

MAINE STATE LEGISLATURE

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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST REGULAR SESSION
62nd Legislative Day
Thursday, June 21, 2007

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

Prayer by Honorable Herbert E. Clark, Millinocket.

National Anthem by Honorable Leila J. Percy, Phippsburg and Honorable Roberta M. Muse of Fryeburg.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 739)

ORDERED, the House concurring, that Bill, "An Act To Bring Maine into Compliance with Federal Law Regarding Purchases of Firearms by Persons Found To Be a Danger to Themselves or Others," H.P. 1336, L.D. 1902, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

READ.

On motion of Representative PINGREE of North Haven, **TABLED** pending **PASSAGE** and later today assigned.

Non-Concurrent Matter

An Act To Amend Maine's Bottle Laws

(S.P. 603) (L.D. 1696)
(C. "B" S-326)

PASSED TO BE ENACTED in the House on June 19, 2007.

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

On motion of Representative SMITH of Monmouth, the House voted to **RECEDE**.

The same Representative moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. With a roll call out on the floor, maybe it is worth a little bit to explain. This bill originally came through the House and the Senate with Report "B", which gave a half cent handling fee increase to the redemption centers. We are now in the position where that did not pass in the Senate. This is the Majority Report with, I believe, eight or nine members of the committee, which gives one-quarter of a cent increase to redemption centers throughout the state. I hope that you will vote in favor of the pending motion. Thank you.

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

Representative **TARDY**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **TARDY**: Thank you Mr. Speaker. My question is this, if the Senate Indefinitely Postponed what could be considered a \$4 million tax, is this a \$2 million tax?

The SPEAKER: The Representative from Newport, Representative Tardy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. I would be happy to answer that question if anyone in the body could answer a question. How a business-to-business increase in a handling fee would be defined as a tax, maybe I misunderstood that? Also, I would point out that this is the first increase in handling fee for a state-managed and state-overseen business since 1989. For the most part, they are going from 3 cents to 3.25 cents. That is an eight cent increase since 1989. Thank you.

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

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

ROLL CALL NO. 189

YEA - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Cain, Casavant, Clark, Cleary, Connor, Conover, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Gifford, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Koffman, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pingree, Pratt, Priest, 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, Beaudette, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Craven, Cray, Crosthwaite, Edgcomb, Finley, Fitts, Fletcher, Flood, Giles, Gould, Hamper, Jacobsen, Joy, Knight, Lansley, Lewin, McDonough, McFadden, McKane, Millett, Mills, Muse, Nass, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thomas, Vaughan, Walker, Weaver.

ABSENT - Burns, Canavan, Carter, Cotta, Cressey, Curtis, Duprey, Emery, Greeley, Hotham, Kaenrath, Lundeen, Marean, McLeod, Moore, Pineau, Piotti, Rand, Richardson E, Thibodeau, Tibbetts, Weddell, Woodbury.

Yes, 77; No, 51; Absent, 23; Excused, 0.

77 having voted in the affirmative and 51 voted in the negative, with 23 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

Committee Amendment "A" (S-325) was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-325)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Non-Concurrent Matter

An Act To Require Alien Big Game Hunters To Be Accompanied by a Guide

(H.P. 90) (L.D. 98)

PASSED TO BE ENACTED in the House on May 15, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159) AS AMENDED BY SENATE AMENDMENT "A" (S-367)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Honoring Women Veterans of Maine (EMERGENCY)

(S.P. 85) (L.D. 248)

FINALLY PASSED in the House on June 18, 2007. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-359)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Implement the Recommendations of the Joint Select Committee on Research, Economic Development and the Innovation Economy

(S.P. 90) (L.D. 253)

PASSED TO BE ENACTED in the House on June 11, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196) AS AMENDED BY SENATE AMENDMENT "A" (S-368)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Establish a Pilot Program for Return of Unused Prescription Drugs by Mail

(H.P. 327) (L.D. 411)

PASSED TO BE ENACTED in the House on June 18, 2007. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-360)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Adjust the School Funding Formula with Regard to Unorganized Territories

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

PASSED TO BE ENACTED in the House on June 19, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-261) AS AMENDED BY HOUSE AMENDMENT "B" (H-600)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-261) AS**

AMENDED BY SENATE AMENDMENT "A" (S-375) thereto in **NON-CONCURRENCE**.

Representative CUMMINGS of Portland moved that the House **RECEDE AND CONCUR**.

Representative MCFADDEN of Dennysville **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 190

YEA - Adams, Babbidge, Beaudette, Beaulieu, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Gerzofsky, Giles, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Koffman, MacDonald, Makas, Marley, Mazurek, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rector, Rines, Rosen, Samson, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Berube, Browne W, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Fitts, Fletcher, Flood, Gifford, Gould, Hamper, Jacobsen, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, Muse, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Savage, Sutherland, Sykes, Tardy, Thomas, Vaughan, Walker, Weaver.

ABSENT - Barstow, Cressey, Duprey, Emery, Greeley, Hotham, Kaenrath, Lundeen, McLeod, Moore, Pineau, Rand, Richardson E, Theriault, Thibodeau, Tibbetts, Treat, Weddell, Woodbury.

Yes, 89; No, 43; Absent, 19; Excused, 0.

89 having voted in the affirmative and 43 voted in the negative, with 19 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

An Act To Fund the Western Maine Career Centers (EMERGENCY)

(H.P. 439) (L.D. 572)

PASSED TO BE ENACTED in the House on June 18, 2007. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-361)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Support the Capital Riverfront Improvement District (EMERGENCY)

(S.P. 195) (L.D. 603)

PASSED TO BE ENACTED in the House on June 18, 2007. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-362)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Restore Funding to the Maine Joint Environmental Training Coordinating Committee

(S.P. 211) (L.D. 674)

PASSED TO BE ENACTED in the House on June 18, 2007. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-363)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Clarify That Senior Lifetime Hunting Licenses Include the Right To Hunt Turkey

(H.P. 599) (L.D. 783)

PASSED TO BE ENACTED in the House on May 15, 2007. (Having previously been **PASSED TO BE ENGROSSED AS**

AMENDED BY COMMITTEE AMENDMENT "A" (H-149)) Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-149) AND SENATE AMENDMENT "A" (S-364)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

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

PASSED TO BE ENACTED in the House on May 22, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-212)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-366)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Improve Transportation for Veterans

(S.P. 316) (L.D. 999)

PASSED TO BE ENACTED in the House on May 3, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-55)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-55) AND SENATE AMENDMENT "A" (S-365)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Economic Development in Maine

(S.P. 411) (L.D. 1163)

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-278)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-278) AS AMENDED BY SENATE AMENDMENT "A" (S-369)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Continue the Tribal-State Work Group (EMERGENCY)

(H.P. 891) (L.D. 1263)

FINALLY PASSED in the House on June 11, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395) AS AMENDED BY SENATE AMENDMENT "A" (S-370)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Require Health Insurance Coverage for Hearing Aids

(S.P. 537) (L.D. 1514)

PASSED TO BE ENACTED in the House on June 14, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265) AS AMENDED BY SENATE AMENDMENT "A" (S-371)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Create a Service Model for Delivering Career and Technical Education

(H.P. 1057) (L.D. 1532)

PASSED TO BE ENACTED in the House on May 24, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224) AS AMENDED BY SENATE AMENDMENT "A" (S-372)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend the Animal Welfare Laws

(H.P. 1137) (L.D. 1615)

PASSED TO BE ENACTED in the House on June 18, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567) AS AMENDED BY SENATE AMENDMENT "A" (S-373)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Improve Landowner Relations

(H.P. 1151) (L.D. 1642)

FINALLY PASSED in the House on May 29, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-233)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-233) AS**

AMENDED BY SENATE AMENDMENT "A" (S-374) thereto in NON-CONCURRENCE.

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Colonel Joseph Fessenden, of East Winthrop, chief of the Maine Bureau of Marine Patrol, who is the recipient of the annual enforcement category "award of excellence" from the Atlantic States Marine Fisheries Commission. The Atlantic States Marine Fisheries Commission recognized Colonel Fessenden's contributions in helping establish the Joint Enforcement Agreement program with the National Marine Fisheries Service, as well as his leadership in helping set up a cooperative program with the Coast Guard on maritime security. Colonel Fessenden has worked in marine law enforcement for almost 32 years and was selected to be bureau chief in 1995 because of his dedication to cooperative law enforcement and his long-term commitment to the commission's Law Enforcement Committee and species management boards. He was involved in the establishment of the State's lobster zone council system, the bureau's Big Boat Program and the trap tag program. He has spent his entire career building close working partnerships with the commercial fishing industry and the United States Coast Guard. Colonel Fessenden has also received the Sportsman's Alliance of Maine's "Warden of the Year" award and the Maine Lobstermen's Association's "Outstanding and Dedicated Service" award. We extend our appreciation to Colonel Fessenden for his many years of dedicated service to the people of the State and congratulate him on receiving this award;

(HLS 665)

Presented by Representative PERCY of Phippsburg. Cosponsored by Senator DAMON of Hancock, Senator DOW of Lincoln, Senator SNOWE-MELLO of Androscoggin, Representative ADAMS of Portland, Representative PENDLETON of Scarborough, Representative MAZUREK of Rockland, Representative EATON of Sullivan, Representative MacDONALD of Boothbay, Representative McDONOUGH of Scarborough, Representative CRESSEY of Cornish, Representative FLETCHER of Winslow, Representative EMERY of Cutler.

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

READ.

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

Representative **PERCY**: Mr. Speaker, Ladies and Gentlemen of the House. Colonel Joe Fessenden is one of those great blessings to the State of Maine, especially when you are working in the natural resources industries. He is able to walk that fine line between economics and environmental issues. He has the trust of the fishermen. He has the trust of the people of the State of Maine. He is also an incredible asset to the Marine Resources Committee. All of us are most grateful for every time he takes to come up to different meetings that we have had concerning marine resource issues. He is able to explain to the laymen and the professional the different issues and all the intricacies governing fisheries between the federal government and the

state government. Colonel Fessenden, I hope you are listening. Thank you. Thank you so much. Congratulations on your award from ASMFC. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative McDonough.

Representative **McDONOUGH**: Mr. Speaker, Men and Women of the House. The Sentiment speaks for Colonel Joe Fessenden. What the House Chair, the good Representative Percy said, pretty much says it all. I would just like to embellish that a little bit by saying that I have known Colonel Fessenden, Joe, for many years now. I have seen him work in the industry. He is fair. He is tough when he needs to be. He is the kind of a representative that heads up the Marine Patrol Officer's Unit of Marine Resources that we can be proud of.

He is also a good father. Many of you may not know that he has a son who is an outstanding baseball player, coming from Portland, he is going to school in Florida now where he can play baseball year round. I just think Joe thinks he is the greatest thing going. He certainly is proud of him. Watch that name. You are going to hear more to come in years to come.

I just want to say that I am proud of the accomplishments that Joe has made. I know you are and look forward to seeing him serve in that position. He is respected by the industry. For those of you who are involved with that industry, you know it can be very fickle. We have our zones set up around the state. People are very territorial. Colonel Fessenden is able to smooth their feathers time after time when there are problems within the industry. I just hope that he is going to continue in that role for many years to come because he is a real asset to us here in the State of Maine. Thank you Mr. Speaker.

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

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

SENATE PAPERS

Non-Concurrent Matter

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

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

Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605) AS AMENDED BY HOUSE AMENDMENT "B" (H-622)** thereto in the House on June 20, 2007.

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

The House voted to **INSIST.**

Non-Concurrent Matter

Bill "An Act To Create the Insurance Fraud Division within the Bureau of Insurance"

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

Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** in the House on June 20, 2007.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** was **READ** and **ACCEPTED** and the Bill

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-129) in NON-CONCURRENCE.

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

Non-Concurrent Matter

An Act To Promote Mandatory Assignments and Training for Assistant Game Wardens

(H.P. 208) (L.D. 274)

PASSED TO BE ENACTED in the House on March 21, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15)**)

Came from the Senate **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

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

ENACTORS

Emergency Measure

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

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

(H. "C" H-627 to C. "A" H-562)

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 0 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 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)

(H. "A" H-624 and S. "A" S-296 to C. "A" S-267)

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.

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

SENATE PAPERS

Non-Concurrent Matter

An Act To Increase Access to After-school Programs

(H.P. 61) (L.D. 63)

PASSED TO BE ENACTED in the House on June 18, 2007. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide Funding for Mentoring Programs

(H.P. 63) (L.D. 65)

PASSED TO BE ENACTED in the House on June 18, 2007. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide Funding to the St. Francis Water District for New Wells

(H.P. 157) (L.D. 186)

PASSED TO BE ENACTED in the House on June 18, 2007. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend the Credit for Rehabilitation of Historic Properties

(H.P. 218) (L.D. 262)

PASSED TO BE ENACTED in the House on June 19, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Increase the Availability of Cellular Telephone Service for Rural Residents

(H.P. 249) (L.D. 305)

PASSED TO BE ENACTED in the House on June 18, 2007. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use

(H.P. 279) (L.D. 349)

PASSED TO BE ENACTED in the House on June 18, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-548)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Protect the Health of Infants

(H.P. 507) (L.D. 658)

PASSED TO BE ENACTED in the House on June 19, 2007.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

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

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-103)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town

(H.P. 532) (L.D. 701)

PASSED TO BE ENACTED in the House on June 18, 2007.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Promote Forest Management Planning and Certification

(H.P. 558) (L.D. 737)

PASSED TO BE ENACTED in the House on June 18, 2007.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Support the Maine Keeping Seniors Home Program

(H.P. 614) (L.D. 817)

PASSED TO BE ENACTED in the House on June 18, 2007.
(Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers

(S.P. 318) (L.D. 1001)

PASSED TO BE ENACTED in the House on June 19, 2007.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-321)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Encourage Wind Energy Development

(S.P. 351) (L.D. 1099)

PASSED TO BE ENACTED in the House on June 18, 2007.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-313)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **UTILITIES AND ENERGY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers

(S.P. 577) (L.D. 1672)

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-257)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Regarding the Maine State Cultural Building in Augusta (EMERGENCY)

(H.P. 1308) (L.D. 1876)

FINALLY PASSED in the House on June 14, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400) AS AMENDED BY HOUSE AMENDMENT "A" (H-466)** thereto)

Came from the Senate with the Resolve and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum

(S.P. 209) (L.D. 672)

PASSED TO BE ENACTED in the House on May 2, 2007.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-42)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

(H.P. 1361) (L.D. 1923)

PASSED TO BE ENACTED in the House on June 20, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-607)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 354)

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

June 21, 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 Representative Donna M. Loring of the Penobscot Nation, as a nonvoting member, to the Joint Select Committee on Future Maine Prosperity.

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

Sincerely,

S/Glenn Cummings

Speaker of the House

READ and ORDERED PLACED ON FILE.

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

ENACTORS

Emergency Measure

Resolve, Honoring Women Veterans of Maine

(S.P. 85) (L.D. 248)

(S. "A" S-359)

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

Acts

An Act To Require Alien Big Game Hunters To Be Accompanied by a Guide

(H.P. 90) (L.D. 98)

(S. "A" S-367 to C. "A" H-159)

An Act To Implement the Recommendations of the Joint Select Committee on Research, Economic Development and the Innovation Economy

(S.P. 90) (L.D. 253)

(S. "A" S-368 to C. "A" S-196)

An Act To Establish a Pilot Program for Return of Unused Prescription Drugs by Mail

(H.P. 327) (L.D. 411)

(S. "A" S-360)

An Act To Adjust the School Funding Formula with Regard to Unorganized Territories

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

(S. "A" S-375 to C. "A" H-261)

An Act To Fund the Western Maine Career Centers

(H.P. 439) (L.D. 572)

(S. "A" S-361)

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.

Emergency Measure

An Act To Support the Capital Riverfront Improvement District

(S.P. 195) (L.D. 603)

(S. "A" S-362)

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. 108 voted in favor of the same and 15 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Restore Funding to the Maine Joint Environmental Training Coordinating Committee

(S.P. 211) (L.D. 674)

(S. "A" S-363)

An Act To Clarify That Senior Lifetime Hunting Licenses Include the Right To Hunt Turkey

(H.P. 599) (L.D. 783)

(C. "A" H-149; S. "A" S-364)

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

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

(S. "A" S-366)

An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Economic Development in Maine

(S.P. 411) (L.D. 1163)

(S. "A" S-369 to C. "A" S-278)

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 Improve Transportation for Veterans

(S.P. 316) (L.D. 999)

(C. "A" S-55; S. "A" S-365)

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

On motion of Representative NASS of Acton, 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. 191

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

NAY - NONE.

ABSENT - Barstow, Bliss, Cray, Cressey, Duprey, Emery, Faircloth, Hotham, Lansley, Makas, Marley, McDonough, McLeod, Miller, Moore, Pineau, Richardson E, Richardson W, Thibodeau, Tibbetts, Vaughan, Weddell.

Yes, 129; No, 0; Absent, 22; Excused, 0.

129 having voted in the affirmative and 0 voted in the negative, with 22 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Continue the Tribal-State Work Group
(H.P. 891) (L.D. 1263)
(S. "A" S-370 to C. "A" H-395)

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. 127 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Improve Landowner Relations
(H.P. 1151) (L.D. 1642)
(S. "A" S-374 to C. "A" H-233)

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

Representative TARDY of Newport **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: 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.

ROLL CALL NO. 192

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Boland, Brautigam, Browne W, Bryant, Burns, Cain,

Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Jones, Joy, Kaenrath, Koffman, Lansley, Lewin, Lundeen, MacDonald, Marean, Mazurek, McDonough, McFadden, McKane, 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, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Finley, Giles, Knight, Weaver.

ABSENT - Bliss, Connor, Cressey, Duprey, Emery, Faircloth, Hotham, Makas, Marley, McLeod, Moore, Pineau, Richardson E, Richardson W, Tibbetts, Watson, Weddell.

Yes, 130; No, 4; Absent, 17; Excused, 0.

130 having voted in the affirmative and 4 voted in the negative, with 17 being absent, and accordingly Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Require Health Insurance Coverage for Hearing Aids

(S.P. 537) (L.D. 1514)
(S. "A" S-371 to C. "A" S-265)

An Act To Create a Service Model for Delivering Career and Technical Education

(H.P. 1057) (L.D. 1532)
(S. "A" S-372 to C. "A" H-224)

An Act To Amend the Animal Welfare Laws

(H.P. 1137) (L.D. 1615)
(S. "A" S-373 to C. "A" H-567)

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 Promote Mandatory Assignments and Training for Assistant Game Wardens

(H.P. 208) (L.D. 274)

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.

COMMUNICATIONS

The Following Communication: (S.C. 407)

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

June 21, 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 Insurance and Financial Services on Bill "An Act To Require Insurance Coverage for Temporomandibular Joint Disorders" (H.P. 1003) (L.D. 1429)

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

READ and ORDERED PLACED ON FILE.

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.

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

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

- In House, **FINALLY PASSED** on May 15, 2007.
- In 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**.

TABLED - June 20, 2007 (Till Later Today) by Representative BRAUTIGAM of Falmouth.

PENDING - **FURTHER CONSIDERATION.**

On motion of Representative BRAUTIGAM of Falmouth, the House voted to **RECEDE AND CONCUR.**

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

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Cut Taxes on Maine Residents by over \$140,000,000"

(H.P. 1362) (L.D. 1925)

Majority (11) **OUGHT TO PASS pursuant to Joint Order 2007, H.P. 1233** Report of the Committee on **TAXATION READ and ACCEPTED** and the bill **PASSED TO BE ENGROSSED** in the House on June 13, 2007.

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

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

Representative WATSON of Bath **PRESENTED House Amendment "J" (H-632)**, which was **READ** by the Clerk.

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

Representative **WATSON:** Mr. Speaker, Ladies and Gentlemen of the House. In my brief tour in the Legislature, I have learned one thing that is that nothing comes easy. Important things, historic things, if you will, things we desperately need, come the hardest of all. We now have LD 1925 back in this House, being rejected in its present form by the other body.

The amendment that I am offering seeks to cure most, if not all, of the complaints and shortcomings that the Taxation Committee had pointed out to it, if you will, over the last several days. These suggestions and complaints have come from my

colleagues in the other party, parties in my own caucus, the lobby and, obviously, from constituents outside.

I would like to briefly tell you what this proposed amendment will do. First of all, we have added nothing in the way of new taxes or new elimination of exemptions to 1925. We have only subtracted those most egregious items from it. Starting with the sales tax exemptions for real property services, snowplowing, landscaping, lawn mowing, heating, flooring structure, plumbing and electrical. All of that is out of the bill. It will continue to remain being tax exempt. We have also eliminated, withdrawn from the bill, sales tax broadening to include personal care services. You are safe to go back and get a haircut again without fear of being kicked out of the chair, health clubs, spas, elective cosmetic surgery, foot care and all of the items listed in LD 1925 listed under personal care services. They are now out of the bill and out of consideration.

The new service taxes that are contained in LD 1925 and remain in this amendment, the effective date on those new taxes have been pushed off until April of next year, April '08 to give us all time to weigh how things are working, identify real problems and bring forth legislation in January to correct those problems prior to the effective dates that those new service taxes would be imposed.

Importantly, the income tax benefits of this will appear immediately January 1, 2008. The first paycheck your constituent receives, he will see his withholding drop. We were able to, with these modifications to lower the top income tax rate to 6.5 percent. That is a full 2 percentage points off where it is now.

The amendment also contains a graduated system of continuing to lower that rate out over the next nine years to get it down to 6.0 as soon as economically possible. This amendment contains that mechanism. In order to pay for that and to cover the cost of removing the sales tax broadening that we have removed, we have deleted the doubling of the homestead exemption. The present homestead exemption of \$13,000, 50 percent of which is currently reimbursed by the state, remains in law. We have not changed that. We have, though, increased the circuit breaker to take into account the fact that we are not doubling the homestead. We are continuing to provide significant property tax relief through the circuit breaker.

Very specific items have been withdrawn from the sales tax broadening in response to your thoughtful and timely suggestions and remarks concerning 1925. Those include telecommunication charges between businesses. We have always, the Taxation Committee, has always looked to try and avoid business-to-business taxes. New taxes that might pyramid upon themselves to ultimately be dumped on the consumer. Telecommunications was one that slipped by. That has been pulled out. Repair of aircraft, sounds small, but it is very important to a couple of key businesses, both in southern and mid Maine. We have deleted the broadening as it applies to tuition for for-profit camps. Now both non-profit and for-profit youth camps are both in the same boat. They remain exempt from the service tax. We have deleted caskets and urns and things that are connected with funeral services. We deleted the sales tax being imposed on newspapers. We have deleted, as I have said, the sales tax to be imposed on cosmetic surgery. We deleted ski tickets. I won't go into why. It wasn't one particular lobbyist that demanded that be done. The Taxation Committee discussed long and hard before we broadened the sales tax to include ski tickets. That might need adjustment. We decided to go ahead and adjust it now. We continue to tax food sold through vending machines, the same way it is now. We are not going to change the taxation scheme on vending machines. You have heard from several of

those business owners. They will be relieved to hear that their situation is not going to change.

Most importantly, please pay attention to this, the Real Estate Transfer Tax, you all heard, sometimes misguidedly, from the real estate industry as to what would happen if we continued with the current plans on the Real Estate Transfer Tax. That has been changed now. The Real Estate Transfer Tax, in this amendment, will go to a flat 1 percent. However, for buyers of primary residences, they receive a \$1 thousand tax credit, which far exceeds, in most cases, the Real Estate Transfer Tax they might have paid even under the new scheme. As a matter of fact, a new home buyer buying a primary residence with a value of up to \$450,000 will pay no Real Estate Transfer Tax at all under this system. Homes, luxury homes, over \$1 million will continue to be taxed at 1.5 percent and the .5 or one half of the 1 percent Real Estate Transfer Tax will continue to be charged against the seller who is in a far better position, of course, to pay it. Remember too, that the seller of commercial properties or certain homes over the value of half a million dollars will enjoy a capital gains break of 2 percent off capital gains thanks to lowering the top income tax rate. The Real Estate Transfer Tax situation, I feel and the committee feels, has been taken care of. In fact, it will be a tax break to new home buyers. They are under the scheme that they will pay less in Real Estate Transfer Tax than they are currently paying in today's market.

The Local Option Sales Tax is not in this amendment. It will not appear. It is not connected with this bill. It does not exist. Forget it. Pass it off.

Most importantly, please pay attention to this. This amendment corrects a problem, a perceived problem that businesses had with Maine Revenue Services for as long as I can remember. When a sales tax, for instance, the sales tax to be applied to personal care services, it used to say, personal care services such as hair cuts, hair dressers, gym attendants, things like that. The business community looked at that and thought, Maine Revenue Services, what is to prevent them from applying that definition to other things that could be included in that such as kind of category. Instead, this amendment takes an entirely different approach. This amendment states the categories of business services that will be subject to the broadened sales tax and if it is not on the list, then Maine Revenue Services cannot extend that sales tax to the business. In other words, if we were going to broaden the sales tax any further with regard to services, it will take a statutory change to do that. It is not something that we can leave up to the assumption of individuals at Maine Revenue Services. It is a protection to the business community that they have wanted for years.

That is it, briefly; I know you have not had much time to look it over. I know there are others who would like to comment on it, I am sure. We have had to adjust the income tax savings to accommodate the lack of broadening. This still, however, provides \$140 million worth of tax burden relief to Maine residents. Remember that the figures you have seen and that we have heard quoted, in terms of a balance between income tax and property tax relief and added taxes, are net. These are net savings, after the sales taxes are taken into account and the income tax adjustments are made.

We have also corrected one important area within the income tax that was discovered by the good Senator and our own Professor Woodbury that has been changed. We can explain that in more detail if you would like. It involves the choice between that alternative credit or the standard credit and the fact that parents with children tended to lose money on those computations. We have gone back in and changed that credit to

make the dependent credit available to all taxpayers regardless of which credit scheme they choose under the new rules.

I truly want you to reflect on the opportunity you have here. We can send this measure back to the other body with virtually all of the complaints and problems that have arisen and have been identified and removed by adoption of this amendment and successfully passing the measure out of this House and sending it back down the hall. We are on the verge of doing something that this House has attempted to do time and time again for the last 30 years that I know of. We are so close to actually making it happen in these last hours of this session. It would be more than a crying shame to turn our back on Maine people and not provide the tax relief when we can do so with a mere push of a button. Thank you Mr. Speaker.

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

Representative PIOTTI: Mr. Speaker, Men and Women of the House. I rise in support of the pending motion and need to say a few things. Representative Watson's summary was an accurate one. I won't go through any of that again. I will point out that the handout, the green sheet that was passed around, is from an earlier version. The comment about the Local Option Sales Tax is incorrect. A correct version of this will be passed out soon.

The only other addition that I would make to what the Representative from Bath, Representative Watson said is that these proposed changes also reduce the rate over time. In order to back out those provisions that we backed out, those expansions that seemed the hardest for many people to deal with, in order to do that, we could not get the income tax rate down to 6 percent as we would have liked. We have to start at 6.5 percent. However, the bill orchestrates a schedule of getting it down over time. For the conservatives of the crowd, you should be very pleased with this. The only way to get that down over time is for us to trim our spending. Please, please, please, don't just hide behind some of the misinformation and inaccuracies that have been spread about this bill. There is a lot of good in this. I don't want to take a lot of time. I think we are all tired and I think most of us are very eager to go home.

I do need to say a couple things. This bill has been challenged on every ground you can possibly imagine. It is not constitutional. We checked with the AG's Office, they don't envision a problem. It is going to destroy the real estate industry. We haven't seen the evidence of that. In the proposed changes to the Real Estate Transfer Tax here, if you are buying a home that is worth \$460,000 or less, your Real Estate Transfer Tax is less under this plan than currently.

We have heard it is going to destroy Maine's economy. I don't know how lowering the income tax rate is going to do that. It won't. All informed observers feel quite differently. I am not here to advocate the merits of this. I think probably most people in this chamber have made up your minds.

I am here instead to talk briefly, once again, but perhaps in a different way, about the process that led us to this. It is a process that has shown the absolute best and the absolute worst about this institution. We had a committee that started in earnest to work on a set of underlying principles than vetted and approved by both caucuses of both chambers as something that made sense. We began a true bipartisan, tripartisan, I would say a nonpartisan process. That has played out in so many other ways beyond this package. We are talking about the Taxation Committee. What more politically polarizing issue is there than tax. We had 240 bills this session. We had one with a divided report along party lines, one. That is a testament to how it can be different. How we can operate the way the people of Maine ask

us to behave when we are down here. We have done it time in and time out on that committee. I don't think the Democrats on that committee met for a caucus once the whole session. The Republicans, no more than two or three times. It was not us versus them. It was working together. It produced a bill that was far from perfect, but nothing could be perfect in this realm. It moved Maine significantly forward. It was a good bill. Our process then turned into a greater process. Unfortunately, the nonpartisanship, the spirit of cooperation that got us through five months of tough work, couldn't last in this body or the other chamber for two weeks. That is a sad commentary. That really hurts.

What has happened in the last two weeks is all about politics. I hope you and the people of Maine realize that. We have all been manipulated. The people of Maine have all been manipulated. Special interests that care about one narrow piece of this has spread word that you have to fight this without explaining its full impact, its full value, its full benefit. If we are to continue to operate that way, if that is the lens that we wear when we deal with public policy, we will never enact meaningful tax reform. If people can take a revenue neutral package that rebalances the code and turn that into something that is somehow bad because we are shifting tax burden, we have lost on so many other levels. If people can take the good will of folks in a very open and transparent process where a lot of the language has been out there for months and say we are doing everything in the dark of the night in the last minute, we are sacrificing what, at heart, is the most important and we should reverse in the public process and that is what hurts the most. It is not the fact that this is a bill that will go down in defeat. It is the fact that at least some of us, who try to be idealists, are getting cut off at the knees and it is not fair to the people of Maine.

I need to end simply by thanking, again, those folks, those brave folks, who have worked on this effort, who have contributed so much of themselves and their time and their passion. I hand it to you. This has been an amazing process on many levels. I would like to think that some of you in this chamber, at this time, can reflect on this process, to reflect on the courage of those people, can reflect on yourself right now and do the right thing.

I have a prediction to make. If you care about lowering the state's tax burden, and yes some of it can be done through spending cuts, but diet and exercise, it is not that difficult to grasp. We need to rebalance the code. Once the code is well, we need to export some of that burden. We need to lower the top income tax rate to provide economic development. We need all of those things, as well as responsible spending.

My prediction is the following. If you care about tax reform, if you care about lowering the income tax rate, this is our last chance. No one in these halls is going to take up this charge again and put in what this committee has put in knowing that failure is the result. No one, for another five or eight or ten years, until everyone that is in this chamber and the other body are gone are going to pick up this banner again. It is now or never. I have said enough. Thank you.

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

Representative **WATSON**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time, but I need to point out that you have received at least two pieces of colored paper, both of which labeled correction. The blue sheet is the correct summary of the amendment you are reviewing. However, the third sentence down from element says, remove homestead exemption and use the funds to increase income tax credit. That is an error. It is remove the expansion of homestead exemption and to provide the income tax credits.

Please understand the homestead, the \$13,000, will remain in law. This amendment does not affect that. It only removes the expansion that was contained in 1925.

I would also like to add, briefly, my thanks to the Republican members of the Taxation Committee, specifically, Representative Chase, Representative Knight, Representative Lansley and under the fine leadership of Representative Hotham who is not with us today.

I need to let my caucus know and the other members of this body know that those individuals during our discussions, collaborations, our negotiations, never once surrendered their strong conservative ideals. They represented the Republican Party, the conservative side of this House with distinction and for a pair of freshmen, Representative Chase and Representative Knight, as far as I am concerned, were two of the best that I have ever worked with and I would be pleased to serve with them in any capacity. I would like to thank those members of this committee for allowing partisanship to slide away and work on the problem in a honorable and nonpartisan manner. Thank you Mr. Speaker.

House Amendment "J" (H-632) was ADOPTED.

Representative TARDY of Newport moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Men and Women of the House. It bothered me somewhat to stand up here this evening, early afternoon, to speak in opposition to this amendment. I am going to be supporting the motion on the floor. Going through the process with the good committee, we worked extremely hard. It has been said time and time again that the committee put a lot of hard work in it. We put a lot of work in it. Does it make it right? Well, that is going to be left up to you people. I can tell you right now that I am tired of being told that I am a destructionist on my side of the aisle. I am holding things up. I am not in support of tax reform. Nobody wants anymore tax reform than I do. Last session we worked just as hard in the committee right until the eleventh hour again and got knocked down. Don't tell me that I am not in favor of tax reform. It is farthest from my mind. It is how we get the tax reform that bothers me. Picking and choosing does bother me. In the committee, a lot of these things have been taken out, I had a problem with them. They wouldn't listen. They just wouldn't listen.

One thing I do do when I go home, I do listen to the people that elect me to be here. Those same people when they elected me to be here they said, Herbie, we don't want you to go to Augusta to add more taxes. We are paying enough now. I think you all know where I come from, the area I come from, with so much depression and loss of jobs and employment, you name it. We just cannot afford any more. I would be on this package in a minute if it was a different concept or a different makeup. Just because we worked hard does not make it right. We all work hard. I am a little embarrassed sometimes when I look at the other committees thinking, Appropriations and Taxation, the only two committees that work extremely hard. I don't think so. I serve on Labor and we work just as hard. We all work hard when we are here. We put a lot of time into it.

I can tell you right now, I am tired of hearing from some of the people who sit in this body that Herbie Clark is an obstructionist.

He wants to slow things down. It is farthest from the point. When I do something, I want to do it right the first time. We just passed a bill here a while ago dealing with the budget. When you go home and deal with education, you are going to get an eye opener. We did it in a hurry. Time and time again we do things in this body in the hurry that comes back and haunt us.

I would even be in favor of carrying this bill over. Do it and do it right. None of us worked under the cloak of dark. I was under the understanding of the committee that we are going to get everything together and bring everybody in and listen to what everybody had to say and put together a package. Once that package was put together, people have an opportunity to see what is in front of them. Once you saw what was in front of you and started dissecting it, there were some major problems. I am big enough to know that I can take criticism. I can take a lot of criticism, but it really bothers me when people say you are down here just trying to throw a monkey wrench into the soup. It is the farthest from my mind.

I really feel bad for some of my good colleagues on the other side who got some of the same abuse, somewhat, that I was getting, because you didn't fall in line. They were doing what they thought was right. Now we are at that avenue where we can all do something right. Indefinite Postponement or ship it back to the committee, we need to do something some time or other and this is not the answer. Thank you Mr. Speaker.

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

Representative **LANSLEY**: Mr. Speaker, Ladies and Gentlemen of the House. I thank my good friend, Representative Clark from Millinocket. I was the other one on the committee who was part of that being called an obstructionist, not being there and putting the time in. I will tell you that I learned a tremendous amount from this committee in the process this year. This is something that people who know me realize where I stand on every single issue. They knew that tax reform and tax relief are two different things. I would be going for the tax relief part from the beginning stating what my concerns of the package would be, communicating the package, making sure that it was something simple that we could go out and say to the people of Maine that this is the best that we could do. In the end, I did not feel that it was the best that we could do. I did not feel that we could explain that we are lowering your tax burden, but we are increasing your tax liability, which is exactly how I looked at it. It is exactly how my constituents looked at it. I got many, many phone calls that I was doing the right thing.

I did learn a tremendous amount. I learned that it took a lot to give. It took a lot to take. Mostly you had to give more than you took and you had to make sure that you were sitting there and paying attention. Sometimes I was criticized for not being there because I served on two committees and Government Oversight, but I also had other commitments. I was there as much as possible and participated in the procedure and the process.

I am also going to go with the pending motion of Indefinite Postponement. What we did was a learning process and it did show us that we could work together and it did show that we were on the right track and we had the right intentions. Sometimes intentions are not the way that we have to go. We have to do what is right. With this process, the people of Maine, I feel, would have lost a tremendous amount, the people of Maine, the businesses of Maine. There were certain aspects of the package that were just going to decimate the economic engine of this state. They are the people with the small businesses. The people who have one spouse who is trying to start a business and the other spouse who was working a job for the benefits, the insurance, because they couldn't afford it any other way. There

were many, many aspects, but it came down to a simple few things. I listened to many people. I made my voice heard in the committee. I made my voice heard throughout the hallways as to where I stood on this issue.

I thank Representative Piotti and the Senator from the other body chairing the committee. They did an outstanding job. They were very fair. They listened and they considered every option. I hope that in the end that this does not damage any type of respect that we have for each other. That is where I stand on this. I think you.

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

Representative **HAYES**: Mr. Speaker, Ladies and Gentlemen of the House. I did not serve on the Taxation Committee, but I ran because I did not want to go home at the end of this session and not have done something about tax reform.

I don't think that any bill that we have processed, even those that went under the hammer as unanimous reports, were perfect, because we are not perfect. We start at this point and things get better. We make them better when we learn of the flaws, when we learn of the things that we overlooked or unintended outcomes that occur based on decisions that we have made here. I don't want to go home not having done our part to get this process of the dime. The Taxation Committee did their part. I respect everybody in this chamber and I respect you regardless of how you vote on this motion. I am standing up because I told the people in my district I would stand up and speak up for them. They want tax reform. They want it to start now, not at some indefinitely postponed date or later in today's session, which has a very different meaning for me now than it did at the beginning of this whole process.

I am going to vote against the pending motion, because I don't want to leave here not having started. Will we need to look at it again? Will it need to be adjusted over time? Might there be some unintended outcomes? Of course. There are to everything that we do here. If that is the reason that we are not going to support this, because it is not perfect, Representative Piotti is right, we will never do it. This takes some intestinal fortitude. It takes making some people unhappy because we know more about it than they do. We have been here and we have put in the time. I would rather go home defending this action than trying to explain why we didn't start the process now. I will be voting against this motion and in favor of the amendment when we get there. Thank you.

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

Representative **KNIGHT**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to explain to you why I am going to vote the way I am going to vote in a few minutes. It is going to disappoint a lot of people. I first want to start by telling you that I have tremendous respect for Representative John Piotti who led the initiative this year in our committee. He did a wonderful job. He was balanced, fair and even minded. I do come from a conservative perspective. The original bill is not perfect. There are a lot of problems with any bill, I guess. It is a matter of give and take and there was a lot of give and take. I am not going to innumerate the aspects of the bill, in particular, that I didn't like. There were lots of things that I did like.

I am going to tell you all a little story, a true story that has occurred. I think in all candor and all honesty if we had a chance to tell this story one by one by one by one, the package that I stood up on the other day and voted for would be passing today, not only in this chamber, but in the chamber across the way. That is not going to happen. The Senate has made its decision.

I will tell you my story. A very strong supporter of mine, a businessman, that part of my constituency that I represent, wrote me a very strong e-mail. He was very, very disappointed in me. He could not understand how a person of my ilk, my background, my conservatism, my bank background, could possibly vote for that piece of trash, that bill that I voted for, which I think was an excellent bill. I wrote back to him and I told him that I hear him, I hear him loudly, I hear him clearly and he will be happy to know that I will be voting on the other side, in fact, will be voting in support of the motion on the floor. That is what I have heard from my constituents, like you have heard from Representative Clark speaking of hearing from his constituents. I have heard from many and I have heard the same message over and over and over. You can't pass this package. It is a bad. I said to him in my e-mail in return, you have it. You have got my vote. I will do exactly as you, the person I represent, wants me to do. I will vote against the package, against my better judgment. Here is what you give up. I went through the bill piece by piece by piece with him, the depreciation, the 179 clause, the reduction in capital gain tax, the flat tax, some of the Republican principals that I believe in. I said, don't take my word, take the bill and I sent it with the cooperation of my good dear friend, Representative Chase, we had marked it up in great detail and I sent the bill back with my notes, assuring him he has my vote, and he does.

Another e-mail came back to me and the e-mail said, "Gary, you can't listen to me and constituents like me. You have to do what is right." Flabbergasted. What does one do? I feel I am literally between the proverbial rock and hard place. One thing about me, if you haven't got to know now, you will get to know, if I give my word, I stick by my word. I have given my word to my party and the people that I was sent to represent, but I will vote against this measure. It hurts to do so, because I believe that that bill that we worked so hard on for five plus months was a good bill in totality. It had lots of aspects that I mentioned that were not to my liking.

One of the things that I did want was a Constitutional Amendment. In all candor, the other side of the aisle took that away from us. We have lost the two-thirds amendment, which I thought and a lot of people on our side felt important. I made that clear from day one that without that two-thirds, we are going to lose this bill. The people of Maine will lose as a result. It was an important aspect and we needed the two-thirds. It is gone. My good friend, Representative Woodbury, had a powerful amendment to really address income taxes. That got shot down very quickly. To me, that was another sad moment in this process.

I am committed to continuing to work for both sides of the aisle to get true reformation through. It is not going to be easy, obviously, as we are now fighting the other chamber. This effort shouldn't be in vain. There are people, I suspect, up in the gallery now who have spend, one gentleman said, decades, watching the process. We have got as close as any committee to bringing true reformation before the body for approval. It may still happen. I am not the optimist that I was when I started this five months ago, because, I, like Representative Hayes, told people back home that I would work hard and long for tax reformation. I am very disappointed that we haven't had it happen. I did want everybody in this room to know why I would be voting no. I have given my word that I will support the motion on the floor and I will do so. I apologize to those of you who I disappointed in that process. Thank you.

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

Representative **STRANG BURGESS**: Mr. Speaker, Ladies and Gentlemen of the House. I rise very, very briefly to say something that I haven't heard said and I think it is important to be said or at least it certainly expresses where I am at. I appreciate the immense amount of work. I sat on the Education Committee this session. I liken what went on with the taxation process to be very similar to the education. There was one very huge difference and it was not necessarily a fault. I would like to see tax reform. I would like to see huge changes to our spending habits here in the State of Maine and lots of things that all of us heard all last year as we went door to door. We know what the citizens want us to do. I have spent the last six months with you all trying to learn the process, understand the process. I think I have learned a lot. I have a lot more to learn. It is interesting how some ideas kind of disappear and other ideas kind of come and go. I think I am getting a handle on that. Here is where I am at. There were tremendous amounts of business issues. I did go to the Tax Committee sort of late in the process and they reacted to some of those things. I think that this has taken a huge step forward. It was I think about 1:25 when the amendment arrived on my desk. I have gone through it as quickly, I am sort of familiar with the process, and all of that, but gosh, this is probably the most important piece of work that we can do next to health care that we could do this whole session. We did school consolidation. That was big, but the process was we had at least a bill to work with. We had a public hearing. We had, preceding that, months of work and meetings with different people and we worked it back and forth and there was a lot of process and feedback from our citizens as well as from this body and the Legislature as a whole. To me, this is about process. It is just that we have run out of time. It is good work. I guess I wanted to react to say that if it doesn't happen today, then it will never happen. No one will ever bring it up again. Gosh that would be the wrong message. This really needs to be continued. It just needs the benefit of more time that unfortunately, we don't have, statutorily anyway, to do. It needs to be vetted back and forth. We need to have a chance to talk to our constituents. We need to have a chance to really digest this and make sure that we have really kind of covered the bases on this. Maybe this is the plan and we just need that time. Whether legislatively we can figure that out, that would be the message that I would want the committee to hear loud and clear, is that there are a lot of things in here that I think are very good. There are some other things that I think we are getting there. Just think of how far you have come in the last week that we have had some process to go back and forth. If you had the benefit of working since February 5th, we had our public hearing for school consolidation and put that together not until June. It just takes time to do good work. You guys have done that and you are on the way. It just isn't going to happen in the next hour for me. Anyway, I would like you to know that that is my feeling on the subject. It is important. I hear the feelings that are going on here and I just wanted to say that. Thank you for your work.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Mr. Speaker, Ladies and Gentlemen of the House. This has been an incredible process, unbelievable. My husband wasn't surprised, but I was surprised to be dumped right into the middle of this hot frying pan of things that were happening. It just seems like sometimes in my life I just end up being there. I can tell you that it was the most wonderful experience working with people who were willing to forget their roles maybe within their perspective parties and focus only on one common goal and that was to make Maine a better place. I don't know about anyone else in this body, but I would guess that

every one of us who ran for office had the idealistic approach that this was going to be something that I could do. I could come here to make Maine a better place for my family, my grandchildren, my mom and dad who luckily are still alive and for my neighbors and friends. I don't have any problem with being an idealist. I think it is a great thing. In our whole process, which was great and had a lot of back and forth and tug and pull in it, we, I believe, those of us on this side of the aisle kept our ideals in place. We put into place things that are important. There are principles of the Republican part of it, lower the income tax, make better businesses, to kind of boost our economy, not so far from the people on the other aisle. We all are going down the same road. We are just in different cars. It was a great process. I honestly believed in the package that we came out with. I really felt that it was really good. It was not the best package, not something that wouldn't need to be changed in the future and not something that wouldn't need adjustments. If we were all perfect, we wouldn't have to be here because the world would be perfect anyway. It is a process.

One of the things that I have learned in life is the difference between being successful and wanting to be successful is you are not only going to be a dreamer and have a vision, but you have to take that dream and vision and you have to move one step beyond. You have to put it in place and make it real. That is the difference between being a dreamer and a successful person in this life. I think that today we have before us the opportunity to take a vision or a dream and make it a reality and put it in place for the better of the Maine people. As my great seatmate and fellow member on my committee, Representative Knight said, we in the last two weeks learned that reality also has a touch of politics in it, which coming from an idealistic point of view; it is not necessarily something I really looked at closely before this. Anyway, we are going to be sticking with our party and staying with what we promised we would do on this vote, but the truth is, you don't need us. I hope that everyone here understands the difference between a vision and a reality and how to make it work. This plan is going to be a living thing and can be moved forward, adjusted however we want it in the future, because, again, it is not locked into cement. We are not tied to this forever, but you need to start some where. If you don't start, you can't continue. You can't do the journey without the first step and you need to do the first step. Thank you very much.

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

Representative GILES: Mr. Speaker, Ladies and Gentlemen of the House. I would like to see some tax reform come out of here as much as anyone. I think we all want to go home saying that we did what we could for tax reform. We have had, I believe, the best minds we could have pulled out of this body working on this. I have been impressed as I have heard presentations from every one of them, both sides of the aisle. However, in my world there is something called due diligence. When you talk due diligence, it means you do all the research, you document, you get all the intake and you evaluate everything you need to before you make a final decision, particularly when it is something as far reaching as this. The information we have gotten today, while it may be complete for presentation of a bill, to me, I can't honestly assess how this amended version impacts the other version. I understand some pieces are coming out, some pieces are staying in, but sitting where I am sitting, I cannot complete what I would say is satisfactory due diligence to support what could be a better answer. I just don't have that information.

As I sit down, I will be following my counterparts who have just spoken on taxation and I would like to go home with something we are all very comfortable with and something we are proud of. I ask to have the time to complete the due diligence. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 193

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

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

ABSENT - Bliss, Cressey, Duprey, Emery, Hotham, Makas, McLeod, Moore, Pineau, Richardson E, Tibbetts, Weddell.

Yes, 57; No, 82; Absent, 12; Excused, 0.

57 having voted in the affirmative and 82 voted in the negative, with 12 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Representative TARDY of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 194

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

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

ABSENT - Bliss, Cressey, Duprey, Emery, Hotham, Makas, McLeod, Moore, Pineau, Richardson E, Tibbetts, Weddell.

Yes, 80; No, 59; Absent, 12; Excused, 0.

80 having voted in the affirmative and 59 voted in the negative, with 12 being absent, and accordingly, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "J" (H-632) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands

(S.P. 735) (L.D. 1930)

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion of Representative JACKSON of Allagash, the Resolve and all accompanying papers were **INDEFINITELY POSTPONED in NON-CONCURRENCE** and sent for concurrence.

Non-Concurrent Matter

An Act To Change the Process for Applying for Reimbursement of Fuel Taxes

(H.P. 625) (L.D. 828)

PASSED TO BE ENACTED in the House on June 14, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-525)**)

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

An Act To Study the Feasibility of Locating a New Bridge in the St. David Area

(H.P. 394) (L.D. 511)

PASSED TO BE ENACTED in the House on March 27, 2007.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-17)**)

Came from the Senate with the Bill and accompanying papers
COMMITTED to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Strengthen "Permissible Inference" in the Law Concerning Dissemination of Sexually Explicit Material

(H.P. 4) (L.D. 3)

PASSED TO BE ENACTED in the House on March 27, 2007.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-20)**)

Came from the Senate with the Bill and accompanying papers
COMMITTED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer

(H.P. 66) (L.D. 68)

PASSED TO BE ENACTED in the House on May 8, 2007.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123)**)

Came from the Senate with the Bill and accompanying papers
COMMITTED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Insanity in Juvenile Cases

(H.P. 69) (L.D. 71)

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-248)**)

Came from the Senate with the Bill and accompanying papers
COMMITTED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault

(H.P. 131) (L.D. 149)

PASSED TO BE ENACTED in the House on June 14, 2007.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-508)**)

Came from the Senate with the Bill and accompanying papers
COMMITTED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault

(H.P. 191) (L.D. 220)

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-93)**)

Came from the Senate with the Bill and accompanying papers
COMMITTED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide a Felony Penalty for Assault on a Firefighter

(H.P. 201) (L.D. 239)

PASSED TO BE ENACTED in the House on April 10, 2007.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-21)**)

Came from the Senate with the Bill and accompanying papers
COMMITTED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime

(S.P. 95) (L.D. 280)

PASSED TO BE ENACTED in the House on May 17, 2007.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-98)**)

Came from the Senate with the Bill and accompanying papers
COMMITTED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims

(S.P. 116) (L.D. 372)

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-251)**)

Came from the Senate with the Bill and accompanying papers
COMMITTED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence

(H.P. 340) (L.D. 424)

PASSED TO BE ENACTED in the House on May 8, 2007.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-124)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Implement the Recommendations of the Human Trafficking Task Force

(H.P. 360) (L.D. 461)

PASSED TO BE ENACTED in the House on June 14, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers

(S.P. 424) (L.D. 1223)

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-286)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Implement the Recommendations of the Criminal Law Advisory Commission

(H.P. 882) (L.D. 1240)

PASSED TO BE ENACTED in the House on June 14, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-479)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code

(H.P. 883) (L.D. 1241)

PASSED TO BE ENACTED in the House on June 4, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-314)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile

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

PASSED TO BE ENACTED in the House on June 19, 2007. (Having previously been **PASSED TO BE ENGROSSED AS**

AMENDED BY COMMITTEE AMENDMENT "A" (S-203) AS AMENDED BY HOUSE AMENDMENT "A" (H-590) thereto)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws (EMERGENCY)

(S.P. 579) (L.D. 1674)

PASSED TO BE ENACTED in the House on May 17, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-83)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend the Laws Governing Stalking

(S.P. 681) (L.D. 1873)

PASSED TO BE ENACTED in the House on June 11, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-199)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Allow Blended Sentencing for Certain Juveniles

(S.P. 691) (L.D. 1897)

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-277)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Reduce Maine's Income Tax Rates by 50 Percent"

(S.P. 181) (L.D. 569)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

PIOTTI of Unity
RAND of Portland
CLARK of Millinocket
WATSON of Bath
PILON of Saco
LANSLEY of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-298)** on same Bill.

Signed:
 Senator:
 NASS of York

Representatives:
 KNIGHT of Livermore Falls
 HOTHAM of Dixfield
 CHASE of Wells

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

On motion of Representative PIOTTI of Unity, the Majority **Ought Not to Pass** Report was **ACCEPTED** 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:

Bill "An Act To Create the Insurance Fraud Division within the Bureau of Insurance"

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

Which was **TABLED** by Representative BRAUTIGAM of Falmouth pending **FURTHER CONSIDERATION**.

Representative BRAUTIGAM of Falmouth moved that the House **INSIST**.

Representative MCKANE of Newcastle moved that the House **RECEDE AND CONCUR**.

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

Representative **BRAUTIGAM**: Mr. Speaker, Ladies and Gentlemen of the House. I thought I would just tee up this issue a little bit. I know there are a couple of people who are going to speak on it. This is the insurance fraud bill. The bill would create a unit within the Bureau of Insurance to bring fraud cases forward, usually in the property and casualty area in the hopes of bringing down premiums in that area. Arguments in favor of the unit, creating an insurance fraud unit and it would do some other things. I know there are some other people who will be addressing this following me. I will keep this very brief.

Arguments in favor of the unit included the need to deter some of the things we have seen in other urban areas of these fraud rings staging accidents, having bogus doctor bills and claims and generally ripping off the insurance companies and therefore ripping off the insurance policyholder and payer. Arguments against this included simply the fact that this was not a time to be spending \$500,000 a year on an expansion of government. It wasn't proven that this is a problem in Maine. I will let other people address the details of it. I would finally just point out that Maine law already does contain several provisions dealing with insurance fraud. In 1997, the Legislature enacted a number of proposals including the establishment of a new crime relating to insurance deception and deceptive insurance practices. It also created civil violations in the area of commission of fraudulent insurance acts. The Legislature has required in the past insurance carriers to establish their own insurance fraud unit to deter fraud, basically using their own letterhead instead of basically a letter coming from the Bureau of Insurance proposed fraud unit.

There are warning labels on insurance applications and claim forms that are intended to deter fraud. This was an interesting and difficult discussion, but many of us on the committee felt this was not the time to be expanding the Bureau of Insurance in this fashion. Thank you very much.

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

Representative **CROCKETT**: Mr. Speaker, Ladies and Gentlemen of the House. This bill has a significant legislative history. LD 1671, which was introduced during the 121st Legislative Session proposed the creation of the Insurance Fraud Division within the state. The results of the legislation considered in that bill was a Resolve, LD 46, which directed the bureau to study the feasibility of creating a Fraud Division and report back to the IFS Committee. The report was submitted to the committee in 2006 and it recommended legislation. The committee considered the bureau's report and this led to the legislation LD 1990 in the Second Regular Session of the 122nd Legislature. LD 1990 as amended was reported out Ought to Pass and received significant support, but in the chamber it was not enacted.

The bureau then stated to us that LD 713, the bill that you have before you now was clearly the same as LD 1990. Insurance fraud has been identified throughout the United States as a problem that contributes to the cost of insurance. The losses attributed to insurance fraud are generally not absorbed by insurers. They are past through in premiums to the insured. Insurance fraud does exist in Maine. Insurers are required to report annually to the bureau the number of suspected occurrences of insurance fraud in Maine. The bureau compiles that information and in a report to the IFS Committee in 2006 the number of suspected cases of fraud totaled 2,150. The amount of Maine claims reported as not paid due to suspected insurance fraud was approximately \$7 million.

The bureau report noted that health care fraud alone costs Americans \$54 billion per year. Medicaid and Medicare fraud is a huge part of health insurance fraud. The United States Department of Justice calls health fraud its number two law enforcement priority after violent crime. Maine is not immune to this problem. It is time that Maine step up to join the more than 40 other jurisdictions with dedicated fraud units. This does not require additional revenue from the General Fund. This legislation is a modest start.

I urge you to support the Recede and Concur motion, which is the Majority Report of the committee. Mr. Speaker, I request that the Clerk read the strong committee report in support of this bill. Thank you.

Representative CROCKETT of Augusta **REQUESTED** that the Clerk **READ** the Committee Report.

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

Representative TREAT of Farmingdale **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 Farmingdale, Representative Treat.

Representative **TREAT**: Mr. Speaker, Men and Women of the House. I rise to oppose the pending motion and ask that you vote red.

This bill will spend a half a million dollars a year to create a new bureau, new division of fraud, to go out and investigate all these fraudulent claims that are supposed to be going on right now. It is a lot of money. It is money that is not necessarily available because, as you may recall if you read every last bit of the budget we passed, the Appropriations Committee swept the

money out of the dedicated revenue funds of this department. I doubt very much that that money is there. In any case, it is raised off the backs of the policyholders and that is how that money will be raised.

It might be worth doing that if you are getting something really good for what you are spending the money on. There really wasn't sufficient testimony to our committee that there was a strong need for this entire new division to focus on criminal prosecutions when we already have an Attorney General's Office that does this. In addition, it is pretty much a badly written bill. If you actually want to go look at it, there isn't any amendment to it except for the fiscal note, you can look at the language yourself.

It has a great deal of sharing of information, private information, that you are sending to an insurance company when you want to sign up for a policy or apply for a policy and any other information that would be sent when you make a claim for reimbursement under that policy.

It adds a whole number of organizations, which are not governmental organizations. Under current fraud law that this amends, there are a number of governmental agencies like the FBI, for example, that could get this information. The State Fire Marshall because there could be arson fraud, for example. This adds all kinds of other things and we don't really know what they are. An association of insurance commissioners, it is a private organization. It is not bound by any privacy standards that we have. This law doesn't bind them either. It adds in a National Insurance Crime Bureau and we asked, what is that, because the FBI already gets this information and I didn't get an answer to that question. There is also some international police organization named in here. We are not really sure what that is.

There were real questions about who has this information and what they are doing with it and that lack of confidentiality controls, which would apply if these were governmental agencies. It would be a crime to send out this information to people who did not have a right to it.

In addition, it has interesting language that says that if these guys mess up and send your private information out accidentally or negligently, that there is no repercussion. There is nothing you can do if you are harmed in some way, whether you are liable or whether it is financial complication that arises, a financial impact. You have no rights whatsoever to address that in the courts.

There really wasn't a need for this. It is costing a lot of money. It adds new positions without a showing of need. It just didn't really seem to make a lot of sense. I would ask that you follow my light and that you vote against the Recede and Concur motion so that we can put this bill where it belongs in the dead file. Thank you.

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

Representative **SAVAGE**: Mr. Speaker, Ladies and Gentlemen of the House. I had not planned on speaking on this, but I had done some checking on it and looking across the United States, most states do have a fraud division. I did some further checking and found out that in most states, if not all, the costs that were recovered exceeded the costs that were spent to recover those monies. They are talking about in Maine a cost of \$500,000. I think it was a little bit less than that with a much higher estimated recovery. It is very difficult to measure how much fraud there is when we don't have a fraud division out there checking these things out. If somebody commits fraud and knows that nobody is going to check it or pay much attention to it, they are going to continue to do that.

I would advocate that we consider this very strongly. Right now it is done through the Attorney General's Office, but they do not have enough staffing. I have talked to them about it, to really

handle it. I think that the money spent here would be wisely spent. Thank you.

The SPEAKER: The Chair recognizes the Representative from New Castle, Representative McKane.

Representative **McKANE**: Mr. Speaker, Ladies and Gentlemen of the House. I supported this bill last session. I am supporting it again. It is a bipartisan bill with bipartisan sponsors and a bipartisan report. I thank the good Senator from Waterville, Senator Marraché, for putting this forward. She feels the same way as I do about this. We really don't like paying for fraud. We are doing a lot of it. We are paying for fraudulent claims, fraudulent agents and fraudulent policies. Approximately 10 percent of all the claims paid out in Maine are fraudulent, which means, of course, higher premiums for the rest of us, higher prices on everything and higher taxes ultimately because everything costs more because of it. The Bureau of Insurance, the Department of Professional and Financial Regulation of this state, many insurers and others were among those who testified in favor of this bill. The only ones, in fact, to testify against this bill were the Maine trial lawyers. There is some sharing of information. As you know, a lot of information is shared already, but it is not to be made public. It is to be used to prevent fraud, any of the sharing of information. It is an enforcement issue. If you have more crime in one section of the city, you send more police officers to that section. We are having more crime in this area of business. We need to have more law enforcement in this area of business.

I would just like to end with the fact that New Hampshire and Massachusetts have had much success with their recent insurance fraud divisions. They have broken up rings. They found a lot of fraud. They have saved a lot of money. If I were someone who was going to start a ring or commit fraud and I was in New England, I would not be going to Massachusetts or New Hampshire. I would look a little further north. Thank you Mr. Speaker.

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

Representative **MILLS**: Mr. Speaker, Ladies and Gentlemen of the House. Just a few points. Public policy questions are raised by this bill. There are some very serious public policy questions that should raise the eyebrows of members of both sides of the aisle. The same way that this bill or a very similar bill raised the eyebrows of members of both sides of the aisle last year at this time when this body defeated a very similar measure by a vote of 82 to 53 with bipartisan opposition. The issues remain the same this year as they did last year. Issues of invasion of personal privacy, issues of insurance personnel becoming quasi-investigators for the state, issues of dissemination of personal information with no real restraints or limitations on that, dissemination of personal information to national and international private associations and agencies over which we have no jurisdiction, no control of where the information, which otherwise would be intelligence and investigative information where it flows.

The bill would require an insurer "having knowledge or a reasonable belief that a fraudulent insurance act will be or has been committed" to provide to the superintendent, information required by the superintendent by rule. This gives an insurance adjuster or an investigator grounds to say to someone making a claim, I am sorry, I think you may have been mistaken in filing this claim. I am going to report you to the Superintendent of Insurance. It doesn't require a very high threshold for someone to suspect that a crime is being, will be or has been committed and saying I have to report this to the Bureau of Insurance. I have to report it, for instance, because I found that last year on

your application for homeowner's insurance, you lied about having a dog. You misrepresented that you had two children at home and you actually have three children at home. It is somewhat irrelevant misrepresentations and unintentional misrepresentations that could, by a few unreasonable adjustors, be used as an excuse to deny an otherwise invalidate a claim with the assertion that this law requires that person to report the misinformation on your prior application and make you feel that you are a suspect in a crime, whether or not anything every comes of that. That information goes into an international registry, a private registry by a private association, over which, we, as a state, have no control

There is a serious public policy issue with respect to whether or not the money should be used for this kind of purpose when there is a financial fraud division in the Attorney General's Office. There are eight perfectly competent District Attorneys and approximately 70 Assistant District Attorneys across the state who investigate and prosecute all kinds of fraud day in and day out.

In checking with the committee files last year, this year, I have found no evidence that there have been cases presented to law enforcement and to the Attorney General's Office or the local DAs, cases that appeared meritorious that were for some reason further investigated or not prosecuted. In point of fact, if we just browse through the newspapers, we find that just a couple years ago, District Attorney Crook in Kennebec County, prosecuted and sent to prison a very prominent local official in Waterville for insurance fraud. It was a local businessman and elected official.

I recall specifically prosecuting some insurance fraud in the nature of prescription insurance fraud, arson for insurance and the like and fake accidents by consumers, faking claims. These things are done. Maybe they are not terribly visible, but they are done. They are prosecuted. I think that perhaps this bill, the same as the bill last year, is a solution looking for a problem.

It has been suggested that the Appropriations Committee has almost perennially in recent years, swept some of the special revenues that are intended to be used in this bill for an investigative unit, a fraud investigative unit. In point of fact this year when we very carefully considered the use of special revenue funds across the board, we also instructed the bureaus to look at reducing the fees, license fees and the like and assessments on insurance carriers and what not, that have apparently resulted in an over abundance of fees or a surplus of fees resulting in the sweeping action. This bill would result in those fees remaining high when they could perhaps go lower and should go lower and perhaps the lowering of those fees could result in lower premiums for all of us.

Again, I believe this is a solution looking for a problem. There are serious public policies and drafting issues with this bill involving the immunity issue, dissemination of information, privacy issues as has been mentioned before. This bill would leave open the serious possibility that the mere threat of prosecution investigation could be used in an unjust manner to dissuade good Maine citizens from filing legitimate claims. There is, furthermore, no guarantee that any alleged savings, whether there have been savings in other states, I don't know, but there is no documentation in this state that we are paying out too much on claims that might be fraudulent. There is no guarantee that any savings that could theoretically could be gained by this bill would be used to reduced premiums rather than merely to fatten the bottom line of various insurance companies. The hypothesis that this will reduce premiums is not supported by the language in the bill. I urge you to vote against the pending motion. Thank you.

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

Representative **BRAUTIGAM**: Mr. Speaker, Men and Women of the House. One of my favorite quotes is that there is a special place in hell for those people who maintain their neutrality in times of crisis or difficulty. That only comes to mind because I need to correct the Record that the Bureau of Insurance was neither for nor against.

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

Representative **SAVAGE**: Mr. Speaker, Ladies and Gentlemen of the House. It is kind of hard to follow up on that. Some of the comments I heard that this is a solution looking for a problem, I just don't agree with it. The fact that there are no facts in Maine to substantiate this cost is because we have not had a unit to go out there and investigate these incidents. I am sure there are many of them. The Attorney General's office, which was mentioned, does not have enough staffing to do this. If you check in other states, you will find that almost every single state that has put this in has saved money. Nobody can say how much has been prevented in the way of crime, drugs, arson or what have you. I think this would be an excellent idea to prevent that in Maine. Thank you.

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

Representative **WEBSTER**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **WEBSTER**: Mr. Speaker, Ladies and Gentlemen of the House. Do we have in our possession the privacy policies of those who we will be allowing to have the information from our constituents? Both sides of the aisle have been very concerned over the last several years about protecting our constituent's confidential information. I ask again. Do we have in our possession the privacy policies of those who will be receiving our constituent's private information?

The SPEAKER: The Representative from Freeport, Representative Webster has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Farmingdale, Representative Treat.

Representative **TREAT**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the question, I would say, no, with respect to the newly added associations that are in this bill. I would just give one example. One of the parties that can get this information is "insurance supervisors or law enforcement authorities outside the United States". What country are we talking about? Who knows? Iraq, you know, it could be anything. It is so well defined here that it defies explanation.

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

ROLL CALL NO. 195

YEA - Annis, Austin, Ayotte, Berube, Boland, Burns, Canavan, Conover, Cotta, Craven, Cray, Crockett, Fischer, Harlow, Joy, Lansley, McFadden, McKane, Savage, Saviello, Silsby, Trinward, Vaughan, Walcott, Walker.

NAY - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchette, Brautigam, Browne W, Bryant, Cain, Campbell, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Crosthwaite, Curtis, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Haskell, Hayes, Hill, Hinck, Jones, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Marean, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Muse, Nass, Norton,

Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Schatz, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Treat, Tuttle, Valentino, Wagner, Watson, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Blanchard, Bliss, Cressey, Dill, Duprey, Emery, Fisher, Hanley S, Hogan, Hotham, Jackson, Jacobsen, Makas, Marley, McLeod, Moore, Pineau, Piotti, Richardson E, Tibbetts, Weddell.

Yes, 25; No, 105; Absent, 21; Excused, 0.

25 having voted in the affirmative and 105 voted in the negative, with 21 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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

SENATE PAPERS

The following Joint Order: (S.P. 740)

ORDERED, the House concurring, that Bill, "An Act To Provide Information to Property Tax Payers," H.P. 837, L.D. 1144, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

READ.

On motion of Representative PINGREE of North Haven, **TABLED** pending **PASSAGE** and later today assigned.

**ENACTORS
Resolves**

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

(S.P. 544) (L.D. 1521)
(S. "A" S-349 to C. "A" S-78)

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

COMMUNICATIONS

The Following Communication: (S.C. 409)

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

June 21, 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 Amend Maine's Bottle Laws" (S.P. 603) (L.D. 1696) and all accompanying papers.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

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.

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

(H.P. 1122) (L.D. 1600)
(C. "A" H-272)

TABLED - June 20, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - PASSAGE TO BE ENACTED.

Representative SMITH of Monmouth, moved the Bill and all accompanying papers be **INDEFINITELY POSTPONED**

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

Representative **SMITH**: Mr. Speaker, Men and Women of the House. You may or may not have been tracking a few bottle bills that have been going between the bodies this past week. Supplement 34 that we just recognized, LD 1696, did not survive. Without LD 1696, LD 1600 becomes unnecessary without the handling increase for redemption centers. There was a concern that with the increase of handling fees that there would be an increase or proliferation of new redemption centers. Without the fee increase, the bill that we see here is unnecessary regulation of the redemption centers in the state. It is unnecessary. I encourage you to vote with me on the pending motion, Indefinite Postponement. Thank you.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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

Joint Order To Recall H.P. 837, L.D. 1144 from the Governor's desk to the Senate.

(S.P. 740)

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

Subsequently, the Joint Order was **PASSED** in concurrence.

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

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

Representative **MILLER**: Mr. Speaker, Men and Women of the House. In reference to Roll Call 191, on LD 999, had I been present, I would have voted yea.

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

**ENACTORS
Acts**

An Act To Amend the Nonresident Income Tax Filing Requirements

(H.P. 490) (L.D. 641)
(C. "A" H-602)

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.

Emergency Measure

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 1338) (L.D. 1904)
(H. "A" H-631 to C. "A" H-630)

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. 116 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Enable Unorganized Territory Townships To Become a Municipality"

(H.P. 346) (L.D. 430)

Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-175)** in the House on May 3, 2007.

Came from the Senate with the Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative BARSTOW of Gorham, the House voted to **RECEDE**.

On further motion of the same Representative, the Bill and all accompanying papers were **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE** and sent for concurrence.

Non-Concurrent Matter

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2007-08 (EMERGENCY)

(H.P. 1307) (L.D. 1875)
(C. "A" H-382)

- In House, **PASSED TO BE ENACTED** on June 14, 2007.
- In Senate, **PASSED TO BE ENACTED** on June 15, 2007, in concurrence.
- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 737.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-382) AND SENATE AMENDMENT "A" (S-386)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (S.C. 410)

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

June 21, 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 Utilities and Energy on Bill "An Act To Revise Maine's Utility Reorganization Laws" (S.P. 679) (L.D. 1866)

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

READ and ORDERED PLACED ON FILE.

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 (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-512)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish a Health Care Bill of Rights"

(H.P. 912) (L.D. 1294)

TABLED - June 12, 2007 (Till Later Today) by Representative BRAUTIGAM of Falmouth.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

On motion of Representative BRAUTIGAM of Falmouth, the Bill and all accompanying papers were **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and sent for concurrence.

Bill "An Act To Lower the Cost of Health Insurance"

(H.P. 765) (L.D. 1047)

TABLED - June 14, 2007 (Till Later Today) by Representative BRAUTIGAM of Falmouth.

PENDING - **FURTHER ACTION.**

On motion of Representative BRAUTIGAM of Falmouth, the Bill and all accompanying papers were **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and sent for concurrence.

Bill "An Act To Restore Competition to Maine's Health Insurance Market"

(H.P. 1226) (L.D. 1760)

TABLED - June 14, 2007 (Till Later Today) by Representative BRAUTIGAM of Falmouth.

PENDING - **FURTHER ACTION.**

Representative BRAUTIGAM of Falmouth moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

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

Representative **BRAUTIGAM**: Mr. Speaker, Esteemed Men and Women of the House, friends. Today, I am told, is the longest day of the year. I know that couldn't be true because of what I went through yesterday. I lost eight pounds in one two and a half hour meeting. Health care is an issue of intense passion. Passion is the gasoline of public policy. It can ignite a raging flame that consumes us all and burns the best interests of our constituents to the ground in an ash heap or that passion, that gasoline, can be contained. It can be contained and put in the fuel tank where it belongs. With that fuel of passion in the tank, we can set out again on the road to a better system of

health care for everyone. One of us holds the steering wheel and one of us holds the map. Together we will get there. I am asking for your support in that spirit for clearing the slate, taking stock of our lessons and starting that trip. We will include all the people of good faith and all the idea that have promised to improve the lives of those who have entrusted us with their hopes and dreams. Thank you Mr. Speaker.

Subsequently, Bill and all accompanying papers were **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and sent for concurrence.

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

SENATE PAPERS
Non-Concurrent Matter

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

(H.P. 335) (L.D. 419)
(C. "A" H-71)

PASSED TO BE ENACTED in the House on June 20, 2007.

Came from the Senate **FAILING** of **PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands

(S.P. 735) (L.D. 1930)

Resolve and accompanying papers **INDEFINITELY POSTPONED** in the House on June 21, 2007.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Resolve was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide Information to Property Tax Payers (MANDATE)

(H.P. 837) (L.D. 1144)
(C. "A" H-570)

- In House, **PASSED TO BE ENACTED** on June 18, 2007.
- In Senate, **PASSED TO BE ENACTED** on June 18, 2007, in concurrence.
- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 740.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570) AS AMENDED BY SENATE AMENDMENT "A" (S-387)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Amend the Election Laws"

(H.P. 1227) (L.D. 1761)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489) in the House on June 11, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489) AS AMENDED BY SENATE AMENDMENT "D" (S-389)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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)

FINALLY PASSED in the House on June 20, 2007.

Came from the Senate **FAILING** of **FINAL PASSAGE** in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **INSIST**. Sent for concurrence.

Non-Concurrent Matter

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

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

Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on June 21, 2007.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272)** in **NON-CONCURRENCE**.

On motion of Representative SMITH of Monmouth, the House voted to **ADHERE**.

COMMUNICATIONS

The Following Communication: (S.C. 411)

MAINE SENATE
123RD LEGISLATURE
OFFICE OF THE SECRETARY

June 21, 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 Cut Taxes on Maine Residents by over \$140,000,000" (H.P. 1362) (L.D. 1925) and all accompanying papers.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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 Restrict Tax Increases

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

- In House, Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ and ACCEPTED** and the

RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-272) on June 13, 2007.

- In Senate, Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-271) AS AMENDED BY SENATE AMENDMENT "A" (S-317)** thereto in **NON-CONCURRENCE**.

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

PENDING - **FURTHER CONSIDERATION**.

Representative PINGREE of North Haven moved that the House **INSIST**.

Representative TARDY of Newport moved that the House **RECEDE AND CONCUR**.

Representative PINGREE of North Haven **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 Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Mr. Speaker, Men and Women of the House. In my junior high and high school there were lots of pretty girls and I can guarantee you from direct experimentation that telling that you knew all the presidents in order or knew the names of the major Supreme Court cases and their holdings was not going to impress them a whole lot. I hope that here in this chamber, because I know from that direct experiment that I spent a lot of my life passionate and interested in these issues. I care about them. I care about them in a way that is not in any way partisan. I have spent decades of time thinking about these issues. In law school, constitutional law was my favorite issue. I hope whether you are Republican or Democrat, and I understand that people on both sides might take either position on these issues or Representative Saviello, that you might just consider why I have concerns about this measure, the portion of it that has the two-thirds vote. It is one that has nothing to do with party. I encourage you to vote your conscience whichever way you feel.

I feel uncomfortable with the thought that we might have to require a two-thirds vote to cut taxes, that is to say, think about this my friends on the other side of the aisle, that 12 people somewhere down that hall could veto a tax cut approved by 174 people. That is a strange thought, but that is exactly the concept that is before you. Looking back, whether you agree with me or disagree with me, and we think about those founding fathers that Gary Crocker mentioned that we are most passionate about. We always hear about the big stars, Thomas Jefferson, tall, red haired, handsome wrote the Declaration of Independence. It was a big hit with the ladies. For my money, there is only one legal document and one legal mind that stands with the work of Einstein and Shakespeare and the Beatles as embodying what is most transcended in the human spirit. That legal document came not from Jefferson, not Washington and sorry David McCullough who I am going to see tomorrow night, not John Adams either, nor Benjamin Franklin. That document sprang primarily from the mind and pen of James Madison, five feet four inches of legal genius. Madison, with almost no courtroom experience was the greatest legal craftsman in all of human history and he designed the most holy document ever created, the Constitution of the United States of America. About that document, Madison wrote, "if more than a majority was required for legislative decisions, then in all cases where justice or the general good might require new laws be passed, the fundamental principles of free government would be reversed. It would no longer be the

majority that would rule. The power would be transferred to the minority."

The US Constitution, like Maine's Constitution requires majority votes for the conduct of most government decisions. It is bad policy to give veto power to 12 members of some other body over the decisions of a majority. That is what this measure proposes. I respect everyone. I respect everyone's right to disagree on this issue. For me, this is a matter of conscience that rises far above party. It is unwise to trade away our form of government to a minority. It is something that we cannot accept. Statutes that we passed this session can and they will be changed, but the Constitution and the nature of our form of government is for the ages. Once a change is locked into our Constitution, it is near impossible to undo our error. Make no mistake, a yes to two-thirds now and we will be locked in, moreover, we will be called hypocrites not to accept the flawed two-thirds principle in a myriad of other contexts.

California's government, for example, is now a tangled mess of 100 contradictory initiative laws all springing from a well intended initiative measure passed into California's Constitution a century ago. If minority rule carries the day, our great form of government, we become nothing more than a tangled web of minority rule chaos. I am so proud of the Maine House. We have already taken a statesman like approach rejecting the minority rule two-thirds concept. In January this House rejected a two-thirds scheme in a proposed Joint Rule. In March, this House rejected a two-thirds scheme in LD 353 and last November the people of Maine rejected a two-thirds scheme called TABOR.

From 1994 to 2006, Republicans controlled the United States Congress and they rejected the two-thirds concept. They ruled by majority rule and well they should. I didn't hear a Maine Republican speaking out to ask Congress to go to minority rule down there then. They were right. I am glad they didn't do that. They shouldn't have. Madison believed the majority should exercise the authority that it earns. That means with respect to urban and rural, to Democrat and Republican. I am proud to serve as Majority Whip and I care a lot about my party, but I consider my Republican colleagues my friends. When one of them is attacked or treated unfairly, I am going to speak out for them just as equally. We take a collaborative approach in this body and most legislative decisions should not be the result of two-thirds. They should be unanimous. You know what, they are. In our majority rule system, that is the way it is. Of the 1,900 bills referred to committee this session, more than 1,600 achieved unanimous results. That is 85 percent within our majority rule system. Let's not undermine our Constitution's Madison principles.

Unanimity is often achieved in both the majority rule and in a minority rule environment. However, as Madison said in the federalist papers, the fundamental principles of free government would be reversed. James Madison opposed the articles of confederation, specifically because they contained minority rule requirements. The proposal before us is a throw back to an old form of government outdated even in Madison's time.

This measure would hand over power to 12 members of another body to veto the elected representatives in our Legislature and ignore the general rule of the people. Twelve of 186, that is something we cannot stand for. This measure, as I noted, would work both ways for a tax cut as well. You would need two-thirds in both chambers and 12 could veto. The elected Representatives, the people of Maine, must never be held hostage by the tyranny of 12. We must rather capitalize on what I believe in in this chamber for both parties in statesmanship and that working together can have a modern government as

Madison envisioned. Madison was right. Unanimity is the goal. Majoritarianism is the rule and justice is the result. Join the voters of Maine as they did on TABOR and reaffirm our earlier votes in this chamber and reject the tyranny of 12 and proudly uphold Madison's genius. Oppose the Recede and Concur motion. Thank you.

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

Representative **WATSON**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the constitutional lesson, however, during the time that it took to deliver it, I wandered through our Constitution and it turns out that it takes a two-thirds vote or a majority vote in this body for an emergency measure, for the use of the excise tax trust fund, mandate, for change in use of park lands, for redistricting plan, for conviction upon impeachment, for veto override, to expel a member after seating, constitutional convention requires a two-thirds vote. It takes two-thirds to overturn a confirmation recommendation. It takes two-thirds votes to process the confirmation, to remove an incapacitated Governor, to pass a bond issue, to form a Constitutional Amendment, amend or suspend a rule or order, reintroduce defeated measures from our Joint Rules and to recall an item from the legislative files. It was my intent to support LD 1819 in the context of our debate on tax reform as a measure that I thought would bring some support for that reform. It did not. I do not support LD 1819 now. I will certainly vote against the pending motion. However, the two-thirds discussion is probably not dead. It is not as legally vague as the corner would offer. Thank you Mr. Speaker.

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

Representative **TARDY**: Mr. Speaker, Men and Women of the House. I am not prepared to refer to matters of conscience nor am I prepared to quote Adams, Lincoln or Madison, nor am I going to comment on the esthetic qualities of my female junior high classmates. I just want to vote.

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

Representative **PIEH**: Mr. Speaker, Men and Women of the House. I just want to say how proud I am to be a member of this very group of 153 fine people.

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

ROLL CALL NO. 196

YEA - Annis, Austin, Ayotte, Beaulieu, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Hamper, Jacobsen, Joy, Knight, Lansley, Lewin, Marean, McDonough, McKane, Millett, Mills, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Saviello, Sykes, Tardy, Thibodeau, Thomas, Vaughan, Walker, Weaver.

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

ABSENT - Berube, Blanchard, Blanchette, Bliss, Cressey, Duprey, Emery, Fischer, Gifford, Hogan, Hotham, Kaenrath,

Lundeen, Makas, McFadden, McLeod, Moore, Patrick, Pineau, Richardson E, Rines, Savage, Strang Burgess, Sutherland, Tibbetts, Weddell, Woodbury.

Yes, 49; No, 75; Absent, 27; Excused, 0.

49 having voted in the affirmative and 75 voted in the negative, with 27 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

SENATE PAPERS

Non-Concurrent Matter

An Act To Address an Inequity in the Judicial Retirement System

(S.P. 574) (L.D. 1630)

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-295)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-295) AS AMENDED BY SENATE AMENDMENT "A" (S-377)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

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

PASSED TO BE ENACTED in the House on June 20, 2007. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-378)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime

(S.P. 571) (L.D. 1627)

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-276)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276) AS AMENDED BY SENATE AMENDMENT "A" (S-388)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 356)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

June 21, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has

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

L.D. 464 An Act To Reform Public Education by Encouraging Regional Approaches

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

Sincerely,
S/Sen. Peter B. Bowman
Senate Chair
S/Rep. Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

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

**ENACTORS
Acts**

An Act To Address an Inequity in the Judicial Retirement System

(S.P. 574) (L.D. 1630)
(S. "A" S-377 to C. "A" S-295)

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

(H.P. 1368) (L.D. 1929)
(S. "A" S-378)

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.

Emergency Measure

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)
(C. "A" H-382; S. "A" S-386)

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

Representative BARSTOW of Gorham **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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 197

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Boland, Brautigam, Browne W, Bryant, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Clark, Cleary, Connor, Conover, Crockett, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Greeley, Grose, Hanley S, Harlow, Haskell, Hill, Hinck, Jacobsen, Jones, Knight, Koffman, MacDonald, Marean, Marley, McDonough, Miller, Millett, Mills, Miramant, Nass, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sykes, Tardy, Theriault,

Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Ayotte, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Gould, Hamper, Joy, Lansley, Lewin, McKane, Prescott, Thomas.

ABSENT - Berube, Blanchard, Blanchette, Bliss, Burns, Craven, Cressey, Dill, Driscoll, Duprey, Emery, Finch, Gifford, Hayes, Hogan, Hotham, Jackson, Kaenrath, Lundeen, Makas, Mazurek, McFadden, McLeod, Moore, Muse, Norton, Patrick, Perry, Pineau, Richardson E, Savage, Saviello, Strang Burgess, Sutherland, Thibodeau, Tibbetts, Vaughan, Walcott, Walker, Weaver, Weddell, Woodbury.

Yes, 94; No, 15; Absent, 42; Excused, 0.

94 having voted in the affirmative and 15 voted in the negative, with 42 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Emergency Measure

An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime

(S.P. 571) (L.D. 1627)
(S. "A" S-388 to C. "A" S-276)

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

Representative WEBSTER of Freeport **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.

This being an emergency measure, a two-thirds vote of all the members elected to the House necessary.

ROLL CALL NO. 198

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Boland, Brautigam, Browne W, Bryant, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Cray, Crockett, Crosthwaite, Curtis, Dill, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hill, Hinck, Jacobsen, Jones, Joy, Knight, Koffman, Lansley, Lewin, MacDonald, Marean, Marley, McDonough, McKane, Miller, Mills, Miramant, Nass, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sykes, Tardy, Theriault, Thomas, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Wheeler, Mr. Speaker.

NAY - NONE.

ABSENT - Berube, Blanchard, Blanchette, Bliss, Burns, Craven, Cressey, Driscoll, Duprey, Emery, Finch, Gifford, Hayes, Hogan, Hotham, Jackson, Kaenrath, Lundeen, Makas, Mazurek, McFadden, McLeod, Millett, Moore, Muse, Norton, Patrick, Perry, Pineau, Richardson E, Savage, Saviello, Strang Burgess, Sutherland, Thibodeau, Tibbetts, Vaughan, Walcott, Walker, Weaver, Weddell, Woodbury.

Yes, 109; No, 0; Absent, 42; Excused, 0.

109 having voted in the affirmative and 0 voted in the negative, with 42 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Mandate

An Act To Provide Information to Property Tax Payers
(H.P. 837) (L.D. 1144)
(S. "A" S-387 to C. "A" H-570)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 0 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and was sent to the Senate.

Acts

An Act To Amend the Election Laws
(H.P. 1227) (L.D. 1761)
(S. "D" S-389 to C. "A" H-489)

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.

ORDERS

On motion of Representative PINGREE of North Haven, the following Joint Order: (H.P. 1369)

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 123rd Legislature.

Agriculture, Conservation and Forestry

- S.P. 217, L.D. 680 - An Act To Increase Funding for the Spaying and Neutering of Companion Animals
- H.P. 1159, L.D. 1650 - An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds
- S.P. 591, L.D. 1684 - An Act To Create the Maine Agriculture Protection Act
- S.P. 735, L.D. 1930 - Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands

Agriculture, Conservation and Forestry and Inland Fisheries and Wildlife

- H.P. 497, L.D. 648 - An Act To Maintain the Amount of State Land That Is Open for Hunting

Appropriations and Financial Affairs

- H.P. 61, L.D. 63 - An Act To Increase Access to After-school Programs
- H.P. 63, L.D. 65 - An Act To Provide Funding for Mentoring Programs
- H.P. 112, L.D. 120 - An Act To Provide Transitional Support for the Downeast Heritage Museum in Calais
- H.P. 157, L.D. 186 - An Act To Provide Funding to the St. Francis Water District for New Wells
- H.P. 160, L.D. 189 - An Act To Invest in an Allied Health Center at Northern Maine Community College
- H.P. 249, L.D. 305 - An Act To Increase the Availability of Cellular Telephone Service for Rural Residents
- S.P. 96, L.D. 314 - An Act To Restore Funding for the Reading Recovery Program
- H.P. 341, L.D. 425 - An Act Regarding the Accounting Procedure for Certain State Programs
- H.P. 495, L.D. 646 - An Act To Support and Expand Regional Teacher Development Centers and Early College Readiness Programs
- H.P. 542, L.D. 721 - An Act To Restore Support for HIV and AIDS Treatment and Prevention
- H.P. 565, L.D. 744 - An Act To Stabilize and Expand

Funding for the Graduate School of Biomedical Science at the University of Maine

- H.P. 598, L.D. 782 - An Act To Establish a New Method of Determining the State Budget
- S.P. 242, L.D. 793 - An Act To Provide Essential Library Resources to All Maine Communities
- S.P. 253, L.D. 804 - An Act To Ensure Responsible Government Spending, Investment and Educational Efficiency
- H.P. 614, L.D. 817 - An Act To Support the Maine Keeping Seniors Home Program
- H.P. 700, L.D. 925 - An Act To Provide Funds To Support Residential Programs for People with Developmental Disabilities
- H.P. 783, L.D. 1065 - Resolve, To Enhance the Education Opportunities for Maine's Early Childhood Workers
- S.P. 378, L.D. 1190 - An Act To Promote Economic Growth through Education for Androscoggin County
- H.P. 896, L.D. 1268 - An Act To Fund the Nursing Education Loan Repayment Program and Fund
- H.P. 998, L.D. 1424 - An Act Requiring Long-range Budget Planning
- H.P. 1163, L.D. 1654 - An Act To Reduce the Cost of the Unfunded Liability of the State Employee and Teacher Retirement Fund and To Reduce the Cost to Maine Citizens of Purchasing State Bonds
- S.P. 662, L.D. 1848 - An Act To Promote Sustainable Prosperity
- H.P. 1291, L.D. 1852 - An Act To Provide Taxpayer Relief

Business, Research and Economic Development

- H.P. 204, L.D. 270 - Resolve, Establishing the Task Force To Eliminate Outdated or Unnecessary Laws and Rules To Stimulate Job Creation
- S.P. 239, L.D. 790 - An Act To Strengthen Rural Community Investment
- H.P. 632, L.D. 833 - An Act To Support the Maine Patent Program
- H.P. 756, L.D. 1038 - An Act To License Home Building and Improvement Contractors
- H.P. 821, L.D. 1128 - An Act To Require Electronic Monitoring of Secondary Sales Transactions
- S.P. 398, L.D. 1210 - An Act Concerning the Diagnosis, Service and Repair of Motor Vehicles
- S.P. 403, L.D. 1215 - An Act To Attract New Capital for Innovative Businesses through Equity Investment in Maine

Criminal Justice and Public Safety

- H.P. 4, L.D. 3 - An Act To Strengthen "Permissible Inference" in the Law Concerning Dissemination of Sexually Explicit Material
- H.P. 66, L.D. 68 - An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer
- H.P. 69, L.D. 71 - An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Mental Disease or Defect in Juvenile Cases
- H.P. 131, L.D. 149 - An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault
- H.P. 191, L.D. 220 - An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault
- H.P. 201, L.D. 239 - An Act To Provide a Felony Penalty for Assault on a Firefighter

S.P. 95, L.D. 280 - An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime

S.P. 116, L.D. 372 - An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims

H.P. 339, L.D. 423 - An Act To Ensure the Safety of the Public and of Victims of Sexual Assault

H.P. 340, L.D. 424 - An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence

S.P. 147, L.D. 446 - An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness

S.P. 266, L.D. 856 - An Act To Reduce Drunk Driving

H.P. 882, L.D. 1240 - An Act To Implement the Recommendations of the Criminal Law Advisory Commission

H.P. 883, L.D. 1241 - An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code

S.P. 535, L.D. 1512 - An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile

S.P. 579, L.D. 1674 - An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws

S.P. 681, L.D. 1873 - An Act To Amend the Laws Governing Stalking

S.P. 691, L.D. 1897 - An Act To Allow Blended Sentencing for Certain Juveniles

H.P. 1336, L.D. 1902 - An Act To Bring Maine into Compliance with Federal Law Regarding Purchases of Firearms by Persons Found To Be a Danger to Themselves or Others

Education and Cultural Affairs

H.P. 115, L.D. 123 - An Act To Establish a Labor Center within the University of Maine System

H.P. 167, L.D. 196 - An Act To Modify the Maine Learning Results System

S.P. 209, L.D. 672 - An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum

H.P. 759, L.D. 1041 - An Act To Improve the Essential Programs and Services Funding Formula

H.P. 845, L.D. 1152 - An Act To Improve Public Education in Maine

H.P. 1000, L.D. 1426 - An Act To Enhance the Prekindergarten Experience for Maine Children

Health and Human Services

H.P. 321, L.D. 405 - An Act To Establish Necessary MaineCare Pharmacy Incentives

H.P. 397, L.D. 519 - An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens

H.P. 501, L.D. 652 - Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities

S.P. 362, L.D. 1110 - An Act To Create the Maine Council on Poverty and Economic Security

H.P. 1092, L.D. 1567 - Resolve, To Demonstrate Cost Savings by Preventing the Onset of Severe Mental Illness in Youth

S.P. 594, L.D. 1687 - An Act To Increase Health Insurance Coverage for Front-line Direct Care Workers Providing Long-term Care

H.P. 1251, L.D. 1797 - An Act To Fund Maine's HealthInfoNet Program

S.P. 660, L.D. 1843 - An Act To Improve the Quality of Health Care in Maine

Inland Fisheries and Wildlife

H.P. 482, L.D. 633 - An Act To Improve Funding for the State Snowmobile Trail System

H.P. 503, L.D. 654 - An Act To Make License Requirements and Rules Consistent for Young Anglers

H.P. 1281, L.D. 1838 - An Act To Ensure Safety on Freshwater Ferry Vessels

Inland Fisheries and Wildlife and Agriculture, Conservation and Forestry

H.P. 1294, L.D. 1858 - An Act To Protect Inland Water Access

Insurance and Financial Services

H.P. 507, L.D. 658 - An Act To Protect the Health of Infants

H.P. 765, L.D. 1047 - An Act To Lower the Cost of Health Insurance

H.P. 790, L.D. 1072 - An Act To Establish a Single-payer Health Care System

H.P. 800, L.D. 1082 - An Act To Create a Maine-based Independent Nonprofit Health Insurance Company

S.P. 391, L.D. 1203 - An Act To Amend the Laws Respecting Assignments for the Benefit of Creditors

H.P. 912, L.D. 1294 - An Act To Establish a Health Care Bill of Rights

H.P. 1176, L.D. 1667 - An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention

H.P. 1226, L.D. 1760 - An Act To Restore Competition to Maine's Health Insurance Market

Judiciary

S.P. 11, L.D. 1 - An Act To Increase Reimbursement for Jury Duty

H.P. 297, L.D. 367 - An Act To Protect Emergency Room Personnel from Civil Liability

H.P. 360, L.D. 461 - An Act To Implement the Recommendations of the Human Trafficking Task Force

S.P. 156, L.D. 469 - An Act To Disseminate "Lessons Learned" from Medical Injury Claims

H.P. 390, L.D. 507 - An Act Recognizing Native American Religion in Maine Prisons and Jails

S.P. 200, L.D. 608 - An Act To Extend the Statute of Limitations for Certain Medical Malpractice Cases

S.P. 221, L.D. 684 - An Act To Permit Medical Providers an Opportunity To Express Regret for a Medical Error

S.P. 267, L.D. 857 - Resolve, To Create A Medical Malpractice Study Group

H.P. 899, L.D. 1271 - An Act To Establish Health Care Practitioner Immunity for Consulting Physicians in Critical Specialties or Subspecialties

S.P. 462, L.D. 1348 - An Act To Amend the Maine Tort Claims Act

S.P. 463, L.D. 1349 - Resolve, To Waive the Tort Claims Limitation on Damages Relative to the Traumatic Brain Injury of Lucas Tolliver

S.P. 528, L.D. 1505 - An Act To Adopt the Revised Uniform Anatomical Gift Act

S.P. 547, L.D. 1524 - An Act To Increase Judicial Salaries

H.P. 1065, L.D. 1540 - An Act To Guarantee Free Speech in Privately Owned Public Gathering Places

S.P. 614, L.D. 1747 - An Act To Enact the Uniform Power of Attorney Act
 S.P. 636, L.D. 1792 - An Act To Limit the Compensation of Officers and Directors of Nonprofit Corporations
 S.P. 684, L.D. 1881 - An Act To Improve Transparency and Accountability in Government
 H.P. 1361, L.D. 1923 - An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman

Labor

H.P. 117, L.D. 125 - Resolve, To Expedite a Workers' Compensation Case
 H.P. 241, L.D. 297 - Resolve, Authorizing Elizabeth O'Connor To Rejoin the Maine State Retirement System
 H.P. 328, L.D. 412 - An Act To Clarify the Application of Prevailing Wage Requirements
 H.P. 458, L.D. 591 - An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects
 H.P. 658, L.D. 869 - Resolve, Directing the Maine State Retirement System To Recalculate the Retirement Benefits of D'Lila Terracin
 S.P. 349, L.D. 1032 - An Act To Improve Employment Opportunities for Persons with Disabilities in Maine
 H.P. 778, L.D. 1060 - Resolve, To Study the State's Career Center Network and Create a Sustainable System
 S.P. 424, L.D. 1223 - An Act To Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers
 H.P. 903, L.D. 1275 - An Act To Promote Workplace Safety and Certainty within the Construction Industry by Authorizing the Workers' Compensation Board To Issue Construction Contractor Certificates
 H.P. 954, L.D. 1345 - An Act To Simplify Standards for Determining Independent Contractor Status for Unemployment Compensation Purposes
 H.P. 1024, L.D. 1454 - An Act To Care for Working Families
 S.P. 556, L.D. 1585 - An Act To Assist the Independent Medical Examiner Program for Workers' Compensation
 S.P. 577, L.D. 1672 - An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers
 S.P. 600, L.D. 1693 - An Act To Restore Equity to the Maine State Retirement System
 S.P. 604, L.D. 1697 - An Act To Ensure Fair Wages
 S.P. 738, L.D. 1931 - An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process

Legal and Veterans Affairs

H.P. 532, L.D. 701 - An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town
 H.P. 843, L.D. 1150 - An Act To Establish Random Audits of Voting Machines
 S.P. 481, L.D. 1393 - An Act Regarding Lobbyist Disclosure
 S.P. 482, L.D. 1394 - An Act Regarding Campaign Finance Disclosure by Political Action Committees
 S.P. 611, L.D. 1744 - An Act To Join the Interstate Compact on the National Popular Vote
 H.P. 1253, L.D. 1799 - An Act To Establish Open Ballot Voting in Maine
 H.P. 1311, L.D. 1879 - An Act To Allow Additional Slot Machines at a Harness Horse Racing Track To Support Harness Horse Racing, Passenger and Freight Train

Service on the Mountain Division Rail Line and Passenger Train Service Overseen by the Northern New England Passenger Rail Authority
 S.P. 729, L.D. 1924 - An Act To Implement the Recommendations of the Committee To Review the Taxation of Slot Machine Revenues, Created by Executive Order 33 Fiscal Year 2006-07

Marine Resources

S.P. 247, L.D. 798 - An Act To Standardize Inshore Dragging Seasons for Scallops and Sea Cucumbers
 H.P. 1095, L.D. 1570 - An Act To Support Commercial Groundfishing
 H.P. 1116, L.D. 1594 - An Act To Amend the Laws Governing Closed Periods for the Hauling of Lobster Traps

Natural Resources

H.P. 610, L.D. 810 - An Act To Improve Solid Waste Management
 S.P. 479, L.D. 1392 - An Act To Update the Dioxin Monitoring Program

State and Local Government

H.P. 1308, L.D. 1876 - Resolve, Regarding the Maine State Cultural Building in Augusta
 H.P. 1310, L.D. 1878 - An Act To Generate Savings by Changing Public Notice Requirements

Taxation

H.P. 218, L.D. 262 - An Act To Amend the Credit for Rehabilitation of Historic Properties
 S.P. 91, L.D. 276 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Legislature To Freeze the Valuation of Maine Primary Residence Land
 H.P. 279, L.D. 349 - An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use
 H.P. 408, L.D. 530 - An Act To Encourage Open Space through Current Use Taxation of Open Space Land Set Aside for Long-term Protection from Development
 H.P. 409, L.D. 531 - An Act To Improve the Method of Taxing Natural Gas for Highway Use
 H.P. 421, L.D. 543 - Resolve, To Establish the Maine Tree Growth Tax Law Review Committee
 H.P. 558, L.D. 737 - An Act To Promote Forest Management Planning and Certification
 H.P. 604, L.D. 788 - An Act To Dedicate 20 Percent of the Sales Tax on Motor Vehicles to the Highway Fund
 H.P. 670, L.D. 885 - An Act To Implement the Recommendations of the Commission To Study the Costs of Providing Certain Services in the Unorganized Territories
 H.P. 721, L.D. 961 - An Act To Authorize an Alternative Calculation of the Property Growth Factor for Industrial Municipalities
 S.P. 318, L.D. 1001 - An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers
 H.P. 812, L.D. 1094 - An Act To Exempt from the Sales Tax Water Used in Agricultural Production
 S.P. 361, L.D. 1109 - Resolve, To Establish a Study Commission To Reform Taxes and Spending in Maine
 H.P. 848, L.D. 1155 - An Act To Include Fuel Economy when Calculating the Excise Tax on Motor Vehicles
 S.P. 402, L.D. 1214 - An Act To Improve the Competitiveness of Maine's Boat Building Industry

H.P. 916, L.D. 1298 - An Act To Amend the Definition of "Working Waterfront Land" To Include Land Used for Marine Trades
H.P. 996, L.D. 1413 - An Act To Set Fees for Services for Tax-exempt Property in Municipalities
H.P. 1081, L.D. 1556 - An Act To Recouple Maine Estate Tax with Federal Estate Tax
H.P. 1107, L.D. 1582 - An Act Reduce Maine's Tax Burden over a 10-year Period
S.P. 555, L.D. 1584 - An Act To Authorize Arbitration of Property Tax Valuation Disputes
H.P. 1208, L.D. 1725 - An Act To Modernize the Alcohol Tax by Imposing It on a Per Drink Basis
H.P. 1239, L.D. 1772 - An Act To Require Nonresidents To Pay Sales Tax on Snowmobiles and ATVs
H.P. 1250, L.D. 1788 - An Act To Equalize Tax Filing Status
H.P. 1280, L.D. 1833 - An Act To Provide Property Tax and Income Tax Relief

Transportation

H.P. 7, L.D. 6 - Resolve, Directing the Department of Transportation To Improve Guardrails on Portions of Interstate 295
H.P. 394, L.D. 511 - An Act To Study the Feasibility of Locating a New Bridge in the St. David Area
S.P. 191, L.D. 599 - An Act To Create an Airport Authority
H.P. 593, L.D. 775 - An Act To Create a Special License Plate To Support Breast Cancer Support Services
H.P. 1209, L.D. 1726 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Guarantee the Integrity of the Highway Fund
S.P. 647, L.D. 1818 - An Act To Enhance Public Safety, Facilitate the Coordination of Traffic Control Signal Systems and Promote More Equitable Use of Public Highway Rights-of-way

Utilities and Energy

H.P. 314, L.D. 398 - An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities
S.P. 136, L.D. 435 - An Act To Require Utilities and Competitive Service Providers To Pay Interest on Overestimates of Electric Power Bills
H.P. 816, L.D. 1098 - An Act To Promote Electricity Transmission Independence
S.P. 351, L.D. 1099 - An Act To Encourage Wind Energy Development
S.P. 404, L.D. 1216 - Resolve, To Establish a Study Commission To Stimulate Telecommunications Investment, Economic Development and Job Creation
S.P. 422, L.D. 1221 - An Act To Amend the Charter of the Kennebunk Light and Power District
S.P. 434, L.D. 1248 - An Act To Establish the Northern Maine Power Agency
H.P. 1351, L.D. 1918 - An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine

READ and PASSED.
Sent for concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 413)

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

June 21, 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 Enable Unorganized Territory Townships To Become a Municipality" (H.P. 346) (L.D. 430) and all accompanying papers.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 414)

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

June 21, 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 Failed to Enact Bill "An Act To Restrict the Use of Credit Scoring for Insurance Purposes" (H.P. 335) (L.D. 419).

Please be advised the Senate today insisted to its previous action whereby "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Tax Increases" (S.P. 648) (L.D. 1819) was passed to be engrossed as amended by Committee Amendment "A" (S-271) as amended by Senate Amendment "A" (S-317) thereto.

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

READ and ORDERED PLACED ON FILE.

On motion of Representative CROSTHWAITE of Ellsworth, the House **RECONSIDERED** its action whereby An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2007-08 (EMERGENCY)

(H.P. 1307) (L.D. 1875)
(C. "A" H-382)

FAILED PASSAGE TO BE ENACTED.

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

Representative **MILLETT**: Mr. Speaker, Ladies and Gentlemen of the House. A brief explanation of what this bill does might help for those of you who might be confusing it with another unorganized territory bill and may not have understood the sequence of what happened in the last week. A bill was presented by the Representative from Bethel to modify the amount of tuition that an unorganized territory child would pay to a receiving public school. Initially his proposal was to raise the level of that payment to upwards of 110 percent of the legal tuition rate of the actual per pupil charge of the receiving unit, whichever was higher. That bill came to the Appropriations Table and in the last few days we modified the amount that could be

charged to the actual cost of the receiving unit, which seemed like a fair balance between what now exists, which is a tuition rate charge maximum and the 10 percent upper limit to an actual cost charge. Because the cost of paying these tuition payments to receiving public school units comes out of the unorganized territory education services fund for which a tax rate is set by the Taxation Committee using the municipal cost components vehicle and that bill had already been processed and was sitting on the Governor's desk, the only way we could cover that additional cost of this bill in revised form, which is \$50,000 was to recall the bill from the Governor's desk, which was done earlier this week, amend that municipal cost components vehicle that the Taxation Committee had worked on to properly cover the \$50,000 charge and that bill is the one that is before us.

If we approve it, it will allow the actual accessing of the proper tax rate to recover the amount of money necessary to pay the charges that would be allowed under the statutory bill. I apologize for the lengthy discussion, but it is simply a vehicle to properly assess the unorganized territory mil rate and assessment on property.

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

Representative JOY: Mr. Speaker, Men and Women of the House. As probably most of you know over the years, I have been a voice for the unorganized territory. I have a tremendous amount of unorganized territory within my district. I certainly appreciate all of those who voted and followed my light on this issue. I don't want us to stay here another day. If any of you are inclined to change your vote, I would have no problem with it. Basically my vote is to address an issue of discrimination. The fact that the unorganized students going to a school have to pay more than students coming from an organized town to a school is discrimination, plain and simple. From that, you can make your own choice. Mr. Speaker, I request a roll call.

Representative JOY of Crystal REQUESTED a roll call on **PASSAGE TO BE ENACTED.**

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

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

Representative SAVIELLO: Mr. Speaker, Ladies and Gentlemen of the House. Just so I can clarify a little what my good friend said, there is a difference though. In the municipality when you tuition a child into the school, the school has the opportunity to say, no, we cannot take the child. If you are in the unorganized territory and you want to tuition the child in, you have to take the child. You have no choice. That is the difference. That is a very deep difference between the two systems that are there. I understand what the good Representative Joy is suggesting. I also believe under the school consolidation that we are actually going to address that differential treatment of the children as they go into the schools in the municipalities. I would urge you to vote in favor of this. Thank you Mr. Speaker.

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

Representative CARTER: Mr. Speaker, Men and Women of the House. Representative Saviello just gave my speech, but basically the reason we did it with the unorganized territories is they were not addressed and you do have to take them. They were not addressed in the consolidation, the reorganization, of school funding. Supposedly the other towns are going to be, but if they are not, we will address that in the next session of the Legislature. Thank you.

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 199

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Boland, Brautigam, Browne W, Bryant, Cain, Campbell, Canavan, Carter, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Dill, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Greeley, Hamper, Hanley S, Harlow, Haskell, Hill, Hinck, Jacobsen, Jones, Knight, Koffman, Lansley, MacDonald, Marean, Marley, McDonough, McKane, Miller, Millett, Mills, Miramant, Nass, Norton, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Sykes, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Ayotte, Cebra, Crosthwaite, Curtis, Gould, Grose, Joy, Lewin, Vaughan, Weaver.

ABSENT - Berube, Blanchard, Blanchette, Bliss, Burns, Casavant, Cressey, Driscoll, Duprey, Emery, Finch, Gifford, Hayes, Hogan, Hotham, Jackson, Kaenrath, Lundeen, Makas, Mazurek, McFadden, McLeod, Moore, Muse, Patrick, Perry, Pineau, Richardson E, Savage, Strang Burgess, Sutherland, Thomas, Tibbetts, Walcott, Weddell, Woodbury.

Yes, 105; No, 10; Absent, 36; Excused, 0.

105 having voted in the affirmative and 10 voted in the negative, with 36 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

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

**SENATE PAPERS
Non-Concurrent Matter**

An Act To Secure Maine's Transportation Future

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

(S. "B" S-339 to C. "A" S-308)

PASSED TO BE ENACTED in the House on June 20, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308) AS AMENDED BY SENATE AMENDMENT "C" (S-391)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act To Reduce the Income Tax

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

PASSED TO BE ENACTED in the House on June 20, 2007. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-281)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act To Amend the Laws Governing the Taxation of Partnerships

(S.P. 488) (L.D. 1400)

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-288)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE.**

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

Representative WATSON: Mr. Speaker, Ladies and Gentlemen of the House. I would like to just state before this body that this measure we are considering now, LD 1400, is being committed to Taxation. This measure is a tax break for wealthy law firms that have employees out of state and have income tax problems as a result. It asks for a retroactive tax break to January 1, 2001. It has a fiscal note of over \$1 million. I consider this matter a disgrace that Appropriations would commit this bill rather than kill it, when, in fact, Appropriations has killed a number of bills. All of us have bills there that died on the table for lack of funding, including veteran's benefits, which cost a third of this bill. I am not going to object to the motion to Recede and Concur, which I expect will be coming from the Chair. I won't ask for a roll call on Indefinite Postponement because it will then be sent back to the other body in non-concurrence and we will be around here much longer. I wanted to state that on the Record that this is a travesty, I believe, given the Appropriations measures for most bills with fiscal notes of over \$1 million.

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

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:

Joint Order To Recall H.P. 1336, L.D. 1902 from the Governor's desk to the Senate.

(S.P. 739)

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

Subsequently, the Joint Order was **PASSED** in concurrence. **ORDERED SENT FORTHWITH.**

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

ENACTORS

Acts

An Act To Secure Maine's Transportation Future

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

(S. "C" S-391 to C. "A" S-308)

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

Representative MILLETT: Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, this is a very important bill to both the Committee on Transportation and to the Committee on Appropriations and Financial Affairs. I would like to just describe what the bill started out to do and what we have done in

the modifications that are reflected in the amendment before you, which is the (S-391) amendment that was attached earlier this evening in the other body.

As you will recall, the Highway Fund revenue picture is not a very bright and optimistic one and the budgets that have been adopted in the last couple of years have been pretty restrictive in terms of the amount repair and construction of roads and bridges that can be funded. The committee set out to do a long-range comprehensive plan on how to stabilize and supplement their revenues and put forth LD 1790 with a large-scale supplementation plan and long-range vision of how best to stabilize that fund. What has been done with this amendment is to avoid a large fiscal note and a major structural gap that would have otherwise occurred by removing all General Fund revenue transfers so there will be, if this amendment is finally enacted, to the original bill and the Senate Amendment "B" that was attached earlier last week, no new General Fund transfers or revenues to supplement the Highway Fund. There will be no fee increases for the time being. There were to have been fees. Those fees have been removed. There will be a commitment over time to do a little of each and they are reflected in the amendment in Part H.

Very briefly, what those two pieces say is that by the 2012-2013 biennium, there will be a movement toward 51 percent of the State Police portion of the Highway Fund budget borne by the General Fund as opposed to 40/60 today by 2012 it will be 51/49 at minimum. Secondly, there will be a joint study that will occur between the two committees that will attempt to produce supplemental income to the Highway Fund that replaces the earlier proposal to do a transfer of the 10 percent tax on auto rentals that would have gone into the TransCap Fund. The proposal in H-2 would make that comparable dollar amount come from a study that will be done jointly and will be transferred as of July 1 of 2009.

In doing this, we have avoided the fiscal note. We have avoided the structural gap problems that could occur. We have had great dialogue. I think we have a good understanding of the importance of this vision. We have made clear that the borrowing that is proposed in the original bill, some of which was contained in the budget bill we passed last week, namely the GARVEE portion. It will in all instances be limited in amount and percent of revenue and also be requiring authorization by this Legislature.

From my perspective, we have done the responsible job of making a good vision take shape in a plan that doesn't go quite as far and as fast as some would have liked. I think it is the best solution for us and begins a process of hopefully productive dialogue in the near term. I urge your support. I think it is a good step in the right direction.

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

Representative MARLEY: Mr. Speaker, Ladies and Gentlemen of the House. I promise you the entire committee is not getting up. It is late. I just want to thank Appropriations, all the Transportation Committee would like to thank Appropriations. We recognize their concerns and they recognize our needs. We appreciate them working with us and moving forward and keeping this vision alive, if you will. It is a very good vehicle. It creates, for the first time, really measurable goals and it is going to grade us. I think that is a good thing to see if we have the revenues to do the infrastructure work we need. We are absolutely committed with the sub group, the working committee with Appropriations to address those two areas. I appreciate it.

One issue that people have talked about is the constitutional issue. This does not remove any constitutional requirement. I want you to know that for general obligation bonds. What it does,

and it sets that template that we talked about for the long-term transportation policies and debt service, don't forget that this is the first time we have debt service on the Highway Fund. We are going to look at it in a responsible way and see what we have and how we can govern it. It does create this mechanism at the Maine Municipal Bond Bank to create revenue bonds. This is already in place for several programs such as educational facilities, sewers and drinking water. Personally I think minimally the roads are just as important as those other pieces of our infrastructure.

I would like to thank the good Representative Millett, he alluded to this. He came up with amended language that, in fact, did strengthen that piece of it. As far as looking at it, each new authorization would have to receive this body's legislative approval and go through the budget process. This is moving us forward. I appreciate the help with Appropriations and this entire body. We had a very strong vote the other day and I do believe we are moving in the right direction. I hope you support enactment and I have enjoyed serving with all of you.

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

Representative CEBRA: Mr. Speaker, Ladies and Gentlemen of the House. I would join with my committee Chair from Portland and just briefly thank the members of the Appropriations Committee for the work that they have done to get this bill to the point where it is. We have worked a long and hard road to a hoe on this bill. We have done it and I really appreciate the support that we have gotten on this night. I appreciate the leadership from both the House and Senate chairmen. I thank the Appropriations Committee, it is a great thing they have done. Thank you Mr. Speaker.

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.

ORDERS

On motion of Representative PINGREE of North Haven, the following Joint Order: (H.P. 1370)

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 123rd Legislature.

Taxation

S.P. 488, L.D. 1400 - An Act To Amend the Laws Governing the Taxation of Partnerships

S.P. 303, L.D. 952 - An Act To Reduce the Income Tax

READ and PASSED.

Sent for concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 415)

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

June 21, 2007

Honorable Millicent M. MacFarland

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today insisted to its previous action whereby the Senate Failed to Enact "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).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

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

Representative FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House. With reference to LD 499, the following comes from a communication dated June 21, 2007 from the Commissioner of Education. "I am writing to acknowledge my commitment to submitting legislation in January 2008 that will provide consistency throughout the legislation for school administrative reorganization to reflect the language included in Section 36 6.7 which states 'when circumstances justify an exception to the requirement of 2,500 students the unit must serve at least 1,200 students.' In addition I intend to provide language that permits a similar adjustment for rural communities that demonstrate a need for slightly fewer than 1,200 students because of population density. Current law is not clear on who convenes the reorganization committee, the municipalities or the school administrative unit. The guidance the Department of Education has developed recommends the school administrative unit convene the meeting." Thank you Mr. Speaker.

SENATE PAPERS

Non-Concurrent Matter

An Act Requiring the State Bureau of Identification To Report Persons Found To Be a Danger to Themselves or to Others to the National Instant Criminal Background Check System

(H.P. 1336) (L.D. 1902)

(C. "A" H-480)

- In House, **PASSED TO BE ENACTED** on June 14, 2007.

- In Senate, **PASSED TO BE ENACTED** on June 21, 2007, in concurrence.

- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 739.

Came from the Senate **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

COMMUNICATIONS

The Following Communication: (H.C. 358)

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

June 22, 2007

The Honorable Beth Edmonds, President of the Senate

The Honorable Glenn A. Cummings, Speaker of the House

122nd Maine Legislature

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	63
Unanimous Reports	54
Ought to Pass	3
Ought to Pass as Amended	30
Ought Not to Pass	20
Referred to Another Committee	1
Divided Reports	3
Committee Bills & Papers	1
Pursuant to Joint Order	1
Carry Overs	5
Gubernatorial Nominations	12

Respectfully submitted,
S/John M. Nutting
Senate Chair
S/Wendy Pieh
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 359)

STATE OF MAINE

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

June 22, 2007

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Appropriations and Financial Affairs during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	116
Unanimous Reports	90
Ought to Pass	9
Ought to Pass as Amended	3
Ought Not to Pass	78
Divided Reports	3
Carry Overs	23

Respectfully submitted,
S/Margaret Rotundo
Senate Chair
S/Jeremy R. Fischer
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 360)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

June 22, 2007

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Business, Research and Economic Development during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	111
Unanimous Reports	91
Ought to Pass	4
Ought to Pass as Amended	32
Ought Not to Pass	54
Referred to Another Committee	1
Divided Reports	12
Committee Bills & Papers	1
Pursuant to Joint Order	1
Carry Overs	7
Gubernatorial Nominations	3

Respectfully submitted,
S/Lynn Bromley
Senate Chair
S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 361)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

June 22, 2007

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Criminal Justice & Public Safety during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	129
Unanimous Reports	95
Ought to Pass	5
Ought to Pass as Amended	20
Ought Not to Pass	68
Referred to Another Committee	2
Divided Reports	15
Carry Overs	19
Gubernatorial Nominations	3

Respectfully submitted,
S/Bill Diamond
Senate Chair
S/Stanley J. Gerzofsky
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 362)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

June 22, 2007

The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn A. Cummings, Speaker of the House
123rd Maine Legislature

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Education and Cultural Affairs during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	118
Unanimous Reports	84
Ought to Pass	9
Ought to Pass as Amended	22
Ought Not to Pass	52
Referred to Another Committee	1
Divided Reports	28
Carry Overs	6
Gubernatorial Nominations	8
Respectfully submitted,	
S/Peter B. Bowman	
Senate Chair	
S/Jacqueline R. Norton	
House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 363)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

June 22, 2007

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Health and Human Services during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	172
Unanimous Reports	142
Ought to Pass	13
Ought to Pass as Amended	59
Ought Not to Pass	70
Divided Reports	21
Committee Bills & Papers	1
Pursuant to Joint Order	1
Carry Overs	8
Respectfully submitted,	
S/Joseph C. Brannigan	
Senate Chair	
S/Anne C. Perry	
House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 364)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

June 22, 2007

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Inland Fisheries and Wildlife during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	78
Unanimous Reports	53
Ought to Pass	0
Ought to Pass as Amended	20
Ought Not to Pass	33
Divided Reports	21
Carry Overs	4
Gubernatorial Nominations	2
Respectfully submitted,	
S/Bruce S. Bryant	
Senate Chair	
S/Troy D. Jackson	
House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 365)

STATE OF MAINE

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

June 22, 2007

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Insurance & Financial Services during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	93
Unanimous Reports	68
Ought to Pass	8
Ought to Pass as Amended	23
Ought Not to Pass	36
Referred to Another Committee	1
Divided Reports	16
Committee Bills & Papers	1
Pursuant to Joint Order	1
Carry Overs	8
Gubernatorial Nominations	2
Respectfully submitted,	
S/Nancy B. Sullivan	
Senate Chair	
S/John R. Brautigam	
House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 366)

STATE OF MAINE

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

June 22, 2007

The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn A. Cummings, Speaker of the House

123rd Maine Legislature
 Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
 We are pleased to report that all business which was placed before the Joint Standing Committee on Judiciary during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	134
Unanimous Reports	105
Ought to Pass	8
Ought to Pass as Amended	46
Ought Not to Pass	50
Referred to Another Committee	1
Divided Reports	10
Committee Bills & Papers	1
Pursuant to Statute	1
Carry Overs	18
Gubernatorial Nominations	15

Respectfully submitted,
 S/Barry J. Hobbins
 Senate Chair
 S/Deborah L. Simpson
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 367)

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

June 22, 2007
 The Honorable Beth Edmonds, President of the Senate
 The Honorable Glenn A. Cummings, Speaker of the House
 123rd Maine Legislature
 Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
 We are pleased to report that all business which was placed before the Joint Standing Committee on Labor during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	115
Unanimous Reports	92
Ought to Pass	9
Ought to Pass as Amended	30
Ought Not to Pass	53
Divided Reports	7
Carry Overs	16
Gubernatorial Nominations	6

Respectfully submitted,
 S/Ethan Strimling
 Senate Chair
 S/John L. Tuttle Jr.
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 368)

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

June 22, 2007
 The Honorable Beth Edmonds, President of the Senate
 The Honorable Glenn A. Cummings, Speaker of the House
 123rd Maine Legislature
 Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
 We are pleased to report that all business which was placed before the Joint Standing Committee on Legal and Veterans Affairs during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	118
Unanimous Reports	88
Ought to Pass	4
Ought to Pass as Amended	24
Ought Not to Pass	60
Divided Reports	20
Committee Bills & Papers	2
Pursuant to Joint Order (1 divided)	2
Carry Overs	8
Gubernatorial Nominations	2

Respectfully submitted,
 S/Lisa T. Marraché
 Senate Chair
 S/John L. Patrick
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 369)

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

June 22, 2007
 The Honorable Beth Edmonds, President of the Senate
 The Honorable Glenn A. Cummings, Speaker of the House
 123rd Maine Legislature
 Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
 We are pleased to report that all business which was placed before the Joint Standing Committee on Marine Resources during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	36
Unanimous Reports	23
Ought to Pass	4
Ought to Pass as Amended	13
Ought Not to Pass	6
Divided Reports	10
Carry Overs	3
Gubernatorial Nominations	4

Respectfully submitted,
 S/Dennis S. Damon
 Senate Chair
 S/Leila J. Percy
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 370)

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

June 22, 2007
 The Honorable Beth Edmonds, President of the Senate
 The Honorable Glenn A. Cummings, Speaker of the House
 123rd Maine Legislature
 Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Natural Resources during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	79
Unanimous Reports	73
Ought to Pass	4
Ought to Pass as Amended	32
Ought Not to Pass	35
Referred to Another Committee	2
Divided Reports	3
Committee Bills & Papers	1
Pursuant to Joint Order	1
Carry Overs	2
Gubernatorial Nominations	3
Respectfully submitted,	
S/John L. Martin	
Senate Chair	
S/Theodore S. Koffman	
House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 371)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

June 22, 2007

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on State and Local Government during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	91
Unanimous Reports	67
Ought to Pass	12
Ought to Pass as Amended	22
Ought Not to Pass	33
Divided Reports	21
Committee Bills & Papers	1
Pursuant to Resolve	1
Carry Overs	2
Gubernatorial Nominations	2
Respectfully submitted,	
S/Elizabeth M. Schneider	
Senate Chair	
S/Christopher R. Barstow	
House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 372)

STATE OF MAINE

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

June 22, 2007

The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn A. Cummings, Speaker of the House

123rd Maine Legislature

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Taxation during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	242
Unanimous Reports	193
Ought to Pass	1
Ought to Pass as Amended	42
Ought Not to Pass	150
Divided Reports	22
Committee Bills & Papers	1
Pursuant to Joint Order (divided)	1
Carry Overs	26
Respectfully submitted,	
S/Joseph C. Perry	
Senate Chair	
S/John F. Piotti	
House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 373)

STATE OF MAINE

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

June 22, 2007

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Transportation during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	150
Unanimous Reports	121
Ought to Pass	7
Ought to Pass as Amended	36
Ought Not to Pass	74
Referred to Another Committee	4
Divided Reports	22
Committee Bills & Papers	1
Pursuant to Joint Order	1
Carry Overs	6
Gubernatorial Nominations	3
Respectfully submitted,	
S/Dennis S. Damon	
Senate Chair	
S/Boyd P. Marley	
House Chair	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 374)

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

June 22, 2007

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

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Utilities and Energy during the First Regular Session of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	85
Unanimous Reports	64
Ought to Pass	
Ought to Pass as Amended	25
Ought Not to Pass	32
Referred to Another Committee	1
Divided Reports	12
Committee Bills & Papers	1
Pursuant to Resolve (divided)	1
Carry Overs	8
Gubernatorial Nominations	3

Respectfully submitted,

S/Philip L. Bartlett II

Senate Chair

S/Lawrence Bliss

House Chair

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 30)

ORDERED, that Representative Stacey Allen Fitts of Pittsfield be excused June 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeffery A. Gifford of Lincoln be excused June 12 and June 13 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Scott E. Lansley of Sabattus be excused June 11, June 12, June 13, June 14 and June 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John L. Patrick of Rumford be excused June 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne C. Perry of Calais be excused June 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Patricia B. Sutherland of Chapman be excused June 14 and June 15 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Douglas A. Thomas of Ripley be excused June 12 and June 13 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Lance Weddell of Frankfort be excused June 21 for health reasons.

READ and PASSED.

The Speaker appointed Representative PINGREE of North Haven on the part of the House to inform the Senate that the

House had transacted all business before it and was ready to adjourn without day.

The Speaker appointed the following members on the part of the House to wait upon his Excellency, Governor JOHN ELIAS BALDACCI, and inform him that the House had transacted all business before it and was ready to receive any communication that he may be pleased to make:

- Representative PIOTTI of Unity
- Representative CLARK of Millinocket
- Representative RAND of Portland
- Representative WATSON of Bath
- Representative PILON of Saco
- Representative HOTHAM of Dixfield
- Representative LANSLEY of Sabattus
- Representative CHASE of Wells
- Representative KNIGHT of Livermore Falls
- Representative WOODBURY of Yarmouth

Subsequently, Representative PINGREE reported that she had delivered the message with which she was charged.

At this point, a message came from the Senate borne by Senator Martin of Aroostook of that Body, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

Subsequently, the Committee reported that they had delivered the message with which they were charged.

Governor **BALDACCI**: Mr. Speaker, Members of the House. Remember I was not able to give you the State of the State Address when I started this session and you all did in January. Tonight I thought I would do it for you. Sit back and relax. Seriously, Mr. Speaker, Majority Leader Pingree, Assistant Leader Faircloth, Minority Leader Tardy, Assistant Minority Leader Crosthwaite, Members of the 123rd Legislature, congratulations on a job well done and an impressive record of accomplishment. We came into this session with a long list of goals and I am proud to say that we have accomplished much. This has been one of the most productive legislative sessions in recent memory with overwhelmingly bipartisan support we created a two-year budget that makes the most significant reforms in K-12 education in more than 50 years. It imposes new spending discipline upon state government and it invests in innovation and higher education. With overwhelmingly bipartisan support, we developed a package of investments that will make our roads and bridges safer, will protect the state's special places and will help to grow private sector sustainable jobs with good benefits. With near unanimous support, we have taken major steps forward in protecting our environment and reducing the emissions of greenhouse gases. We have protected our citizens from toxic chemicals hidden in consumer goods and thanks to your efforts, and particularly to you Mr. Speaker, Maine now has one of the toughest predatory lending laws in the country and together we have delivered business a workforce training program and nearly \$70 million in tax relief. We have created a national model to protect the health of people serving in the National Guard and we have taken steps in advancing our goal toward universal health insurance coverage and improved health

care systems. Dirigo Choice will have the option to become self-insured. It is a move that will give us the flexibility to improve the program and restrain the costs. We have made it possible for young adults to keep health insurance through their parents until they are 25 years old. It is a major expansion of coverage to an age group that has been prone to go without.

Our success is the product of our ability to work together for the good of the people of Maine. During the last days of this session, there has been a lot of difficult debate around health care and tax reform. On both issues, we still have some work to do. The Taxation Committee this year undertook an enormous task and its members have done it with great creativity and openness. They have worked diligently for the entire session. The committee, particularly its chairs, John Piotti and Joe Perry, has developed a reform plan that has moved the debate on taxes further than most people thought possible. This is a difficult and complicated issue with consequences for our entire economy and effecting every business and family in Maine and we have to make sure that we get it right. I am committed to working with the legislative leaders going forward to further advance tax reform and tax relief. My goal is to develop a plan like our ground breaking budget and bond package that will gain broad support. In consultation with the Legislature, experts and interests on all sides, we will examine the taxes Maine people pay and consider more ways to streamline government at all levels. Our discussion must include both changing the tax code and reducing spending. We must also make sure that the spending caps that we have in place at the state, county and municipal level has the teeth to make them more effective. Before January, I will develop a Governor's Bill to reduce the tax burden on Mainers, improve our tax laws and continue to restructure government and reduce administration at all levels and all areas. We will do more to take our case to the people making sure that we bypass the special interest and engage the public interest.

I appreciate the work of the Taxation Committee. Its members have done a tremendous job. Their efforts and the efforts of many lawmakers who supported their work will be the foundation for discussions moving forward. Like taxes, our work in health care is not complete. We took some big strides this session, but health care reform still needs more attention. My pledge is to work with the Legislature to achieve our goal of making Maine the healthiest state in the nation. Our goal will be to increase the number of people who have health insurance and implement market reforms that will increase private sector competition and help hold down insurance costs while expanding universal access.

If we can continue to work together on the work that we have already accomplished, I know that we can get more done. I have often said that the Legislature is like a big family and we are going to have our disagreements in this State House like we do in our own house, but I know that we are going to join together and do what is in Maine's best interest like families do all around this state. Also, the friendships that have been built here continue long after your service. It is one of the great gifts of serving in the Legislature. Before I close, I want to take a moment to remember someone who should be with us tonight that isn't. This year our family has lost one of its own. Representative Abby Holman died in a tragic accident in April. Abby was a force in Maine politics.

As we complete our work and you go on your way home and enjoy your families and vacation time this beautiful summer in the beautiful State of Maine, I think you should be very proud for the work that you have done. You have worked hard. You have a tremendous number of successes, but we know that we have more work to do. God bless you all and God bless the State of Maine. Thank you very much.

On motion of Representative WHEELER of Kittery, the House adjourned without day at 10:26 p.m., Thursday, June 21, 2007.