more of a job than you can ever even imagine. I just never had a concept of the time that that takes to do. There was times in this process where some of those parents came and tried to participate in our process here, and as you know, it is a very difficult and timely thing to do. This was really a way to just kind of slow things down, just a little bit, so that we were really sure that we had listened to the folks who are the ones, if you will, that will live and have to work with the rules that we make on this very important subject, in the subject of Special Ed, and who is actually covered in how we handle our kids. I think everybody knows at this point, I hope, and understands that a little bit of time and effort and some money spent on these kinds in the beginning can save a lifetime of costs for all of us in some very other ways that we would prefer not to have.

My son reached the age; he made it to fifth grade. He was unable to read before I realized how badly he had made some very poor decisions. I was able to correct that and spent the next five years working with my school system, trying to convince them that in fact this kid could go to college, and I had to make other arrangements in the middle of high school to make sure that that occurred. I am happy to tell you that last year that kid graduated from college, from a four-year degree college, with a double major. It was not easy, but he is launched and on his way. I actually was able to take some resources and make some different decisions; many other families are not able to do that. I want to be sure that we have the procedures and processes in our schools to help these kids and turn them into good, functioning, happy, productive members of our society. I want to thank everybody, again, and I am in full support of this amendment and I would look for your support as well. Thank you.

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First of all, I wanted to also extend my thanks to the good Representative from Bangor, Representative Norton, Representative Marley from Portland, Representative Strang Burgess, and also Representative Faircloth, and a lot of the other people who worked on putting together something that, I believe, we can all agree with.

I had been on the Minority Report within our committee because of my concerns, as the good Representative from

Portland said, about a definition of adverse effect that had not been fully vetted before intentions to put it into law. I do agree that Representative Marley's amendment satisfies my concerns, and I encourage people to support passage of this amendment. I would like to add that when this vote is taken, I ask that a roll call be taken.

Representative MAKAS of Lewiston **REQUESTED** a roll call on **ADOPTION of House Amendment "C" (H-627) to Committee Amendment "A" (H-562)**.

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 Bangor, Representative Norton.

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to

add my word of support and hope that everyone can see their way clear to vote for this amendment. Thank you.

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

Representative WEBSTER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to just briefly add my voice to the others in terms of the good will of the number of people, in order to resolution to this problem. I think that, as Representative Strang Burgess said, there is a particular place for families in the arena of all of this policymaking. I want to thank the Maine Educational Advocacy Alliance for this effort; they have a role to play. We are the Representatives and they are whom we represent, so I am pleased that we were able to find this resolution, and I hope that we will continue to keep our minds and our hearts open to the concerns of people who have that little look of fear in their eyes, the concern for their children.

You know, several years ago, a number of years ago now, I produced and wrote a video training film called the PET Twilight Zone, and it really had to do with what happens to families when all the professionals get around the table to talk about children with special needs and developing their plans for them. The final scene of the training video has a child coming into the room and saying "Well, what about me?" and I think that is ultimately the goal for all of us, and I want to thank everyone involved.

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. I was talking earlier today with the good Representative Miller about how in the last days of the session tensions can sometimes run high; sometimes it is between the parties, but a lot of times it is just between individuals and personalities, and we see that happen, and certainly this legislation had the potential for that. I received more emails about this legislation than I did about school consolidation, maybe it is because of the circles I run in, but there was a lot of heat and a lot of emotion and that was undergirded by appropriate values and caring for the children of this state, but there was a lot of tension there.

I just feel that this amendment shows a ray of hope for us in sometimes tense moments, that if we take a step back and all of us look together at something, we can come up with a solution. When I was told earlier, even in the last few hours there is no resolution and this will be a big fight; it's not. It is actually something that has turned out where people taking a step back, looking at the language, coming up with tweaks to the language that can make things better, has led to what I think may be, I will not predict, but something close to a unanimous conclusion on a very important public policy issue. I thank the members of the Committee and thank this House for our spirit of working together, even in the last stages of the session. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "C" (H-627) to Committee Amendment "A" (H-562). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 184**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Jacobsen, Jones, Joy, Kaenrath, Knight, Koffman,

Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Canavan, Cressey, Duprey, Emery, Hill, Hotham, Moore, Percy, Pineau, Richardson E.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly **House Amendment "C" (H-627) to Committee Amendment "A" (H-562) was ADOPTED.**

**Committee Amendment "A" (H-562) as Amended by House Amendment "C" (H-627) thereto was ADOPTED.**

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-562) as Amended by House Amendment "C" (H-627) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

James K. Dionne, of Winthrop, on his retirement after more than 36 years of service to the State of Maine, the last 6 and a half years with the Maine State Legislature's Office of Fiscal and Program Review. Prior to coming to the State House to work for 7 legislative sessions, Jim served in various positions with the Department of Labor, including 16 years as Director of Administrative Services. Jim began with the Office of Fiscal and Program Review as Legislative Analyst and quickly advanced to the Principal Analyst position, where he coordinated staffing of the Appropriations Committee. Jim is known for his wonderful sense of humor and his friendly manner, always cheerfully maintained despite the long hours and demanding workload of his job and which will be missed by his colleagues and friends in the State House. We acknowledge Jim's dedication to the State of Maine and we send him our grateful appreciation for his contributions to the Legislature with our congratulations and best wishes on his retirement;

(SLS 326)

On **OBJECTION** of Representative FISCHER of Presque Isle, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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 all know about the invaluable role that committee analysts play in our work here in the Legislature. They are, in a time of term limits, really the institutional memory that we have, and many times they are the best advice givers we can possibly have around. I do not think that anywhere this is more true than in the Appropriations

Committee. We are here so much, so many days that we really do become like a family down in our committee. We bring food to one another, we remember each other's birthdays, we do all the same things that we would do with our families.

I think it is important to acknowledge Jim Dionne's work, because when he came to the Legislature several years ago and a few years after that took over as the Committee Analyst to the Appropriations Committee, he inherited the work that so many others had done. All that any of us can ever ask is that we leave what we received in a better condition than when we received it, and I think we can all agree that Jim's work has made that possible and he has left his mark on this institution. When we are in Appropriations, we speak of things now called "Jim Docs," or this session "son of Jim Docs." These are things that Jim made up and that have now inherited his name and will likely live on long past the time he leaves and retires.

I think it is also important to think about the great work he has done with individual legislators. Many of us can say, and I am sure others will stand up to tell you that they have learned a lot from Jim, and I can say that when I took a seat on that committee, I did not know the difference between an appropriation and an allocation; I did not know what an enterprise account was, and Jim taught me those things. I learned things from Jim that will be very helpful to me, I am sure, in a professional life such as taking very simple information, and making it into an incredibly long and complex document that will just impress the pants off of any employer, here in the State of Maine; so I want to thank Jim for that, and I hope that we have taught him some things. The one memory that I would say to Jim, that I am sure he will remember long after he leaves here, is that I would often chastise Jim and say "Jim, math is pretty simple. It is all in the rounding," and when we were working on the budget I must have said that a dozen times, and I will be happy to say it to his successor, but I will be saddened by the fact that I will not be able to say it to him again. Thank you.

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. Jim Dionne, he epitomizes the term "true and faithful servant," and in the best of traditions, reflects what is very good about Maine state government: A career state employee with 16 years of administrative experience in the Department of Labor, coming to the legislative branch in a nonpartisan role, dealing with a very difficult assignment, and working with people of both sides of the aisle under very stressful conditions. He has been a model of nonpartisan staff. He is unflinching in his loyalty to keeping the party interests separate from one another, never divulging each others position, and I have total respect for him for that reason among many others.

The sentiment reflects not only his biographical data, but some personal characteristics including his sense of humor, his ability to work long hours, he seems to function very well on adrenalin for hours on end, and his cheerful demeanor. But I think that notion of having a calming influence on a committee, even in the most stressful of times, is one of the characteristics that I most value. He has been extremely helpful, this session in particular and I mentioned this earlier when we were debating the biennial budget, it has been one of the smoothest and most civil biennial budget discussions that I can recall. I think we owe Jim a lot for helping to steer us and keep us cool and calm under difficult circumstances.

We will miss him in his typical, self-effacing way; he would downplay that, but I think that we will realize this, this year as we try to work through a difficult efficiency savings process without

him, and as we struggle in the Second Regular Session with someone brand new to the role. He will be missed for years to come, I think all of us who have had the benefit of his friendship, served with him, respect him greatly, and we wish him nothing but the best and hope he will return and pay us his attendance, and keep in touch with us over the years. Thank you, Jim, for all you have done for Maine state government.

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

Representative **CRAVEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Jim Dionne's retirement will bring with it the loss of a part of this institution, the loss of institutional memory, and mostly, the loss of extraordinary skills. Facilitating information and process to a new crop of legislators every session would seem like a daunting job; however, I have never seen him lose his cool, and he always has the answers we need. I want to add my voice to the previous praise and thank Jim Dionne for his faithful and excellent contributions to the people of the State of Maine. Thank you, Jim, and thank you, Mr. Speaker.

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. When I came to the Legislature, I made a decision very early on that I really wanted to be on the Appropriations and Financial Affairs Committee. As I talked to others about what that experience would be like for me someday, one statement they always made was "Well, you're going to love the staff. You are going to depend on the staff, and you are especially going to love Jim Dionne," and that has proved to be true as I have been privileged to serve on the Committee this session, this extraordinary session, and I am thankful for Jim for his good humor, his great attitude, he is always helpful and could not be more patient.

We will miss Jim; in fact, I think we are already starting to miss Jim. I know that as we work next session and for years to come that when things get tough, my guess is that Jim will be sitting in a comfortable chair somewhere in Florida listening to his computer, shaking his head and going, if only they would look at the Jim doc one more time, they would understand. I know that our frustration will be his frustration, but that he will be sitting in his comfortable chair and we will be sitting in Appropriations.

I just want to say thank you to Jim. I want to say thank you to his wife and to his family for letting us borrow him for all these hours all these years. I want to wish him many years of relaxing and fulfilling retirement. Most of all, Mr. Speaker, I want to say that it has certainly been my luck and my misfortune to have this one year with Jim Dionne. I certainly miss him already. Thank you, Mr. Speaker.

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

Representative **GILES**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise to speak so favorable of Jim Dionne and all he has done to work with us in Appropriations. For me, I am the only freshman on Appropriations so I believe I needed more help than others. I appreciate Jim's willingness to very patiently answer all my questions. I have a familiarity with finance, but coming here I had to learn what a fiscal note is, learn about supplemental budgets, learn about a baseline budget, and learn the pleasure of closing a biennium budget. I certainly could not have done it without Jim's guidance, his mentoring, his teaching and I truly feel that I have made a friend here along with many this last few months. My only misgiving is that I will not have a longer tenure working with Jim, but I do wish he and his wife the best of retirements and enjoy the rays that you will catch in

Florida.

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

Representative **PINGREE**: Mr. Speaker, Men and Women of the House. I had the pleasure of serving on the Appropriations Committee as a 25-year-old freshman who was feeling very much out of my league on that committee. Jim Dionne was a true hero for me. He, as so many people have said, is an excellent teacher. Certainly my most fond memory of him, which has been recounted by some others, is Jim at about 2 o'clock in the morning, the entire committee is totally exhausted, staring at spreadsheets having lost their place and trying to figure out where they are; Jim, looking exhausted himself, has a smile on his face and is willing to walk us through every single item carefully and with patience that I think few other staff people would have at that hour. He is a true gem for this state. He has been an unbelievable public servant having given hundreds of hours of his life that many of us have at home mowing our laws and hanging out with our family and going on vacation. He will certainly be missed. Thank you, Mr. Speaker.

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

Representative **WEBSTER**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, would like to say a few words about Jim Dionne. It has been my great pleasure to be his seatmate. I want to thank the chairs for placing me next to Jim. I think they had the wisdom to do that because they knew I would be turning to him quite often and saying, what the heck are they talking about now? He had an incredible capacity for organization, information, mentorship and I thank him for his good humor and his patience with me, and the guidance he has provided to me and to the whole committee.

Periodically we would joke that when he was retired he would turn on the computer, turn on the audio, and listen to us for a few minutes. I kind of picture him doing that, chuckling, and turning it back off and rejoining his wife. I had the pleasure, since I sat next to him to often hear him make a phone call. It might be quite late at night saying that he was coming home. Now he is going to be coming home. I wish him the best of luck and thank him for everything he has done.

Subsequently, the Sentiment was **PASSED** in concurrence.

#### Recognizing:

J. Lockhart Kiermaier, of Augusta, on his retirement after nearly 23 years of dedicated service to the Maine State Legislature and the people of the State of Maine. Prior to arriving at the State House, Lock was a special education teacher in the midcoast area. He went on to receive his Master's Degree in Public Administration from the University of Maine at Orono and immediately began to work for the Legislature in the Office of Fiscal and Program Review in 1984 with the Audit and Program Review Division, providing staff assistance to the Joint Standing Committee on Audit and Program Review. In the early 1990s, Lock joined the Finance Division of the Office of Fiscal and Program Review. He held many assignments in that division, most visibly with the Joint Standing Committee on Transportation, where he ably served and guided the committee through many budget deliberations over the years with a very effective communication style. We acknowledge Lock's commendable contributions to the State of Maine, and we send him our appreciation for his extraordinary efforts in serving the Maine State Legislature. We extend our congratulations and best wishes to him on his retirement;

(SLS 327)

On **OBJECTION** of Representative MARLEY of Portland, was **REMOVED** from the Special Sentiment Calendar.

#### READ.

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

Representative **MARLEY**: Mr. Speaker, Ladies and Gentlemen of the House. Much like the Appropriations Committee depending on Jim, we, in the Transportation Committee and I think other committees, really looked to Lock, I promised not to say Lockhart, for guidance. The Appropriations Committee was very honest about the things they learned and did not learn. I refuse to put that on the record. Lock was there every time. He walked us through. Just like any of these committees when talking about a budget, you really do have to get the baseline and walk through and understand about appropriations and allocations and how all of these pieces move and how they interact. He was brilliant at that. Just like Jim and Lock, both of them are huge institutional memories. We talk about term limits in here. The institutional memory we are losing with the two of these men is phenomenal. Not only does Lock have a Master's, but he was a special education teacher. Obviously I had a fond place for him there. He is invaluable to our committee. We will sincerely miss him and hope that he will at least give us a cell phone number when he is on Matinicus Island next summer if we have any needs. It will be very difficult to replace him. Our hearts are with him and our thoughts. We hope he enjoys his time away from us. He is sincerely invaluable and has served the people of Maine greatly. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Mr. Speaker, Ladies and Gentlemen of the House. I got it right this time. J. Lockhart Kiermaier, well I have learned that today. We know him as Lock, okay. I worked with Lock the last couple of years on Transportation. Any time there was a problem or any time I got lost, which was quite often, when you start talking about the Transportation budget, Lock would take special time and always answer every question, spend time outside of the committee room trying to straighten things out. He was really a tremendous help. I found Lock to be kind of an interesting guy. He is a man of many interests. He is a former teacher. He bought a home here in Augusta and he is restoring it all by himself, single handedly. I have seen some pictures of it. He is doing a remarkable job. He is a poet. In the first couple months in Transportation you see him in one light behind a book very, very precise with his numbers. We got talking and he said, I am going to be in Rockland and I will be performing with a group, why don't you come down to the library and take it in? I was fortunate enough that we got out about 5 o'clock that night and I went home and I told my wife, look, we have to go down to the library and watch this guy, Lock, perform. We showed up, the place was full. I was quite surprised and there is Lock in a completely different scene. He has a group of band people with him and he proceeds to read poetry with emotion. He really got into it and I said that this cannot be the same guy who I look at day after day reading numbers. He is emotional. He is rocking back and forth. He has the whole thing going. He gets a standing ovation at the end of it. I said this guy is tremendous. He really is. When you see him in a different light, I gained a whole new respect for him. Not only is he smart in numbers, but he has a hidden talent. I found out since then that he also is going out to an island, Matinicus, where he likes to spend a lot of time. We have an affectionate nickname for Lock; we call him the Lock Monster. We do that out of respect and because we consider him a friend. I hope that in the future when Lock heads down to Matinicus and

he comes by Rockland and he has a few hours to spend waiting for the boat to take him out, give me a call, Lock, and we will get together and have a good time together. All the best in the future and you have been a great guy. Thanks a lot for all you did Lock.

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

Representative **HOGAN**: Mr. Speaker, Ladies and Gentlemen of the House. Lock is quite a story really. He is multi-talented as Representative Mazurek just said. He is a real friendly person. Lock during the crisis of budgeting and so forth when things got tense, Lock would also bring a sense of calmness with him. That was much appreciated, Lock. I do not think you can ruffle that guy on the best day of your life. Lock was so accommodating beyond any normal expectation. He never, ever got impatient with anyone, any question, anytime. It was the same level attitude. It was very, very much appreciated. Most of all, Lock, you have become a real friend. You are my friend, aren't you? I appreciate it Lock. You will be greatly missed. You are one of the nicest guys I have ever met up here. Best of luck.

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

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. We may as well keep on going down the row. I rise in tribute to Lock. He has been the financial person for us on the Agriculture, Conservation and Forestry Committee. We are like everyone else. We find a bill and we really want it to go and so we say we really don't want a fiscal note, please. It reminds me of a land surveyor when I bought land once. I said, I am not really here to tell you what you want to own, I am here to tell you what you do own. He would come back with a fiscal note, but he would come back with it with an explanation and a way that we could accept and would also work with us to find different ways to make the different bills that we wanted to have happen, happen. His expertise and knowledge of our natural resources areas are incredible. I thank him very much for his service. He will be sorely missed.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. First, I apologize for rising to speak twice in the same month. J. Lockhart Kiermaier, I wondered where the Lock came from for the last 10 years. Now I have to wonder what the J. is. What is that all about? A couple weeks ago before Lock announced this retirement, I bumped into him in the hall. I had an opportunity to speak in private with him about how important he has been in my existence here for the last 10 years. His work on the committee, as others have spoken, has been exquisite. He has explained what we are doing and why we are doing it and how it is going to get done to us and worked with us as all committees have to work through, a very difficult process. It is nice to hear the Representative from Rockland speak about the variety of things Lock has been involved with. I happen to have seen a similar performance at the Common Ground Fair three or four years ago. It is nice to see him in a different venue. This is a remarkable guy. Like so many of the others that work here, they make this place go. I look up here at the folks in the front of the room who are of similar value to us all. We wouldn't get the job done if it wasn't for the people on the nonpartisan staff and even on the partisan staff who carry the load for us. I truly appreciate my time with Lock and his work on the committee. I leave you with a question, what more appropriate background for coming here and working with so many of us who come in as freshman than to have been a special education teacher. Thank you.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Mr. Speaker, Ladies and Gentlemen of the House. I really have nothing to say that hasn't already been said. We are definitely going to miss Lock. He was able to respond to the Representative from Rockland's needs, which were quite frequent. He was a friend for some of those who needed it. We wish him all the best of luck. We certainly will miss him.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Miramant.

Representative **MIRAMANT**: Mr. Speaker, Men and Women of the House. I met Lock long before I arrived here. I also mentioned to some of our friends that working here was like working at Delta: We got the best equipment to work and the best coworkers to make everything work; management, well not so. Arriving here I found that the workers were the top professionals. They migrated here for a love of helping people. They become great at their job and that certainly fit Lock. Before that, and much beyond that, I met him through his efforts to help the men in our communities through organizations like Maine Coast Men or the great mother conference with Robert Bly where he takes it out of the work of doing numbers and into the heart where he recites with such passion that he draws us into what that great poet was thinking centuries ago. As a farewell, from here but into that heart, I would like to add, "art as flirtation and surrender, in your light I learn how to love, in your beauty, how to make poems, you dance inside my chest, where no one sees you, but sometimes I do and that sight becomes this art."

Subsequently, the Sentiment was **PASSED** in concurrence.

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#### 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.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-129)** - Minority (4) **Ought Not to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Create the Insurance Fraud Division within the Bureau of Insurance"

(S.P. 230) (L.D. 713)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-129)**.

TABLED - May 31, 2007 (Till Later Today) by Representative BRAUTIGAM of Falmouth.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, on motion of Representative BRAUTIGAM of Falmouth, the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (S-308)** - Minority (2) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act To Secure Maine's Transportation Future"

(S.P. 634) (L.D. 1790)

Which was **TABLED** by Representative TARDY of Newport pending **ADOPTION** of **Committee Amendment "A" (S-308)**.



Subsequently, **Senate Amendment "B" (S-339)** to **Committee Amendment "A" (S-308)** was **READ** and **ADOPTED**.

**Committee Amendment "A" (S-308)** as Amended by **Senate Amendment "B" (S-339)** thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-308)** as Amended by **Senate Amendment "B" (S-339)** thereto in concurrence. **ORDERED SENT FORTHWITH**.

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 TARDY of Newport pending the motion of Representative FINCH of Fairfield to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered).

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

Representative **NORTON**: Mr. Speaker, Ladies and Gentlemen of the House. Again, I remind members that this is a portion of the department's Major Substantive Rules. I would urge you to please defeat the Recede and Concur motion and go on to Insist.

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

Representative **WALKER**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the motion to Recede and Concur. I also rise as a former school board member and I would ask you if you have a local school board at home and you want to allow them to continue to run your school districts. If you vote for this motion to Recede and Concur, you will allow them to continue to run your school districts. I would ask you to do that. I do not like to see educational law changed by a change in rule. That is what this would do if we do not go along with the Recede and Concur motion. Again, I would ask you to support your local school boards. If anybody here has served on a school board before, you understand what I am talking about. Again, I ask you to support the Recede and Concur motion.

The **SPEAKER**: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Mr. Speaker, Ladies and Gentlemen of the House. As many other members of this body, I was a high school teacher for over 30 years. I believe teachers should teach, administrators should administer, and school boards should set policy. As a teacher, I was of the belief that the State Teacher's Union did not represent the best interest of the working teachers. I support the good judgment of Representative Finch, a teacher and a school board member and urge you to support his motion. Thank you.

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

Representative **JACKSON**: Mr. Speaker, Ladies and Gentlemen of the House. I have never served on the Education Committee. I have never served on a school board, but I have noticed in many of the towns in my district that every time there is

an election that comes up, there are three or four vacancies on the school board and no one is ever running for them. After the election it ends up that the Town Managers have to appoint someone, anyone that will fill the position. Certainly at times I do not think that is probably the best people to serve on the school board. I think that teachers have knowledge of how things should be done also just the same as the administrators do. I do not see any problem with them being allowed to at least put their point of view into educational policy. I think they are as good a judge of that as anyone. I would hope that you would support the chair on this.

The **SPEAKER**: A roll call having previously 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. 185**

**YEA** - Annis, Austin, Ayotte, Beaulieu, Berube, Boland, Browne W, Canavan, Carter, Cebra, Chase, Clark, Cleary, Connor, Cotta, Cray, Crosthwaite, Duchesne, Eaton, Edgcomb, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hayes, Hinck, Hogan, Jacobsen, Joy, Knight, Lansley, Lewin, Lundeen, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Millett, Mills, Nass, Perry, Pieh, Pinkham, Plummer, Pratt, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Schatz, Silsby, Smith N, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Trinward, Tuttle, Vaughan, Walker, Weaver, Woodbury.

**NAY** - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Brautigam, Bryant, Burns, Cain, Campbell, Casavant, Conover, Craven, Crockett, Driscoll, Dunn, Eberle, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Jackson, Jones, Kaenrath, Koffman, Makas, Marley, Mazurek, Miller, Miramant, Muse, Norton, Patrick, Pendleton, Peoples, Percy, Pilon, Pingree, Piotti, Priest, Rand, Rines, Saviello, Simpson, Sirois, Sutherland, Theriault, Treat, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

**ABSENT** - Cressey, Curtis, Dill, Duprey, Emery, Hill, Hotham, Moore, Pineau, Richardson E, Thomas.

Yes, 76; No, 64; Absent, 11; Excused, 0.

76 having voted in the affirmative and 64 voted in the negative, with 11 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Recognize Gold Star Parents and Family Members (H.P. 60) (L.D. 62)

**PASSED TO BE ENACTED** in the House on May 3, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84)**)

Came from the Senate **PASSED TO BE ENGROSSED AS**



**AMENDED BY COMMITTEE AMENDMENT "A" (H-84) AS AMENDED BY SENATE AMENDMENT "A" (S-350) thereto in NON-CONCURRENCE.**

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

---

**Non-Concurrent Matter**

An Act To Reauthorize the Community Preservation Advisory Committee

(S.P. 108) (L.D. 336)

**PASSED TO BE ENACTED** in the House on April 5, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-22)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-22) AS AMENDED BY SENATE AMENDMENT "A" (S-351)** thereto in **NON-CONCURRENCE.**

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

---

**Non-Concurrent Matter**

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

(S.P. 213) (L.D. 676)

**PASSED TO BE ENACTED** in the House on May 22, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-106)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-106) AS AMENDED BY SENATE AMENDMENT "A" (S-352)** thereto in **NON-CONCURRENCE.**

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

---

**Non-Concurrent Matter**

An Act To Exempt Qualifying Snowmobile Trail Grooming Equipment from State Sales Tax

(H.P. 712) (L.D. 937)

**PASSED TO BE ENACTED** in the House on May 29, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-283)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-283) AS AMENDED BY SENATE AMENDMENT "A" (S-353)** thereto in **NON-CONCURRENCE.**

On motion of Representative CLARK of Millinocket, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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**Non-Concurrent Matter**

An Act To Amend Certain Provisions of Fish and Wildlife Law

(S.P. 356) (L.D. 1104)

**PASSED TO BE ENACTED** in the House on June 12, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-234)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-234) AS AMENDED BY SENATE AMENDMENT "A" (S-356)** thereto in **NON-CONCURRENCE.**

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

---

**Non-Concurrent Matter**

An Act Concerning Certain Flavored Cigarettes and Flavored Cigars and Hard Snuff

(S.P. 475) (L.D. 1361)

**PASSED TO BE ENACTED** in the House on June 15, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180) AS AMENDED BY HOUSE AMENDMENT "A" (H-544) AND SENATE AMENDMENT "A" (S-230)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180) AS AMENDED BY HOUSE AMENDMENT "A" (H-544) SENATE AMENDMENTS "A" (S-230) AND "B" (S-354)** thereto in **NON-CONCURRENCE.**

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

---

**Non-Concurrent Matter**

Resolve, To Encourage Financial Education of Children from Kindergarten to Grade 12

(H.P. 1089) (L.D. 1564)

**FINALLY PASSED** in the House on June 11, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-402)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-402) AS AMENDED BY SENATE AMENDMENT "A" (S-355)** thereto in **NON-CONCURRENCE.**

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

---

**Non-Concurrent Matter**

Bill "An Act To Amend the Nonresident Income Tax Filing Requirements"

(H.P. 490) (L.D. 641)

Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602)** in the House on June 18, 2007.

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

On motion of Representative PINGREE of North Haven, the House voted to **INSIST.** Sent for concurrence.

---

**Non-Concurrent Matter**

Joint Order To Create the Joint Select Committee on Prosperity

(H.P. 1018)

**PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-22) AND SENATE AMENDMENT "C" (S-19)** on May 15, 2007.

- **PLACED** in the Legislative Files on May 15, 2007.  
- **RECALLED** from the Legislative Files pursuant to Joint Order, S.P. 736.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "C" (S-19) AS AMENDED BY SENATE AMENDMENT "A" (S-358)** thereto in **NON-CONCURRENCE.**

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

The following Joint Order: (S.P. 732)

ORDERED, the House concurring, that the Commission to Study Primary Care Medical Practice is established as follows.

1. Commission to Study Primary Care Medical Practice established. The Commission to Study Primary Care Medical Practice, referred to in this order as "the commission," is established.

2. Membership. The commission consists of the following 13 members, appointed as follows:

A. Three members of the Senate, appointed by the President of the Senate;

B. Five members of the House of Representatives, appointed by the Speaker of the House;

C. Two independent primary care physicians, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House;

D. One member of an organization representing hospitals in the State, appointed by the President of the Senate;

E. One member of an organization that has expertise in issues regarding the enhancement of quality of life and that provides information, advocacy and service to members of the public, including patients and consumers, appointed by the President of the Senate; and

F. One member of an organization representing physicians in the State, appointed by the Speaker of the House.

3. Commission chairs. The first-named Senator is the Senate chair of the commission and the first-named member of the House is the House chair of the commission.

4. Appointments; convening of commission. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission.

5. Duties. The commission shall:

A. Identify the causes of the loss of independent ownership of primary care medical practices due to financial, regulatory or business-related reasons;

B. Seek input from independent primary care physicians on payor mix, reimbursement and Medicaid regulatory changes and the effects of such factors on the ability of independent primary care physicians to practice medicine in Maine;

C. Seek to determine the effect of hospital control of primary care medical offices or primary care physicians on health care costs, access to health care and medical treatment of Maine's citizens; and

D. Review how comparable states manage physician-hospital relationships with respect to health care costs, patient advocacy and access to health care.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

7. Report. No later than December 5, 2007, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services. Pursuant to Joint Rule 353, the commission is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Health and Human Services may, pursuant to Joint Rule 353, introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

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

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**COMMUNICATIONS**

The Following Communication: (S.C. 403)

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

June 20, 2007

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it Indefinitely Postponed Bill "An Act To Return a Portion of Sales, Lodging and Meals Taxes to Municipalities" (H.P. 918) (L.D. 1300) and all accompanying papers.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

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

---

Representative ROBINSON of Raymond inquired if a Quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

---

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

---

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

Bill "An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process"

(S.P. 738) (L.D. 1931)

Which was **TABLED** by Representative TUTTLE of Sanford pending **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **LABOR** in concurrence.

---

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

---

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

An Act To Exempt Qualifying Snowmobile Trail Grooming Equipment from State Sales Tax

(H.P. 712) (L.D. 937)

Which was **TABLED** by Representative CLARK of Millinocket pending **FURTHER CONSIDERATION**.

Subsequently, on motion of Representative CLARK of Millinocket, the House voted to **RECEDE AND CONCUR**.

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

**COMMUNICATIONS**

The Following Communication: (H.C. 352)

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

June 20, 2007

Hon. Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Joint Order, HP 1018, I am pleased to appoint the following members to the Joint Select Committee on Future Maine Prosperity.

Representative John F. Piotti of Unity  
Representative Deborah L. Simpson of Auburn  
Representative Nancy E. Smith of Monmouth  
Representative Thomas R. Watson of Bath  
Representative Patricia B. Sutherland of Chapman  
Representative Stacey Allen Fitts of Pittsfield  
Representative Christopher W. Rector of Thomaston  
Representative James M. Hamper of Oxford  
Representative Windol C. Weaver of York

Representative Bonnie S. Gould of South Berwick  
Representative Richard G. Woodbury of Yarmouth  
If you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/Glenn Cummings  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

**ENACTORS**

**Emergency Measure**

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

(S.P. 213) (L.D. 676)  
(S. "A" S-352 to C. "A" S-106)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

**Acts**

An Act To Recognize Gold Star Parents and Family Members

(H.P. 60) (L.D. 62)  
(S. "A" S-350 to C. "A" H-84)

An Act To Reauthorize the Community Preservation Advisory Committee

(S.P. 108) (L.D. 336)  
(S. "A" S-351 to C. "A" S-22)

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.

**Acts**

An Act To Amend Certain Provisions of Fish and Wildlife Law

(S.P. 356) (L.D. 1104)  
(S. "A" S-356 to C. "A" S-234)

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

**Resolves**

Resolve, To Encourage Financial Education of Children from Kindergarten to Grade 12

(H.P. 1089) (L.D. 1564)  
(S. "A" S-355 to C. "A" H-402)

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

An Act Concerning Certain Flavored Cigarettes and Flavored Cigars and Hard Snuff

(S.P. 475) (L.D. 1361)  
(H. "A" H-544, S. "A" S-230 and S. "B" S-354 to C. "A" S-180)

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

On motion of Representative CLARK of Millinocket, was **SET ASIDE**.

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

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

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.

**ROLL CALL NO. 186**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Craven, Cray, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgcomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Harlow, Haskell, Hayes, Hill, Hinck, Jacobsen, Jones, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott,

Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Burns, Cotta, Curtis, Hanley S, Joy, Kaenrath, Thomas, Vaughan.

ABSENT - Cressey, Duprey, Emery, Hogan, Hotham, Jackson, Marean, Millett, Moore, Pineau, Richardson E.

Yes, 132; No, 8; Absent, 11; Excused, 0.

132 having voted in the affirmative and 8 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1338) (L.D. 1904) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-630)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

On motion of Representative SIMPSON of Auburn, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-630)** was **READ** by the Clerk.

On motion of Representative SIMPSON of Auburn, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-630)** and later today assigned.

**ENACTORS**

**Acts**

An Act To Reduce the Income Tax

(S.P. 303) (L.D. 952)  
(C. "A" S-281)

An Act Regarding Involuntary Treatment of Mental Health Patients

(S.P. 350) (L.D. 1033)  
(H. "A" H-620 to C. "A" S-332)

An Act To Secure Maine's Transportation Future

(S.P. 634) (L.D. 1790)  
(S. "B" S-339 to C. "A" S-308)

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

**Resolves**

Resolve, To Establish the Council on Financial Literacy and Create a Financial Literacy Matching Grant Program

(H.P. 187) (L.D. 216)  
(S. "A" S-348 to C. "A" H-554)

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

(H.P. 727) (L.D. 967)  
(H. "A" H-398; H. "B" H-597)

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

**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dispose of Unfunded Liabilities in State Retiree Health Care Plans

(S.P. 534) (L.D. 1511)  
(C. "A" S-259)

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

Representative TUTTLE of Sanford **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Maine has anywhere from \$3.2 to \$4.7 billion in unfunded liability for state worker and teacher retiree health care plans. This is up from \$750 million in 1995. The state has to get its costs under control. This Resolution helps those participants in the retiree health care plan and the citizens of Maine to ensure that the sustainability of retiree health programs into the future by making predictable and consistent payments to cover the current cost of the program as well as pay down the actuarial unfunded liability.

The Labor Committee worked very hard and long on this bill and I think the future will show that what we did was the right thing for the State of Maine and for future issues pertaining to this bill. Mr. Speaker, I am asking that we all support this.

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

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken.

**ROLL CALL NO. 187**

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

NAY - NONE.

ABSENT - Cressey, Duprey, Emery, Hogan, Hotham, Jackson, Marean, Millett, Moore, Pineau, Richardson E.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the Resolution was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

**UNFINISHED BUSINESS**

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

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

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

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363)** on June 5, 2007.

- In Senate, Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

**TABLED** - June 6, 2007 (Till Later Today) by Representative PERCY of Phippsburg.

**PENDING** - Motion of same Representative to **INSIST**.

Subsequently, on motion of Representative PERCY of Phippsburg, the House voted to **RECEDE AND CONCUR**.

An Act To Improve Efficiency and Effectiveness of Early Intervention and Early Childhood Special Education for Children from Birth to Eight Years of Age through Improved Oversight, Accountability and Interagency Coordination

(S.P. 666) (L.D. 1850)

(S. "A" S-296 to C. "A" S-267)

**TABLED** - June 18, 2007 (Till Later Today) by Representative NORTON of Bangor.

**PENDING - PASSAGE TO BE ENACTED.**

On motion of Representative NORTON of Bangor, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-267)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-624) to Committee Amendment "A" (S-267)**, which was **READ** by the Clerk.

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

Representative **NORTON**: Mr. Speaker, Ladies and Gentlemen of the House. This is somewhat of a technical change. Something that is already in statute we slid over it and did something else in the amendment. On your amendment I would simply refer you to lines 18, 19 and 20. This is just a procedural thing in the order it has to take place in. That is all it is.

**House Amendment "A" (H-624) to Committee Amendment "A" (S-267)** was **ADOPTED**.

**Committee Amendment "A" (S-267) as Amended by House Amendment "A" (H-624) and Senate Amendment "A" (H-296)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-267) as Amended by House Amendment "A" (H-624) and Senate Amendment "A" (H-296)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

**ENACTORS**

**Acts**

An Act To Exempt Qualifying Snowmobile Trail Grooming Equipment from State Sales Tax

(H.P. 712) (L.D. 937)

(S. "A" S-353 to C. "A" H-283)

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.

An Act To Allocate the Number of Redemption Centers Based on Population

(H.P. 1122) (L.D. 1600)

(C. "A" H-272)

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

On motion of Representative PINGREE of North Haven, was **SET ASIDE**.

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

**REPORTS OF COMMITTEE**

**Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Protect Wild Trout from Exotic Species"

(H.P. 799) (L.D. 1081)

has had the same under consideration, and asks leave to report:

That they are **UNABLE TO AGREE**.

Signed:

Representatives:

WATSON of Bath

KOFFMAN of Bar Harbor

SAVIELLO of Wilton

Senators:

BRYANT of Oxford

MARTIN of Aroostook

GOOLEY of Franklin

The Committee of Conference Report was **READ** and **ACCEPTED** and sent for concurrence.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Improve the Essential Programs and Services Funding Formula"

(H.P. 759) (L.D. 1041)

Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in the House on June 20, 2007.

Came from the Senate with the Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403)** in **NON-CONCURRENCE**.

On motion of Representative PINGREE of North Haven, the House voted to **INSIST**. Sent for concurrence.

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**COMMUNICATIONS**

The Following Communication: (H.C. 353)

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

June 20, 2007

Honorable Millicent MacFarland

Clerk of the House

State House Station

Augusta, ME 04333

Dear Clerk MacFarland;

Pursuant to my authority under Joint Order, HP 1018, I am pleased to appoint the following Senators to the Joint Select Committee on Future Maine Prosperity:

Senator Dennis S. Damon of Hancock

Senator Philip L. Bartlett II of Cumberland

Senator Jonathan T.E. Courtney of York

Senator Debra D. Plowman of Penobscot

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Beth Edmonds

President of the Senate

**READ and ORDERED PLACED ON FILE.**

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**COMMUNICATIONS**

The Following Communication: (S.C. 406)

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

June 20, 2007

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today insisted to its previous action whereby it Indefinitely Postponed Resolve, To Provide for a Careful Examination of the Motor Fuel Taxes (H.P. 1353) (L.D. 1919) and all accompanying papers.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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After Midnight

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**BILLS HELD**

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-191)** - Minority (6) **Ought Not to Pass** - Committee on **UTILITIES AND ENERGY** on Bill "An Act To Revise Maine's Utility Reorganization Laws" (S.P. 679) (L.D. 1866)

- In Senate, Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **UTILITIES AND ENERGY READ** and **ACCEPTED**.

- In House, Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **UTILITIES AND ENERGY READ** and **ACCEPTED** in **CONCURRENCE**.

**HELD** at the Request of Representative TUTTLE of Sanford.

Representative TUTTLE of Sanford moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **UTILITIES AND ENERGY**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **UTILITIES AND ENERGY**.

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 Winslow, Representative Fletcher.

Representative **FLETCHER**: Mr. Speaker, Ladies and Gentlemen of the House. We spent a lot of time on this bill. I think it was a pretty clear direction. The committee itself spent a lot of time on this bill. I do not think it is either in the best interest of the committee time or our time to go back and try to redo what we have gone through and had a very decisive decision on in committee. I would request that we not take this action at this time. I do not think it is going to be productive or bring us to any other point than where we are right now. Thank you, Mr. Speaker.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I would hope that we would commit this bill. There are still some major concerns. First, the Fairpoint and Verizon merger might not move forward. I think that if the proposed merger does go forward it is possible that Fairpoint will not be successful and require reorganization in the future. While it is hard to tell for certain whether that will be the case, I am concerned because of the \$1.7 billion in new debt Fairpoint will take on when the company already has a poor credit rating. Its stock is considered weak and high risk. Therefore, I think with the deliberations and communications that have gone forward and the good jobs that are involved and the people of the state, I think that it is very important that we do commit this bill back to committee. I ask you for your vote.

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

Representative **FLETCHER**: Mr. Speaker, Ladies and Gentlemen of the House. It is late at night. I really don't want to debate the Fairpoint and the Verizon transaction. This bill is not, supposedly, about trying to decide whether Verizon is going to sell to Fairpoint. I remind you that the purpose of the bill as stated was to change the standard that would apply to certain transactions, which are regulated by the PUC. If we want to have

a bill to now decide which companies are going to be able to purchase which companies, I would respectfully suggest that that is not the role of the Legislature. If it is, then we should do away with the PUC under these transactions. Thank you very much.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Commit the Bill and all accompanying papers to the Committee on Utilities and Energy. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 188**

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

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

**ABSENT** - Bliss, Cressey, Duprey, Emery, Hotham, Jackson, Marean, Moore, Pineau, Richardson E, Weddell.

Yes, 83; No, 57; Absent, 11; Excused, 0.

83 having voted in the affirmative and 57 voted in the negative, with 11 being absent, and accordingly the Bill and all accompanying papers were **COMMITTED** to the Committee on **UTILITIES AND ENERGY** in **NON-CONCURRENCE** and sent for concurrence.

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

Bill " An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1338) (L.D. 1904)

Which was **TABLED** by Representative SIMPSON of Auburn pending **ADOPTION** of **Committee Amendment "A" (H-630)**.

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

On further motion of the Representative, **House Amendment "A" (H-631)** to **Committee Amendment "A" (H-630)** was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-630)** as Amended by **House Amendment "A" (H-631)** thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-630)** as Amended by **House Amendment "A" (H-631)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

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On motion of Representative GERZOFSKY of Brunswick, the House adjourned at 12:38 a.m., until 9:00 a.m., Thursday, June 21, 2007 in honor and lasting tribute to the Honorable Verdi Tripp, of Brunswick, Edward L. Cummings, of Woolwich and Francis C. Rocheleau, of Westbrook.