

MAINE STATE LEGISLATURE

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

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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
SECOND REGULAR SESSION
33rd Legislative Day
Thursday, March 27, 2008

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

Prayer by Reverend Jane Rich, United Church of Christ, Andover.

National Anthem by Elaine Michaud, Mexico.

Pledge of Allegiance.

Doctor of the day, Steve Feder, D.O., Boothbay Harbor.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 907)

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services is authorized to submit a bill to the Senate regarding a method for reporting health care-associated infection quality data in the Second Regular Session of the 123rd Legislature.

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

READ and **PASSED** in concurrence.

COMMUNICATIONS

The Following Communication: (S.P. 906)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

March 25, 2008

Sen. Ethan Strimling

Senate Chair, Joint Standing Committee on Labor

Rep. John L. Tuttle

House Chair, Joint Standing Committee on Labor

123rd Legislature

Augusta, ME 04333

Dear Senator Strimling and Representative Tuttle:

Please be advised that Governor John E. Baldacci has withdrawn his nomination of Jeffrey Baker for appointment to the Maine Workers' Compensation Board, pursuant to Title 3 M.R.S.A. §154.

This nomination is currently pending before the Joint Standing Committee on Labor.

Sincerely,

S/Beth Edmonds

President of the Senate

S/Glenn Cummings

Speaker of the House

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

READ and **REFERRED** to the Committee on **LABOR** in concurrence.

The Following Communication: (S.C. 709)

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

March 26, 2008

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 Transportation on "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Guarantee the Integrity of the Highway Fund" (H.P. 1209) (L.D. 1726).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 710)

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

March 26, 2008

Honorable Glenn Cummings

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Cummings:

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

Upon the recommendation of the Committee on Natural Resources, the nomination of Donald Guimond of Fort Kent for appointment to the Board of Environmental Protection.

Upon the recommendation of the Committee on Natural Resources, the nomination of Lissa Widoff of Freedom for appointment to the Board of Environmental Protection.

Upon the recommendation of the Committee on Natural Resources, the nomination of P. Andrews Nixon of Brunswick for appointment to the Board of Environmental Protection.

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of Cathy A. DeMerchant of Vassalboro for appointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of R. Leo Kieffer of Caribou for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Resolve, Authorizing the Commissioner of Administrative and Financial Services on Behalf of the State To Convey Title and Other Interests in the Stone Buildings Formerly Occupied by the Augusta Mental Health Institute

(H.P. 1647) (L.D. 2282)

Sponsored by Representative BARSTOW of Gorham. (GOVERNOR'S BILL)

Cosponsored by Senator SCHNEIDER of Penobscot and Representative: JOY of Crystal, Senator: BENOIT of Sagadahoc.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

Under suspension of the rules, the Resolve was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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 items:

Recognizing:

Brian Palmer and Ernie Cloutier, of Dixfield, who saved the life of a young man, Cody Magoon, by rescuing him from bad winter weather in the wilderness, where he was stuck on his snowmobile. Cody Magoon called in to the Maine State Police barracks with his cell phone, and the call was patched through to the Maine Warden Service. The Maine Warden Service contacted Mr. Palmer, a hunter, trapper and tracker, to help speed the search effort. Mr. Palmer contacted Mr. Cloutier, who has a powerful snowmobile, and together they went out in search of the missing youth. Eventually they found Cody on the steepest part of Holman Mountain, unresponsive and nearing the last stage of hypothermia, with a soaked shirt and frozen jacket from the freezing rain. The two men responded quickly by giving him hand warmers and driving him to safety. Cody was treated at Rumford Hospital and later released. We acknowledge all the parties involved in this tense and heroic rescue and we join the Maine Warden Service in sending our appreciation to Brian Palmer and Ernie Cloutier for saving the life of Cody Magoon;

(HLS 1149)

Presented by Representative BRIGGS of Mexico.
Cosponsored by Senator BRYANT of Oxford.

On **OBJECTION** of Representative BRIGGS of Mexico, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to honor two super heroes from Dixfield for their act of heroism. They are Ernie Cloutier and Brian Palmer.

On February 13, 2008, Mexico teen Cody Magoon was out snowmobiling in the Dixfield area on Holman Mountain. His snowmobile ended up getting stuck because of the very bad weather conditions. If you recall that was the day that we had a very big snowstorm, along with sleet and freezing rain, and then turning to all rain. The rescue operation began to unfold after Cody, using a cell phone, called the Maine State Police barracks in Gray at 1:19 pm. The call was patched through to Game Warden Dave Chabot, who patrols Androscoggin County and was in the Greene area at that time.

After speaking with Cody, Chabot realized that his condition was deteriorating quickly and told him to stay with the sled. Not knowing the Dixfield backcountry, Chabot called Warden Sgt. Rick Mills of Andover, who used to work in Dixfield. Mills, who was 30 minutes away, phoned Brian Palmer of Dixfield, who is a hunter, trapper, and tracker, and asked him to look for Cody. The game warden knew that Brian knew the country and told Brian he was afraid that if someone did not get there soon, they would lose him. Sgt. Mills said he had seen Cody at 10 am out

snowmobiling in the Dixfield area. Brian then called his friend Ernie Cloutier because he had a big, powerful snowmobile.

Triangulating Cody Magoon's two cell phone calls for help, state police told the two wardens, along with Brian and Ernie, that Cody was somewhere behind Dixfield's Sugarloaf Mountain. The two men headed into the Holman Mountain range behind Ernie's home. They rode as far as the town of Carthage, and then doubled back. Brian and Ernie then found Cody's trail. The track was four to five hours old that they were following. There was a lot of snow in it, plus ice. They were very worried that they were not going to find him. He was headed to the Town of Jay.

Eventually they found Cody, where they believe he got stuck at about 11 am on Holman Mountain. He was on the steepest part of the mountain. He did not say anything when they got there for the first few minutes. They knew he was in trouble. Cody was unresponsive. His t-shirt was soaked and his jacket was frozen stiff. He was in the last stage of hypothermia, he was shutting down. His gloves were off and he was sitting there in the rain. His eyes did not recognize them. His hand were white, there was not any red to them at all. He was soaked right to the skin. He was just huddled there. The two men got him up and rubbed him, and he started shaking. Cody was dressed right for snow, but not for the heavy rain and freezing rain that fell much of Wednesday.

Ernie and Brian gave Cody hand warmers and put him on Ernie's sled. They then drove him out to Ernie's house to care for him until help, which was staged nearby, could arrive. There, bundled in blankets and laying on an ambulance gurney, Cody was wheeled into a waiting Med-Care ambulance at about 3:30 pm and taken to Rumford Hospital. There, Cody was treated and later released Wednesday evening. Game Warden Dave Chabot said that Brian and Ernie definitely saved Cody's life. He also said, "Thank God for people that aren't scared to step up and help." The game wardens rely heavily on the public for things like this. If it wasn't for Brian Palmer and Ernie Cloutier, this might have turned out to be a different story.

For me, as I was honored to be elected as their state representative this past November, I am so proud and grateful to be here today to be able to honor Ernie Cloutier and Brian Palmer for their bravery and heroism. Thank you, Mr. Speaker.

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

Recognizing:

Thomas Harrison, of Mexico, who saved the life of a young man, Tyler Richard. Tyler came running toward Mr. Harrison's truck, calling that he had hurt himself and needed help. Mr. Harrison saw that Tyler was bleeding, so he quickly drove him to the Rumford hospital. Mr. Harrison kept talking to Tyler in an attempt to keep him awake, and when they arrived at the hospital a fireman standing nearby ran inside to get a doctor. We acknowledge all the parties involved in this rescue and send our appreciation to Mr. Harrison for saving the life of Tyler Richard;

(HLS 1150)

Presented by Representative BRIGGS of Mexico.
Cosponsored by Senator BRYANT of Oxford.

On **OBJECTION** of Representative BRIGGS of Mexico, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to recognize one other person. Today, I would like to honor a

special man from my home town of Mexico for this act of heroism. I would like to thank Thomas Harrison for saving the life of my nine-year-old great nephew, Tyler Richard

Last June, Tyler was brought to his step-grandfather's home so his mother could go to work. The step-grandfather left Tyler unsupervised to go in to town to get some food. While he was gone, Tyler inexplicably found a .38 caliber handgun under the cushions of the couch. Being a curious nine-year-old boy, he picked up the handgun. While holding it, he ended up pressing the trigger and the loaded handgun went off. Tyler ended up shooting himself in the chest and puncturing his lung. In shock and despair, Tyler ended up running out of the house and on to the side of the road for help. Fortunately, Mexico resident Tom Harrison was driving by.

Tom saw that Tyler was hurt and bleeding. Tom immediately put Tyler into his pickup truck and drove him to the Rumford Hospital. Tom kept talking to Tyler in an attempt to keep him awake. When they arrived at the hospital a fireman standing nearby ran inside to get a doctor. Tyler ended up being airlifted by LifeFlight to the Maine Medical Center in Portland. After surgery and five days of hospitalization, Tyler returned home and has made a full recovery.

For me, again, as I was honored to be elected as their state representative this past November, I am so proud and grateful to be here today to be able to honor Tom personally for saving my great-nephew's life. I, and the rest of our family, will forever be thankful to Tom Harrison for his bravery and heroism. Thank you, Tom.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-480)** on Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Insurance and Financial Services Regarding Reporting on Lyme Disease and Other Tick-borne Illnesses" (S.P. 825) (L.D. 2157)

Signed:

Senators:

SULLIVAN of York
SNOWE-MELLO of Androscoggin
BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth
CANAVAN of Waterville
CROCKETT of Augusta
VAUGHAN of Durham
TREAT of Hallowell
RICHARDSON of Warren
SAVAGE of Falmouth
McKANE of Newcastle
PRIEST of Brunswick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-481)** on same Bill.

Signed:

Representative:

CONOVER of Oakland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-480)**.

READ.

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

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

Representative **CONOVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief; I know we have the important work of the Budget to go to today. I first want to thank the Bryant brothers, Representative Bryant and Senator Bryant, for their diligent effort on educating all of us, and the state on Lyme disease, both to bring awareness to the prevention of it but also to the importance of proper treatment for this disabling disease. I want to recognize those who are listening in who are having a hard time just getting out of bed today because their Lyme arthritis or other symptoms that they are facing, whether it be neurological or muscular, or to their heart, or facial paralysis—Bell's palsy, which is another symptom—that we do care deeply about their health.

The reason why I am on the Minority Report with this bill does not do adequately, and I am not going to ask for a roll call, Mr. Speaker, because I do want to keep moving forward in educating on this issue and to the value of that Report that was moved. What was needed that was not in this is the long-term treatment that I was lucky enough to have, that because of a guidelines change, some of which feel there is a distinct conflict of interest that those who had made the guideline because of some boards that they served on, a guideline change has enabled insurance carriers to decline treatment that I was able to get before the guideline change that they are not able to get, which has affected their quality of life, has prevented them from being productive citizens, has impacted their ability to work. I just very much look forward to the day, Colleagues, here in the House, when we do not have to mandate things people need.

There is a movement with carriers across this country, insurance carriers, and I will name that one of them in Anthem that made over \$75 million in profits in Maine last year in 2007. There is a movement for them to continually pull benefits, stop covering things, to deny care that people need in order to be productive in their families, in our communities, in our workforce, and very much look forward to the day that we do not need mandates because they are actually holding up and upholding what they are supposed to do is assuming the risk and paying for benefits that people need to live and to have the quality of life that they deserve. What Connecticut and Rhode Island have done is just that. The two states in our country that have the most number of Lyme Disease patients in our country have put mandates that require insurance companies to pay for the doctor ordered Lyme Disease treatment that they need—doctor ordered.

I look forward to the day, Colleagues, where we can put health care back in the hands of our physicians and stop denying care that people need. That is what I wish this bill would do; I hope we do it in the future when I am not back here but you all are. I look forward to continuing to help educate on this issue. I know you will be hearing from your constituents as more and more people in our state suffer from this illness, and I hope you give it warranted due attention in the future. Thank you, Mr. Speaker.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-480)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 28, 2008.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-475)** on Bill "An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process"

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

Signed:

Senators:

STRIMLING of Cumberland
SULLIVAN of York

Representatives:

TUTTLE of Sanford
CLARK of Millinocket
HASKELL of Portland
JACKSON of Allagash
BURNS of Berwick
JOHNSON of Greenville
DRISCOLL of Westbrook

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

Signed:

Senator:

DOW of Lincoln

Representatives:

THOMAS of Ripley
HAMPER of Oxford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-475)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-475)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 28, 2008.

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act Regarding the Operations of the Greater Portland Public Development Commission"

(H.P. 1556) (L.D. 2186)

Signed:

Senators:

BROMLEY of Cumberland
SCHNEIDER of Penobscot

Representatives:

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

RECTOR of Thomaston
BEAUDETTE of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-809)** on same Bill.

Signed:

Senator:

COURTNEY of York

Representative:

CLEARY of Houlton

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 191) (L.D. 599) Bill "An Act To Create an Airport Authority" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-484)**

(S.P. 479) (L.D. 1392) Bill "An Act To Update the Dioxin Monitoring Program" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-483)**

(S.P. 481) (L.D. 1393) Bill "An Act Regarding Lobbyist Disclosure" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-479)**

(S.P. 752) (L.D. 1958) Bill "An Act To Make Marine Resources Management More Responsive" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-474)**

(S.P. 778) (L.D. 1984) Bill "An Act To Provide a State Income Tax Credit to Dentists for Military Pensions" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-476)**

(S.P. 789) (L.D. 1995) Bill "An Act To Strengthen the Maine Small Business and Entrepreneurship Commission" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-477)**

(S.P. 809) (L.D. 2119) Bill "An Act To Amend Certain Laws Related to Environmental Protection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-482)**

(H.P. 1392) (L.D. 1954) Bill "An Act To Amend the Potato Cull Pile Law" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-813)**

(H.P. 1454) (L.D. 2070) Bill "An Act To Improve the Campaign Finance Laws and Their Administration" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-824)**

(H.P. 1457) (L.D. 2073) Bill "An Act To Prevent Contamination of Drinking Water Supplies" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-821)**

(H.P. 1468) (L.D. 2082) An Act To Preserve Successful Historic Neighborhood Schools (EMERGENCY) Committee on

EDUCATION AND CULTURAL AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-816)

(H.P. 1520) (L.D. 2140) Bill "An Act To Protect Sellers in Residential Real Estate Transactions" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-812)**

(H.P. 1535) (L.D. 2160) Bill "An Act To Protect Shellfish Waters and Shellfish Resources from Coastal Pollution" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-822)**

(H.P. 1549) (L.D. 2175) Resolve, To Ensure Support for a Model of Consolidated and Integrated Secondary and Postsecondary Education Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-825)**

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

(S.P. 787) (L.D. 1993) Resolve, Establishing the Commission To Review the Accountability of State Cultural Agencies (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-478)**

On motion of Representative BARSTOW of Gorham, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

**CONSENT CALENDAR
Second Day**

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

(S.P. 774) (L.D. 1980) Bill "An Act To Preserve the Cobscook Bay Scallop Fishery" (C. "A" S-472)

(S.P. 843) (L.D. 2185) Bill "An Act To Provide for the 2008 and 2009 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) (C. "A" S-473)

(H.P. 1394) (L.D. 2010) Bill "An Act To Ensure Ethical and Humane Dog Breeding in the State" (C. "A" H-803)

(H.P. 1473) (L.D. 2087) Resolve, To Study the Feasibility of a Public Dock on Mooselookmeguntic Lake (C. "A" H-804)

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

**BILLS IN THE SECOND READING
Senate as Amended**

Bill "An Act To Meet the Emergency Needs of Maine Veterans" (EMERGENCY)

(S.P. 779) (L.D. 1985)
(C. "A" S-468)

House as Amended

Bill "An Act To Facilitate the Timely Reopening of Closed Clam Flats"

(H.P. 1422) (L.D. 2038)
(C. "A" H-741)

Bill "An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry"

(H.P. 1508) (L.D. 2129)
(H. "A" H-789 to C. "B" H-728)

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

Bill "An Act To Create Efficiencies in Professional Licensing Laws Pursuant to the State Government Evaluation Act Review of the Department of Professional and Financial Regulation"

(H.P. 1644) (L.D. 2278)

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

On motion of Representative CLEARY of Houlton, was **SET ASIDE**.

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

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

**ENACTORS
Emergency Measure**

An Act To Amend the Laws Regarding School Funding
(S.P. 741) (L.D. 1932)
(CC. "A" S-467)

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

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

Emergency Measure

An Act To Provide Degree-granting Authority to the Landing School of Boatbuilding and Design

(H.P. 1409) (L.D. 2025)
(C. "A" H-759)

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. 135 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.

Emergency Measure

An Act To Prevent the Theft of Certain Metals
(H.P. 1504) (L.D. 2124)
(C. "A" H-771)

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. 130 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Public Utilities Commission and the Public Advocate To Advocate for the Adoption and Implementation of Demand-side Management Programs

(H.P. 1434) (L.D. 2050)
(C. "A" H-767)

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education

(H.P. 1502) (L.D. 2122)

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Department of the Attorney General

(H.P. 1544) (L.D. 2170)

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. 132 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 Assist Maine's Forest Products Industry

(H.P. 1588) (L.D. 2222)
(C. "A" H-775)

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

Representative PIEH of Bremen **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.

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. 253

YEA - Adams, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Carter, Casavant, Chase, Clark, Cleary, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne,

Dunn, Eaton, Eberle, Edgecomb, Emery, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Joy, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Miramant, Muse, Nass, Norton, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - NONE.

ABSENT - Annis, Ayotte, Briggs, Canavan, Carey, Cebra, Connor, Duprey, Faircloth, Greeley, Haskell, Kaenrath, Mills, Moore, Patrick, Thomas, Woodbury.

Yes, 134; No, 0; Absent, 17; Excused, 0.

134 having voted in the affirmative and 0 voted in the negative, with 17 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Name a Road in Dexter after Harold Alford

(S.P. 866) (L.D. 2239)
(C. "A" S-466)

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. 137 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Laws Relating to the Department of Corrections

(H.P. 1391) (L.D. 1953)
(C. "A" H-769)

An Act Concerning Gasoline Station Vapor Recovery Requirements

(S.P. 765) (L.D. 1971)
(C. "A" S-465)

An Act To Repeal the Cap on Rental Rates for State Submerged Lands

(H.P. 1407) (L.D. 2023)
(C. "A" H-770)

An Act To Protect Life Insurance Consumers

(H.P. 1477) (L.D. 2091)
(C. "A" H-774)

An Act To Ensure Full Payment of Annuity Death Benefits

(H.P. 1569) (L.D. 2200)
(C. "A" H-772)

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

Resolves

Resolve, To Examine the Information, Training and Support Services Provided to Parents of Children with Disabilities

(H.P. 1411) (L.D. 2027)
(C. "A" H-760)

Resolve, Regarding Curriculum Requirements and Standards for Awarding a High School Diploma

(H.P. 1548) (L.D. 2174)
(C. "A" H-761)

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

An Act To Create a Special License Plate To Support Breast Cancer Support Services

(H.P. 593) (L.D. 775)
(C. "A" H-766)

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

On motion of Representative STRANG BURGESS of Cumberland, was **SET ASIDE**.

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

Representative **STRANG BURGESS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise just to say that this has been an exciting year and a half of a bill that has finally come to you today. It is "Pink Day", and I do want you to know that I own a lot of pink; however, I was expecting a long night last night and I packed before I realized it was going to be "Pink Day", but how appropriate that some people knew that this was a special day, not only for the person that sang the Anthem this morning, but in honor of all breast cancer survivors and everybody that is going through cancer.

This bill had just overwhelming support from all of you and I just want you to know how much I appreciate that and just to give a quick update pending everybody's approval today, I am excited to tell you that we are on track for release of this plate on October 1, and October is Breast Cancer Awareness Month. The design is in its final stages, and we completed this process in I think it was about 6 months, soup to nuts, to deliver to the Secretary of State \$40,000 and 2,000 names in record time. I know that many of you helped me with your constituencies and I appreciate that very, very much. Mr. Speaker, I would ask for a roll call, please. Thank you.

Representative STRANG BURGESS of Cumberland **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 Lewiston, Representative Makas.

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As someone who has a number of friends who have had breast cancer, I want to extend a personal thank you to the good Representative from Cumberland because she acted on behalf of all of us, so thank you very much. You have done a terrific job with this. Thank you.

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

ROLL CALL NO. 254

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth,

Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Joy, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - NONE.

ABSENT - Ayotte, Briggs, Canavan, Connor, Duprey, Kaenrath, Thomas, Woodbury.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Bill was **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**.

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

UNFINISHED BUSINESS

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

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1516) (L.D. 2136)
(C. "A" H-763)

TABLED - March 26, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - Motion of Representative MARLEY of Portland to **RECONSIDER ADOPTION OF COMMITTEE AMENDMENT "A" (H-763)**. (Roll Call Ordered)

Subsequently, Representative TARDY of Newport **WITHDREW** his **REQUEST** for a roll call.

Subsequently, the House **RECONSIDER ADOPTION of Committee Amendment "A" (H-763)**.

Representative MARLEY of Portland **PRESENTED House Amendment "A" (H-808) to Committee Amendment "A" (H-763)**, which was **READ** by the Clerk.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment would simply take what this body voted on the other day, the Majority Report, and remove the definition around adverse effect and that is really where all of this energy and heat, I think, is between the two Reports. What it does keep in place, in the Majority Report that passed, is guidance. In Section 2 in the Report, that reads that the Commissioner of Education shall provide administrative guidance to local education agencies

pertaining to the determinations of adverse effect on educational performance to children. It also keeps, in Section 3, about guidance on prior written notice and that is the report mechanism, if you will, from the IAP team to the parent. I think that is important. Personally, I think that is where this is most appropriate, not in statute or in rule, but in guidance from the Department.

Additionally, if I may, where a lot of this came from was a stakeholders group that had advocates—parents, Special Ed directors, Special Ed teachers and administrators—on it. That stakeholders group did a test for consensus. Basically, the stakeholders group reached consensus that there was no federal statutory or judicial requirement for a definition for adverse effect. When this began a year and a half ago, the advocates were absolutely opposed to any definition for adverse effect. The stakeholders group, also, did not reach consensus on whether the adoption of a definition of adverse effect was even necessary, and the one area that they definitely reached consensus is that they needed more time. This simply will allow us to not put into statute or rule a definition, which Special Education, unfortunately, quite often can become very adversarial. I think this will make it more adversarial. I think this will give time for the Department to develop that guidance, and I would hope that this body would support that and allow us to move forward with this because there is a lot of change that is already going on in our educational institutions around regular education and Special Education, and I believe that this is the fairest way to proceed at this time. I hope you support this. Thank you.

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

Representative **STRANG BURGESS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of this amendment. You folks have heard a lot of conversation about this bill over the last week or so. It is a very emotional, complicated subject matter. We are talking about our kids, and we are talking about the best that we can give our kids. Many of you are parents and all of you, I am sure, are aunts and uncles, and you want absolutely the best that you can do for your kid and you will go to the ends of the earth and back again. For whatever reason when I got involved with this issue last year, it was percolating well on boil, over boil, and it is just a very highly charged issue. I am in support of Representative Marley's amendment because what we are really trying to do here is slow the process down here a little bit, give some time.

You folks, last session, passed huge, sweeping changes to what is called Chapter 101 rules, and many of those have affected Special Ed regulations here in our state and the way that that process is conducted. Anecdotally, we have already heard that identification rates and different things are changing, and that the Special Ed directors are feeling better about the direction and getting a little more control. Now as we do that, we have to be careful, we need to be careful that we do the prudent thing, this is just very tight budget times, we need to be very fiscally responsible, but we always have to remember the kids, and we need to make sure that we take care of them and do it as correctly and effectively as possible. What this amendment will do is remove the actual definition of adverse effect.

You have already heard about some of the concerns out there. This will give us time to really thoughtfully work on it, see that the things that we have already put in place are working, which I think that they are. Then, I would hope that we could leave the issue of adverse effect, if you will, trying to put a definition on it, which people have been working: parents, stakeholders, school folks, have been really working so hard on this issue to try to come up with a definition. Actually, at the end

of last session when we created the task force, I actually asked, I said, "Look, we need to give the school some guidance. We need to try to do this," and they worked really, really hard to do that, and you saw the Report which was 16-3, they came up with a very loose definition of which people thought they could work with. But almost everyone would tell you that certainly there first preference would be to have nothing there as opposed to something, so this, in fact, really goes back and honors the heart of the matter.

I am really pleased that Representative Marley would bring this amendment forward and recognize the agony and strife this has caused out there, so we know that this is an issue, we are watching it around the country. Many of you received an email from the Commissioner yesterday afternoon outlining some issues; this is definitely a hot button around the country. But you know, Maine does not always have to be first or second in everything, not at the expense of our kids. Let's see what happens or the next few years. I am sure this is not the end of this issue, but for today and hopefully for the next couple of years, we can let these parents get back to doing what they need to do, which is advocating for their kids, supporting their kids, and getting them the best education through our Maine schools that they can to make their kids productive Maine citizens. So I would encourage your support of this amendment. Thank you.

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, rise in support of this amendment having been on the Majority Report from the Committee. Having dealt with this issue on the task force and having been involved in disability advocacy for over 30 years now, I am quite pleased that we ended up with an open opportunity for people to discuss children rather than coming up with clear parameters for who has experienced adverse effects from a disability. I believe that this not only allows but encourages our education professionals to look at each individual child and his or her individual needs. So I will simply say that I strongly support this amendment, I encourage further consideration of each children and his or her individual needs. Thank you.

Subsequently, **House Amendment "A" (H-808) to Committee Amendment "A" (H-763) was ADOPTED.**

Committee Amendment "A" (H-763) as Amended by House Amendment "A" (H-808) thereto was ADOPTED.

Representative TARDY of Newport **REQUESTED** a roll call **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. 255

YEA - Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Campbell, Carey, Carter, Cebra, Chase, Clark, Cleary, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Jones, Joy, Knight, Koffman, Lansley, Lewin, Lundeen, Makas, Marean, Marley, Mazurek, McDonough, Miller, Millett, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector,

Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Adams, Beaulieu, Cain, Casavant, Finch, Gifford, Johnson, McLeod, Mills, Samson, Smith N, Watson.

ABSENT - Blanchette, Canavan, Connor, Curtis, Duprey, Gerzofsky, Kaenrath, MacDonald, McFadden, McKane, Pieh, Thomas, Woodbury.

Yes, 126; No, 12; Absent, 13; Excused, 0.

126 having voted in the affirmative and 12 voted in the negative, with 13 being absent, and accordingly the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-763) as Amended by House Amendment "A" (H-808)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

Representative TARDY of Newport assumed the Chair.
The House was called to order by the Speaker Pro Tem.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Require Retailers To Disclose the State's Implied Warranty Laws to Customers"

(H.P. 1523) (L.D. 2143)

Signed:

Senators:

SCHNEIDER of Penobscot
COURTNEY of York

Representatives:

BEAULIEU of Auburn
AUSTIN of Gray
SILSBY of Augusta
RECTOR of Thomaston
BEAUDETTE of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-823)** on same Bill.

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

SAMSON of Auburn
MacDONALD of Boothbay
PRESCOTT of Topsham
SMITH of Monmouth
CLEARY of Houlton

READ.

Representative SMITH of Monmouth moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I believe it is

appropriate to move the Minority Report on this; it is a minority only by one vote. I have great respect for my committee and allow them, seven of them at least, to be wrong in this one instance, and I am moving the Minority Report and am eager to talk to you about what you have before you.

The first thing to note is that the amendment replaces the bill for the Minority Report, so what we are debating is an amendment somewhere in the floodgates of paper on your desk, Amendment (H-823), and, again, it replaces the bill and it is simply two paragraphs. What I will do to set the groundwork is summarize the summary for you: Beginning at November 1, 2008, this bill would require the seller of consumer goods who also offer for sale service contracts, to post a notice for buyers of consumer goods that summarizes in plain language the consumer's implied warranty rights. It requires that the notice to be posted in a prominent location, be in typeface big enough to read and be written in plain English. It also requires the Attorney General's Office to publish a brochure that outlines the states implied warranty law by September 1, 2008, and also to create a model notice that stores could use if they chose to.

Speaking with the AG's Office, they are eager to update what they currently have which is a six-page pamphlet into a simple tri-fold. You will notice there is no fiscal note; the AG's Office will be able to absorb this in their current work. This bill, the Minority Report, provides consumers with information. I do not see how that could possibly be a bad thing. I am deliberately not going to tell you what the state law is. If you find that you are wondering what I am referring to, I think that makes the point for the legislation, the need to make consumers aware before or as they are being encouraged to purchase a service contract, to be aware of the rights that they currently have under current state law. It only makes sense; I encourage you to vote in favor of the pending motion. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I could not agree more with my committee chair, the good Representative from Monmouth, that we are very fortunate to have an excellent, excellent implied warranty law here in the state. We are one of ten states in the nation that have that law, and I think it is also important that our consumers know about that. As a matter of fact, I used a number of opportunities around my district to explain that to folks when we have had public meetings, because I think it is a good opportunity for us as legislators to provide information to our constituents and let them know that things like the implied warranty law exist. As a matter of fact, if you go to the AG's website, it is very easily assessable and you can read that information.

At the same time as this bill was coming forward, I had an opportunity the previous night to have been watching local access cable. I know that many of you may try to pass over those stations; I happened to just be tuning by and I saw Jim McKenna from the AG's on there talking about negotiating with undertakers and consumer concerns about arranging for funerals. It was a very interesting half hour program. So he happened to be in our committee room as we were doing a presentation about this implied warranty law, and I said to him, "Jim, is there a chance that you could do something about the implied warranty law so that consumers could be aware of that and we would be able to get the word out in an easy and unobtrusive way?" He said, "As a matter of fact, we have such a video and we have run it before and we will continue to run it, so there are already opportunities for education of the public."

Implied warranty means just that, that is to say implied, not

expressed. To me, this puts an undue burden on our businesses. We will be the first in the nation to end up having businesses having to post this in their space, and with all due respect, I am not sure that posting, no matter how large the type, in a Wal-Mart or in other places that are selling a lot of this sort of product, is going to have any real effect on people's ability to understand what the law is. I would suggest that we have opportunities to educate the public, that we should take advantage of those, that the AG's Office is trying to do that and doing a fairly good job of it, and that local access cable channel information is a very good way to go. I am not sure we need to burden our businesses with this additional requirement. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sullivan, Representative Eaton.

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Now this is one of those bills, this was brought to my attention through some of my own actual experience. I was in retail. I have been a YMCA guy for about the past 17 years, but for 30 years before that, through family businesses and my own, I was involved in retail. There was a time in our small businesses when somebody would come to us and say, "Well, what happens if something goes wrong with this product?" As a retailer, the first thing I would always tell them is "You get it right back here to me and I will take care of that for you."

A part of this bill in the applied warranty law that is very rarely talked about, as we are always focusing on the service contract aspect, is the Maine Implied Warranty also says that a retailer cannot exempt themselves from being the middle man should a product that they sell a consumer have a problem. We really have gone far, far away from that, to the point where now the consumer does not even bother to bring it back because they do not think they can have help. As retailers, we have an obligation to that rule and I actually believe many retailers are just not aware of that fact as well.

So another piece of this that we are not discussing is that I did not want this rule, or this law, to be business unfriendly. That is why you will notice that there are no penalties, we are just asking for their help in this process. It is an effort to say we want to make sure we want to educate our consumer. There are many ways, as Representative Rector pointed out; I agree with him, there are many other ways as well. I saw this as a light imposition on businesses at no cost to them. At the same time, I think it is very important that we said to the Attorney General's Office, create a brochure that is more reasonable than the 8 1/2" x 11" multi-paged implied warranty that we have now, so that you will find that, not in a retail environment, but maybe at the dentist office or the doctor's office, or that rack of things that you might find somewhere. I do not believe it is a huge imposition on the businesses, and I believe that it might do a great service to the consumers of the state. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Houlton, Representative Cleary.

Representative **CLEARY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of the Minority Ought to Pass as Amended Report and just want to speak briefly to that.

This law would address, as you have heard already, the issue of service contracts that many of us are asked to purchase at the time that we purchase other consumer products. Sometimes you wonder why you are asked to purchase those, or you may get phone messages on your answering machine that your service contract is about to run out, and there are always dire consequences. The dire consequences you hear at the retailer's

level is that we have no further responsibility for this product; it is up to you to contact the manufacturer and to deal with those issues on your own. Well, in the State of Maine that is not the case, and whether the retailer is being intentional in the misrepresentation or simply does not know what the law is, clearly there is some notice that needs to be provided here and that is the issue that we are trying to deal with today. It does require the retailer to respond to those reasonable requests of the consumer, to deal with the product that they have purchased in their store.

This is not an undue burden, as you may have heard in some other remarks here today. What it would do is provide that notice in a conspicuous place so that the consumer could see it, as well as the employees that are advising the consumer regarding what the law is for Maine and also what the service contracts involve. This notice is not one that has to be crafted by the retailer; it is prepared by the Attorney General's Office. And there is no fiscal note; it is absorbed within the cost of that office. It would not go into effect into November 2008, so that there would be an opportunity to craft the language and be appropriate, to work with the retailer on those issues. It is a good law that provides information to both the retailer and the retailer's employees, and the customer.

I just want to speak to the issue of business unfriendly for a moment. As there is not cost to retailer, there is one notice that needs to be posted, we have heard that maybe somehow that is a burden on retailers, but they seem to have no trouble posting sales pricing, mailing fliers to a number of us, and other items that may be a cost to them. Certainly, one notice would not be that case.

I want to point out something else to you, that if retailers or their employees are acting under the mistake and belief that they have no further responsibility and they so represent this to their customers, they certainly run the risk of further consumer complaints and even litigation. I would submit to you that the current situation, without having the information, the notice available, is more business unfriendly than what we would have with this simple, reasonable notice. I would ask you to support the amendment.

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

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just briefly, I was on the other side on this bill, until it was changed to become a simple notice that retailers would have to put up. The original bill called for training sessions that would have to be held, employers were going to have to train their employees in this law and teach them what it was and have them convey that to the customer. That was certainly business unfriendly, probably over burdensome and very hard to make work. It was simplified down to just having this simple notice that would be put up in a place of business to inform Mainers of their rights under the current law, so I urge you to support this.

One piece of testimony that we heard from one of the merchants associations was very telling to me. That person said to us, "We could loose business if this goes through." What that is telling me is that we are gaining business on the backs of consumers who do not know that they already have these rights. I hope that no reputable retailer would want to be gaining business, when, in fact, Mainers already have the right for this implied warranty. I would ask you to support the Minority Report; I hope you will go green with me. Thank you.

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

Representative **GOULD**: Thank you Mr. Speaker. Mr.

Speaker, Ladies and Gentlemen of the House. While I agree with you that educating our retailers is a laudable goal indeed, I respectfully suggest to you that yet again we are confusing education with legislation. If what we want to do is, in fact, educate retailers, then perhaps we should require them to put on their walls all 42 titles of the Maine Revised Statutes, annotated. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative GOULD of South Berwick **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am interested in just wanting to give you my perspective, I am on the Majority Report, and I am asking my colleagues to vote against the Minority Ought to Pass Report. I rise almost in a little bit of a challenge because I do have a significant respect of my colleague Representative Eaton who did bring this bill forward, so I do want to make sure that I say that first and foremost.

Second is the reason why I chose to stick with the Ought Not to Pass Report is I just do not think this particular bill is going to solve the issue that the good Representative has related to implied warranty. The Attorney General's Office already has the opportunity to complete a brochure and has actually said that they are interested in that so, again, that is one element of this particular bill. If the Attorney General is already saying that they are interested in making that brochure a little bit more user friendly, then why do we need legislation for that?

The second piece is that I was vacillating a bit when we were in committee after hearing testimony after testimony on this, is that I just do not think that a sign is going to solve the issue. I think it is almost unnecessary to move forward in this particular piece, and I did talk with the good Representative that there may be some other pieces that we could look at in trying to help businesses be looking at what is going on with the implied warranty. I just do not think this particular piece of legislation is going to solve the issue, so I voted with the Majority Ought Not to Pass Report and hope that you will follow my light on that. Thank you.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the Minority Report and I would like to tell you why. I am familiar with implied warranty, not because the Attorney General's Office educated me about it, although I am grateful that I did have a discussion with them about it.

When my 22-year-old snow blower died, a very reliable machine made in America, I went to the marketplace and purchased a new blower. I paid more than my father-in-law had paid for the 22-year-old machine that was made in America, and it came with a warranty, the warranty was two years. Now, I have heard rumor about this concept of planned obsolescence and I do not know how much truth we can attribute to the concept of planned obsolescence, but my snow blower lasted two years and two weeks—two years and two weeks. I called the merchant from which I purchased the snow blower and I said, "I understand I have a two year warranty, but two years and two weeks and it is dead. My 22 year old machine served not only me well, but my father-in-law and his family." They said, "There is nothing that we can do for you, but call the manufacturer," and I did, only to find

out that they really did not care about me, the consumer, so when I rise in support of the Minority Report, I rise in support of consumers. I rise because I am concerned about the burden to consumers.

I understand there is a burden to the merchant who sold me my machine, and the burden to the merchant who sold me my machine is that he or she has an obligation also to say to me "You live in the great State of Maine, and your Legislature has insured that your warranty goes beyond that two year warranty that with the machine that you paid more money for than the one that was made in America 22 years earlier." But my merchant did not tell me that, and it was only because I am obstinate and I am not happy with global economics that has taken jobs away from Americans and sent them somewhere else so that they can flood our market with inferior products, and I called the Attorney General's Office and waited and waited and waited before they called me back. I might have given up, but they did call me back and they informed me of implied warranty, and that is helpful.

So my concern is for consumers, which happen to be the vast majority of people who live in the State of Maine, who we represent. My concern is for their burden, for what they might miss out on, and I urge you to be concerned with that as well. If there is a burden to the merchant, let's understand that it is a simple one: Convey a message to your consumers, to your customers, to your marketplace that they do have recourse. Please support this Minority Report. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am going to support the pending motion, and I do that because I think this is one of the best little bills coming through this session so far. This is an issue that has troubled me for many years and it may be simply because I went to law school and found out that there was such a thing as an implied warranty, which otherwise I do not think I would have known.

Two points, I guess I would make. The opponents of this, who I also greatly respect but I just think are off base on that, have mentioned there are all of these other things going on; there is Jim McKenna of the AG's Office willing to go on cable TV; there are other opportunities, find out. Well, you know, I do not think we should rely on people who late at night are trying to find something to watch on television and get stuck on some cable news channel watching something about the implied warranty for consumers. I do not think that is an effective way of getting information out, and I say that knowing that Jim McKenna is my constituent, a very knowledgeable and engaging communicator and attorney. Where you need to find out about it is at the point of sale, and it is true that perhaps we could have many notices around a store, but I do think that at least getting one in there is a good start and I am always of the opinion that a good start on solving a problem is better than making no start, and it is more important to get started than to say there might be a more expansive solution to this problem because I think the committee worked hard, the minority of the committee worked hard to make sure that what was done was not a burden on businesses, but yet did make a good start to solving a problem.

The second issue I would just address is who is going to be affected by this supposed burden of putting up one sign. I think the real problem here is not with our mom-and-pop stores that may be selling washing machines. The real problem here is with some very large corporations—they are out of state corporations, generally speaking—and some of them have been sued over the years by attorney generals around the country for selling service contracts that simply duplicate rights that consumers already

have. It seems to me that this is not something that we want to encourage and if we can take a small step towards addressing that problem we should, and for that reason, I encourage you to vote with me in support of the pending motion. Thank you.

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. After hearing some of the debate today, particularly Representative Burns and some others, I guess I am quite confused and might want clarification. I have heard things about two year warranties, the state having to cover it longer than that because they have a law. I have a '06 Nissan right now that has 107,000 miles on it. Is someone telling me that that is still under warranty? I bought a \$120,000 delimeter eight or nine years ago that had a 6-month warranty and I lost thousands of dollars on that. Was that still under warranty? I mean, I am really serious. If we had more, I am going back to some of those retailers and demanding my money, so could somebody please answer that?

The SPEAKER PRO TEM: The Representative from Allagash, Representative Jackson 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**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am happy to answer the questions raised. Because I summarized to the summary and I did not read the entire thing for you, I did not state that vehicles are exempt because they are covered under another law, and this bill refers to consumer goods, and, unfortunately, a delimeter is not seen as a consumer good. The purpose here is to educate the consumer at the time that they are making the purchasing decision for consumer goods only. Thank you.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You will not believe this, but I had a car engine replaced after six years because I was such a pain in the neck—you won't believe I was a pain in the neck, I'll bet—but what happened was the engine went and the implied warranty, as it reads, says you can expect an engine to last a certain amount of time. If it exceeds that, then you can get a new engine out it, and I did—a brand new engine. The only way I found out was I called General Motors and they said, "You live in a state with an implied warranty law, so push it," and I did push it and I got a new engine. It applies to cars, it applies to everything. Thank you very much for your time and consideration.

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

Representative **PRESCOTT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe Representative Eaton and other supporters of this bill have good intentions; however, as one of the names on the Minority Report, I have carefully reconsidered this bill and my vote.

Any burden at this time to business is just that: a burden. The AG's Office is working already to help educate the consumer, and I am going to support the Majority Report and vote against the pending motion and give this time to work without legislation. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Samson.

Representative **SAMSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This has probably gone on long enough. This is a notice, one notice in a conspicuous place. It does not include automobiles; there is a different law for that. I think that we could do the service to the consumer just so they have knowledge of implied warranty. I was not aware of the law until I came here, and I think that is a pretty common thing for citizens in the State of Maine. It is a notice, nothing more, with no penalty. Thank you.

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

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

The SPEAKER PRO TEM: The Representative may pose her question.

Representative **AUSTIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a person who really enjoys the therapy of shopping, I want you to consider you are out for the day and you have just entered your favorite retail facility. While you are shopping, you have placed articles in your cart, and you proceed to the cashier, I have to ask you how much of the material around the cashier's checkout counter do you stop in the line and take time to read. For many of our retailers, that is the only site that they would have where you could truly observe all of this written material.

Now secondly, do you read fine print? How large a sign would it take to get your attention? Working in retail, even the Sale sign—Sale—needs to be very large to get the attention of our customers. So I pose that question to you in all sincerity because I do think this is a laudable piece of education, and I do think that the tri-fold that the Attorney General's Office will put out will do the good deed. I do not particularly think that by cruising through the local channels late at night is a bad way to find information such as this. If that is how it happens, so be it, we learn in many ways and we have many learning styles, so I pose that to you. Think back to your last shopping experience and what you learned while you were within the retail operation.

The SPEAKER PRO TEM: The Representative from Gray, Representative Austin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Houlton, Representative Cleary.

Representative **CLEARY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to answer the good Representative from Gray's question. I know that she is very focused when she is shopping and may not observe other items that other individuals may, but this process will involve the Attorney General working with the retailers to prepare a notice that will provide sufficient notice. Thank you.

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

ROLL CALL NO. 256

YEA - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Conover, Craven, Dill, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hill, Hinck, Hogan, Koffman, Lundeen, MacDonald, Makas, Mazurek, Miller, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Simpson, Sirois, Smith N,

Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hayes, Jackson, Jacobsen, Johnson, Jones, Joy, Knight, Lansley, Marean, McDonough, McFadden, McKane, McLeod, Millett, Mills, Moore, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Tippetts, Valentino, Vaughan, Walker, Weaver.

ABSENT - Connor, Duprey, Emery, Kaenrath, Lewin, Marley, Schatz, Thomas, Watson, Woodbury.

Yes, 75; No, 66; Absent, 10; Excused, 0.

75 having voted in the affirmative and 66 voted in the negative, with 10 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-823) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Friday, March 28, 2008.

SENATE PAPERS

Bill "An Act To Implement Recommendations of the Governor's Task Force on Wind Power Development" (EMERGENCY)

(S.P. 908) (L.D. 2283)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** in concurrence.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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

REPORTS OF COMMITTEE

Divided Report

Nine Members of the Committee on **TRANSPORTATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-818)** on Bill "An Act To Allow Road Associations To Determine Assessments According to Majority Vote Cast at a Duly Held Meeting"

(H.P. 1488) (L.D. 2102)

Signed:

Senators:

DAMON of Hancock
SAVAGE of Knox

Representatives:

MARLEY of Portland
BROWNE of Vassalboro
FISHER of Brewer
THOMAS of Ripley
ROSEN of Bucksport
PEOPLES of Westbrook
THERIAULT of Madawaska

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-819)** on same Bill.

Signed:

Representatives:

MAZUREK of Rockland
HOGAN of Old Orchard Beach
CEBRA of Naples

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

Signed:

Senator:

DIAMOND of Cumberland

READ.

On motion of Representative MARLEY of Portland, **TABLED** pending **ACCEPTANCE** of any Report and later today assigned.

UNFINISHED BUSINESS

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

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009" (EMERGENCY)

(H.P. 1547) (L.D. 2173)

TABLED - March 26, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (H-806).

Representative FISCHER of Presque Isle **PRESENTED House Amendment "P" (H-840) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The amendment I offer this morning is a technical amendment to the Majority Report. Most of the items in this amendment were unanimous amongst members of the Committee, but because of drafting errors, they did not make it into the bill so I will just briefly touch on what these areas of omission were.

The first is that many of the dates that appeared in the bill were wrong, so there are a number of date changes that you will see in House Amendment "P."

Secondly, this amendment removes the emergency preamble on the bill.

Third, it was brought to the attention of the Appropriations Committee by the Chairs of the Agriculture Committee that one of the unanimous reorganizations in the Committee's report had only been about 80 percent accepted, though we had voted to accept all of the changes, one of the many changes did not find its way into the legislation so that is reflected here in our amendment.

Fourth, because of the vast changes in the Mental Retardation and Developmental Disabilities funding issues in this budget, we thought it wise that this should be something that is on our agenda each month in the Appropriations Committee while we are not in session, so this amendment requires the Department of Health and Human Services to report to our committee and to Human Services Committee once per month during the off session, to tell us about how the progress and implantation of those changes are unfolding.

Fifth, there was a unanimous vote in our committee to restore \$5,000 in subsidies to the civil air patrol, and it was omitted from

our final bill so this amendment corrects that error.

Sixth, the Chairs of the Judiciary Committee approached members of our committee and said that the many changes that we made within the judicial budget had not solved one of the pressing problems that had been presented to us that we all thought we had dealt with, which was the funding of indigent defense counsel for the rest of the FY08, so this amendment restores funding in FY08 to pay those bills in the last six weeks, and it de-appropriates the money from FY09.

Seventh, there were sections in this budget dealing in language Part XX having to do with TANF, general assistance and other issues. The Committee had voted to accept two of the language items and not to accept the rest, but they had still been included in the final bill so they are removed in this amendment.

The final item had to do with the streamlining of the Office of Fiscal and Program Review, the Office of Program and Legal Analysis and OPEGA. This amendment makes small changes to that proposal, which will be explained by other members of our caucus. Thank you, Mr. Speaker.

Subsequently, **House Amendment "P" (H-840)** to **Committee Amendment "A" (H-806)** was **ADOPTED**.

Representative MILLETT of Waterford **PRESENTED House Amendment "B" (H-826)** to **Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative MILLETT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, I would like to thank the good Representative from Presque Isle for his kind comments of last evening, and return those compliments by indicating to him that all four of the Republican members of Appropriations do appreciate his leadership and his open and candid style of communication.

The second thing I would like to do is build on that and say that the Committee worked rather well from early February until last Thursday, and actually agreed on more than 85 percent of the numerical changes in the Chief Executive's budget bill that we received early in February. We reached the point on Thursday afternoon where the remaining gap appeared to be too much to bridge in a bipartisan fashion. We left our meeting in mid-afternoon thinking we had a gap of about \$15 million to fill, and we proceeded in individual caucuses to go about coming up with ways to do that. In the course of the afternoon and well into the evening, it turned out that that number was understated and that it had assumed that \$9 million of higher education reductions had already been taken and there were further adjustments so the end goal, or gap, was more like \$26 million. We had put together a plan that stood consistent with our goals from day one: no new taxes, no tapping into the budget stabilization fund, structural changes that would carry us into the future, and an avoidance of one-time moves that had no real ongoing benefit to the budget problems that we are dealing with. When we came back at about 11 pm, we were faced with a set of proposals that we had not seen before, many of which were attempting to undo in the amendment which is before you. I will call your attention to a one page green sheet, which I had handed out earlier, that might make the complexity of this amendment simpler as I go through it very quickly.

Before I do, I just want to use a quick medical analogy to explain what we Republicans feel about the problems that we are dealing with that differ somewhat from the, I think, the message that the Majority Party conveyed slightly last night by referring to the national economy, an approach which seems to be based on hope and optimism that current economic conditions will turn around in the near term. We took a different approach and we

believe sincerely, and hoping that I am wrong, I wish to say that it feels very much like the real issue is not the symptoms of a \$95 million revenue reduction in November, or a similar one in February, or the breadth and depth of the curtailment plan that the Chief Executive gave us to work on in January, or even the scope of his bill and the changed package which we received only a couple of weeks ago.

The concern we have is that we are sliding further toward flat revenues. We are in, what I believe to be, a very weakened Maine economy, not a national economy, but one driven by many factors that have been coming on for a bit which do not appear to be getting any better. Just as an indicator to all of you who do not deal with the numbers like we do and maybe not looking down the road as I am trying to do, we are essentially looking at a revenue forecast which would have '09 essentially flat without '08, and the 2010-2011 biennium, which the 124th Legislature will deal with, will have fewer revenues to deal with than we appropriated last spring. Now think about that: If the economy does not get any worse, optimistically, we will have less money to spend unless we resort to a tax increase next year than we had appropriated last June. That concerns us, and thus we have found ourselves looking at these symptoms but reaching a different diagnosis, and wanting to stick with and propose a different cure. Our cure, therefore, is an ongoing cure and one that assumes that the economy will not bounce back in the short-term and that we are facing some very difficult decisions that could even get worse in the near term.

Now in final summary, let me just point out on the green sheet, if you have access to it, and if you do not I will try to be very brief, and say that in the top half, we attempt to remove six items that were very much like one-time proposals, in our opinion, that we felt did nothing to address the long-term economic downturn that we are facing. They are taking away a \$2.5 million from a Capital Construction Reserve, the imposition of a limit on the net operating loss carry-back recapture for corporations that had experienced losses, to a very low level of \$100,000 which could put a lot of corporations in a very difficult position of recapturing losses that far exceed that amount. That produces a one-time \$5 million gain to revenue side of the budget but it is not necessarily a solution, it very may well be a burdening of the diagnosis.

A further return to something that we thought we had stopped back in 2003, going to the Department of—and that should be PFR—Professional and Financial Regulation and sweeping a large portion of their non-general fund revenues. These are license fees and other payments made by average citizens to secure a license or pay for a registration of many of the professional entities governed by that department. When we did that in 2003, then Commissioner Buddy Murray was asked, "Can you do anything to stop us from doing that again." He wrote a very nice memo and we wrote some language and law saying we would not do this again, we would ask assurance from that department, which has since been without a commissioner for many years, that anything that we might even be tempted to do would not result and could not result in a future fee increase. Now we are back at it: We are taking another \$3.2 million from that source, again, a one-time move.

Then we are going to the E-911 fund, which caused a lot of people heartburn last year to the tune of \$2.6 million. An even bigger problem that we experienced and we have actually heard about this two or three days before the final majority/minority decisions were made last Thursday, and that is the State Treasurer's proposal to depart from a 36 month rolling schedule of selling securities and dividend checks that have been unclaimed for period of three years or more, for which a due

diligence year has expired, and moving up the schedule so as to sell more quickly about \$12 million worth of securities and to book a net of \$9 million on a one-time basis. Finally, we had that last minute proposal to remove OPEGA from the budget; it was neither explained, nor was there any warning it was coming. It was a swift and somewhat obtuse means of moving all of the staff to the Office of Fiscal and Program Review and then eliminating all but two of them, eliminating the Governmental Oversight Committee and all of the structures that went along with OPEGA.

There were three of four little items that were also included in the Majority Report at the end, listed on the green sheet with the asterisk. We did eliminate two revenue agents which we thought were really there for the purpose of dialing for dollars, collecting more money from the taxpayers. We restored money to the Maine Manufacturing Extension Partnership program. We left the balance of \$100,000 in the Efficiency Fund for municipal cost sharing and regional planning purposes, and we, like the other report, have to do a one-time Other Special Revenue pull from second year to first year to stay in balance from the Biennium. Now, how we would pay for that is shown in the lower half, and I recognize that none of these are good choices for some of you, and all of us probably have a little bit more heartburn than we would like, but they are all structural. We proposed, for example, to cut the Clean Election's grant for the general election by an additional 5 percent—5 percent has already been reduced in the Majority Report, we would reduce that by an additional 5 percent. We choose, in HHH, to embrace the Chief Executive's proposal to bring the non-categorical eligibility lines to approximately \$12,500 at the end of the Biennium.

When we got the last minute word that the gap that we were trying to fill had expanded dramatically, we went a little further, but we did not go so far as to violate what has been done administratively, even within the last two years. It would get us down to an enrollment of about 10,000 and this administration in an earlier era, back in 2006, got very close to that same number by administratively closing the door to new enrollees, so this is not farfetched or out of the ordinary in terms of recent experience. We also went to the best CHIP parents, the parents of children who qualify for the CHIP program or the Cub Care program that Maine sponsors, by eliminating the upper income level from 150 percent of poverty down to 125, and made clear that the Dirigo program would put that gap between 125 and 150. Again, it was structural with no intent to adversely impact Dirigo and it does achieve some further savings.

We do a statewide deappropriation on out of state travel. You may remember, about a month ago, the *Press Herald* did a summary of some out of state travel excesses in their view, and I concur, and this approach would put a firmer limit than any executive order that has been used to date has apparently achieved, and that \$250,000 would help in an ongoing way reduce that level of spending. We thought it was time that the Legislature stepped up and contributed as well to this shortfall, so we did two things here—we do not like them, they impact us directly, they impact staff that we work with, and they are simple—identified here on the blue sheet: Reducing out of state travel for legislators and legislative staff and restricting any step increases for employees earning over and above \$75,000; and, finally, making our legislators, you and I and all of our colleagues, contribute 10 percent of the cost of our employee health insurance, not our dependent care.

We closed with an idea that has been used before and I am sure some will find it difficult, or even offensive to you, but it proposes—while the language in my amendment is not as clear as we had hoped—to make three holidays for government—the

Friday before Memorial Day, the Friday before Labor Day, and the day before Christmas—and simply say these are days when the general public and even state employees would probably prefer to be using for extended vacations, for travel, for shopping, and it would be an approach that would on an ongoing basis save about \$915,000 a day by simply saying this is a holiday, government will close except for essential services and you will save \$915,000 a day.

The very end, we do concur with the Chief Executive's proposal on the Houlton office that some revenue agents and auditors, examiners up there. It basically reflected the report back from the Taxation Committee, and we do an additional \$480,000 reduction in the funding for innovation clusters in year two that had received a substantial increase in the Biennial Budget, and we felt this was an area where everybody was reducing spending, every account is being touched, and we could do that for this one.

Finally, we restored \$1 million less to the University than the Majority Report. We covered those differences, between us and the Majority Report, with what we believe to be structural and ongoing savings.

Now, I am a realist. I know that there are different views here in this chamber, certainly different views down at the other end of the hall. We have just removed the Emergency Preamble; you have restored some of the issues that we were concerned about such as OPEGA; there are things still embedded within the budget bill that we still do not like, some of them language oriented. For example, my amendment does strip out a last minute amendment to create a nuclear safety inspector, which we defeated twice previously, which came in the very late stages of the session and is in contravention to agreements between the affected parties in recent years.

Our amendment attempts, as I say this in conclusion, to stay true to our principle: no tax increase; no use of the rainy day fund, of the Budget Stabilization Fund that will be needed. I think that we can all plan on it as we work our way through this downturn, which is not over by a long shot, and to go structural, where we could begin to afford in the long term the commitments we have today. As I mentioned, if you think just for a minute that the revenues that our current forecast shows for 2010 and 2011 would not even support the budget that we approved last June. Think about all of the cost of living factors that weigh into that, including General Purpose Aid that we have all had to cut back on, and you know we have some difficult days ahead of us, so we wanted to be structural, we wanted to avoid the one-time cuts, and I respectfully ask for your consideration of this amendment presented in good faith and I think we thoughtful and deliberate attention to the long haul. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative MILLETT of Waterford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-826) to Committee Amendment "A" (H-806)**.

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

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

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to reiterate what I said last night, that the Democratic members of our committee have the utmost respect for our friends on the other side of the aisle, and you will never find a better gentleman in the State of Maine than Sawin Millett. I want to commend him and his members again for the work that they have done. Out of a sign of respect for that, as most of you know, generally we indefinitely Postpone amendments from the minority when there is a Divided

Report like this, but because this amendment represents the Minority Report of the Committee, we will have an up and down vote on this amendment, out of respect for the work that these folks did, for the long hours that they put in. So I will be encouraging you to vote against the pending motion, but we will not be Indefinitely Postponing Representative Millett's amendment.

As I said yesterday, we came very close to a unanimous budget. It is over a \$6 billion budget over two years and yet we came within \$30 or \$40 million of unanimity, and I think that is something that we should all commend ourselves for. That \$30 million does not tell the whole story because the \$30 million difference represents fundamental core values that both sides disagree on, and I was reminded yesterday that it is okay to disagree in public life because this disagreement, I can assure you, is not about politics, it is about simple principles. I was reminded about John F. Kennedy's speech in 1960, in his Inaugural Address, when he said that America would bear any burden, they would support any friend and oppose any foe in opposing communism. John Kennedy was perfectly aware that to some people that was unpopular and that some of his policies could lead, in 1964, to him losing the next Presidential Election, but we all must know that there are some things more important than elected office. There are some principles that you stand on, even if it costs you your office, and I think that for the Republicans on our committee, their amendment represents something that they would all stand by in an election and I think that we should commend them for that and I think it is respectable. I can assure you that in speaking against their amendment, I am doing the exact same thing: I disagree with the principles; I disagree with the policy of what they are doing.

This amendment that we are looking at will directly impact three core groups here in the State of Maine that represent about 99 percent of all Maine citizens, and I want to talk briefly about the impact that this amendment would have if it was adopted by this House. The three groups that would be impacted are: first, very poor individuals in this state; secondly, it would very dramatically impact lower middle class working families, and I want to underline the word working and I will get back to you; and finally, this will impact all middle class families, so I want to explain what I mean by that.

First, this budget will dramatically harm very poor individuals here in the State of Maine. It proposes to go from the current 17,500 individuals, who are on what we called the non-categorical waiver, down to about 10,000, so in that \$30 million there are 7,500 people that in the next few years will lose health insurance here in the State of Maine. I can tell you that this is not a popular position to take on either side because if you have read polling, I was reminded a few days ago by a strategist here in the halls that every time we talk about the poor, that does not resonate with people, it does not poll well. But I can assure you that, for me, that polling does not mean one darn thing; I care about the principle of standing up for those individuals. Those individuals, those 7,500 individuals, have about \$5,000 a year of income. They are amongst the sickest individuals of this state, many of them homeless, and 7,500 of them would lose health insurance under this proposal.

Secondly, this proposal would dramatically harm lower middle class working families, and remember I said underline the word working because you do not make between 125 and 200 percent of the federal poverty level if you are simply taking from the public doll. These are working families. They are families like the one I came from in Aroostook County, so I feel very strongly about protecting this group here in Maine. I was lucky though because my mother was a single mother with three children, she had

higher education in her back pocket, and she got a job at the University of Maine at Presque Isle when I was four years old, so we never had to worry about MaineCare because she had health insurance, because she worked for an employer that provided that to her. But most of the people in this 14,000 person group, who will lose health insurance under this proposal, those people do not have those options. They work minimum wage jobs, sometimes two and three of them, and they do not have health insurance unless the State of Maine provides it to them. But mind you, these people are working every single day here in the State of Maine, and they are paying taxes. So these 14,000 people would lose health insurance, and we have to remember the impact that this will have as a ripple across the rest of families here in Maine, so you also have to remember that those, more than 20,000 people that I am talking about that would lose health insurance under this proposal, will have an impact on all the rest of us under this proposal who would be paying private health insurance, because if you take 20,000 people and you make them uninsured, everybody's health insurance goes up. There is this thing called the Hippocratic Oath that says that when someone comes to a doctor in the emergency room, that doctor cannot turn them away, so when these individuals, who are now uninsured, forgo preventive care because they do not have health insurance anymore, and they go to the emergency room and ask doctors to provide them with care, they will get that care. But the hospitals will go uncompensated and every Maine citizen with health insurance, every working family, every small business will pay more because of it, and we cannot forget about that.

My final point, when we are talking about the uninsured, is if all of you can remember the Maine Development Foundation report that came out recently, Maine did not get many gold stars. We got very few and that is something that we all need to work on, we all need to focus on, but one of the few gold stars that we got was providing health insurance to the uninsured, while all across this nation, because of the failures of the Federal Government, people are without health insurance. Here in Maine, we have made that safety net strong, and the Maine Development Foundation put a big gold star against that one issue. If we accept this proposal and 20,000 people become uninsured, here in the State of Maine, that would represent between a 15 and 20 percent increase in the number of people who are uninsured, so we should just reach right into that Maine Development Foundation report, we should rip out that page with the gold star because that is what this report would do. But these are about principles, because the individuals who brought them forward are respectable people, they are friends of mine, and no one in this chamber should personally disparage anyone. But criticizing ideas in the public realm is what democracy is all about, so I hope my friends on the other side will respect that my criticism is about ideas and when we walk out of this chamber, the respect continues between all of us. Thank you, Mr. Speaker.

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I also rise to respectfully oppose the Adoption of House Amendment "B," and to reiterate a couple of points that were made by the Chairman of the Committee.

We, in the Insurance and Financial Services Committee, have been working to try to continue the three-leveled approach to providing health care in the State of Maine. The safety nets that we have been talking about which have been described—the Dirigo system; and the private health insurance, unsubsidized provincial health insurance system—those three levels relate to

each other, and you cannot take 22,000 people out of the foundational level without having an impact on the other two levels. There will be cost shifting, a hidden tax on other insurance premiums, as a result of those 22,000 people being dropped off their various safety net programs they have right now. Taking those people off the programs they are on now will not mean that won't get broken bones or problem pregnancies, or cardio/pulmonary problems, or prostate cancer, or breast cancer, or whatever. They will still have the same medical conditions as if they had the coverage. They will show up at the emergency rooms, the cost will get shifted, and it is actually possible to quantify that cost shift onto other people's insurance premiums, and if you do the calculation, it is estimated at adding \$196 a year on to a typical premium of a typical family.

In addition to obviously the compassion and principle of insuring that these people do have health care coverage, that our economic system serves them and through our government provides this safety net, I also employ you to consider the impact on our efforts at health insurance reform, and in bringing down premiums for everybody else as a result of losing these 22,000 people off of these programs. Thank you very much.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to speak to you on two levels; one is Chair of Health and Human Services. We looked, as a committee, at how we were going to approach this budget, and I think that one of things we looked at most was, is this going to cost us more. We did not always agree on it, but I say that this will cost us more if we lose insurance for close to 20,000 people. It will cost us more in the cost of health care itself, not just in the insurance, but in what it is going to cost us for health care. It will diminish access to health care for those who can least afford it and that is in the rural areas.

I want to give you an example, as a member of the Washington County Delegation, what will happen to Washington County, and what Washington County looks like, because it is going to be the poor, rural areas that get hit hard. We have two critical access hospitals, and they went critical access because they could not afford to maintain the practice they have now, and they are working very hard at keeping primary care in the area. We have—Machias, and Calais most recently—the highest unemployment rates in the state. The state has an unemployment rate of 5.4 percent; Calais has an unemployment rate of 11.9 percent and Machias of 11 percent. We have people struggling to work. Washington County has an uninsured rate of 16 percent; the state has an uninsured rate of 9.5 percent. We start taking these people, these poor people, these poor working families—and I see families who are working two or three jobs just to make their ends meet—we take them off of health care, we are now going to stress the system in the rural areas to the point where there will not be the ability to get primary care and access to primary care in those areas, because we are not going to be able to get the providers there, the hospitals are going to have more problems making ends meet, and we are going to see an economic downturn that will worsen because of this. This will do more harm, and I ask that you vote against this.

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

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of the amendment. Somebody needs to stand up and speak for the Maine taxpayer. Mr. Speaker, we need structural reform to our budget and to our budget making process. This amendment incorporates some of that structural change. Mr.

Speaker, we have a MaineCare program which has options that other states do not have, and we have expansion of eligibility that other states do not have. Mr. Speaker, we cannot afford this, we cannot afford to fix the health insurance that we have in this state. If we can fix that and offer affordable health insurance to those who cannot obtain it now, that is the fix. The fix is not standing up and asking people that work one job, two jobs, and three jobs and still cannot make it, to pay more taxes and support a Medicaid system that we simply cannot support.

In 2005, the Deficit Reduction Act was created by 50 different state governors and those were Independents, Republicans, and Democrats. They came together and they said, "What is the one thing that is going to bust every state budget," and they realized that it was the Medicaid program. They put forward thoughtful reforms. What we are trying to do is encompass some of those good thoughts and bring Maine back at least to something that is close to what most other states offer. Mr. Speaker, we cannot afford to do anything other than this, and I would ask you to support the amendment. Thank you, Mr. Speaker.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to first echo the comments of the Chair of Appropriations, when he complimented folks on the other side. He emphasized the Republican members of Appropriations, but I would just extend that as well to all the members of the Republican caucus. I am proud to be elected Majority Whip, but I feel it is critically important that we constantly maintain relationships across the aisles, and I really think the Republicans have done that and I think we have done that on our side, and I really commend them because this budget process can be difficult, and I think we have done a great job and you have done a great job at doing that, so I commend you in your leadership for that.

I did want to respectfully disagree with this amendment on a couple of points. First, when Representative Walker was speaking, there was talk of taxes, and I would just note that once again that the Report that Representative Fischer has brought forward, there are no taxes in that proposal. But I wanted to talk about what, to me, seems like a tax, on a very specific point. If you look at FFF and if you look at the green sheet they referred to, they used the term "holiday" and I would respectfully disagree with the choice of that term, and I would actually point you to the budget document itself where the term is "layoff without pay." I want to illustrate what that means. I did not know, so I went to OFPR and asked what would this mean to a secretary making \$30,000 a year—so we are not talking about someone making \$60,000 or \$70,000—just a secretary who is employed by the State of Maine, a hardworking person. So whether you are someone listening to my remarks, or you are a reporter where you think you might have a reader or two that is a secretary who works for the State of Maine, here is how it would work: You get these unpaid furlough days, and what would happen with that? For someone making about \$30,000 a year, that would be—and this according to OFPR—approximately \$360 out of their pocket for the year, for that person, this person who is a secretary making \$30,000 a year. You may say that is not a tax, but I bet you that to her that is sure going to feel like a tax when she finds out she is losing \$360. To me, that method of dealing with this budgetary process is not one that makes sense to me. I think our state workers, every time I meet them, are hardworking people doing a good job and I would not want to look them in the eye and say, if they are making \$30,000 a year, that we are going to take \$360 out of their pocket. That, to me, is, with all due respect, not a holiday. I thank the Men and Women of the

House.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I make no apologies for standing and speaking on the budget. I do rise in opposition to this amendment, but I also rise in support of Maine state taxpayers—all of them, not just some them.

I would like to correct a misperception about the weakness of Maine's economy compared to the national economy. As a share of income, Americans, from 1980 measured at 65 percent, are down around 50 percent as a share of income today. Americans across the nation—I am talking about 270 million, roughly—have lost wages. Living in America has become extremely more costly for Americans, not just Mainers, and not because of what we do in terms of taxation and regulating business here in Maine or in the nation, but because of things that have happened regarding unfair trade and loss of our jobs. Americans, Mainers, cannot afford health care, they cannot afford pharmaceuticals, they cannot afford to put dinner on the table, not because of anything that we do, but because we permitted their jobs to leave the state and the nation.

The nation's economy is, in fact, weak; it is not just Maine's. I will reiterate it is not because of anything that we as a Maine Legislature have done or have done in the past, or today, or that we will do tomorrow. It has to do with unfair trade agreements that have cost Mainers their jobs. They cannot afford government now. Government is important to the conduction of business. Nobody does business without government setting the legal parameters within which we do business. Nobody does business without that road that leads from my house to your house, into the mall in between. Nobody does business without this budget and the budget needs to be fair to everybody. My objections to this budget is that it is not fair, it does not include some very significant portions of Maine's people and those would be those that benefit from the BETR program or those that benefit from the economic development subsidies that we provide, that are not sufficiently represented in this budget and that is why I oppose this. But it is important for us to understand the perception: It is not just Maine's economy that suffers; it is the national economy that suffers. Thank you.

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

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wish to first say that I appreciate the good work of my colleagues, my fellow colleagues on Appropriations. I have enjoyed and will continue to appreciate working with all of my colleagues; however, within the minority budget is a proposal to cut MaineCare. Why would this not be the better solution? Why do I urge you to vote against the minority budget? Well, my good colleagues who present this minority budget are attempting to balance the budget. Unfortunately, I believe they are going to be balancing a budget with short-term savings that will lead to long-term costs.

If any of you have been in Appropriations while we have been deliberating the proposed budget and making modifications to it, you have heard me and others say that we are cutting items, cutting features in our budget that were put in place by our colleagues before us in order to save the state money, and this is one example. By cutting this feature, we will be sending people to emergency rooms for more costly care, who could otherwise get maintenance of health care at a less expensive way. At the same time, we clog the emergency rooms so that the other men, women and children, wait longer periods of time in emergency rooms for necessary care. But my colleagues wish to reduce

costs, so is this a good idea? I don't think so. Let's remember their concern with this proposal: to control the costs of expenditures on health care. Maine has a high cost of health care; however, the lowest in New England. Our problem is health care costs, not MaineCare costs. Maine has been very effective in developing strategies that keep people from being more sick, which means people can be more productive, which means people can go to work, which means people can pay taxes.

I cannot support this amendment, and I am very concerned about how this amendment would restrict lifesaving health care services. It delays services; it cuts services; it puts additional strains on other people who pay premiums. It is estimated that by doing this, that those of us who are able to pay for our health care will have our premiums raised by \$196. So, my friends, I believe that this proposal is a short-term expedient, it is not fiscally responsible, it will lead to catastrophic issues that will be dealt with by us in the next session in the next Legislature, and is not the right path to take.

Lastly, I would like for you to take a look at the charts for federal poverty level. Pull out your calculator; take a look at how much a 125 percent of federal poverty level is a month or a year. Then pull out the most recent reimbursement check you have received for traveling back and forth to the state capital and ask me whether you think you could make it for a month on your travel voucher. Mr. Speaker, I would propose that this amendment is an expedient, it is unfortunate. I know it is an honest effort to try to control our costs, but I believe that Maine citizens expect us to not only solve this problem today, but to put us in a position to be able to move forward as the economy improves in the future and to do that responsibly, we cannot put thousands of people out of coverage, unable to work and unhealthy. Thank you.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Cleary.

Representative **CLEARY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, want to thank the Appropriations Committee and the efforts that they have put forth here; I know it was not too very long ago when they were all very ill. I also respect and admire the members from the other side of the aisle. I do have to, however, rise in opposition to the amendment that is pending here. There are many reasons that I do so; however, I will limit to my comments to simply just one area and that is relating to the Houlton Revenue Service.

The Appropriations Committee took this up nearly a year ago to the day, when we were again before the Committee testifying against this idea. And indicating to them that it was a bad idea a year ago, it is a bad now, and it is a bad idea today. There are 14 hardworking individuals in that office, county folks that work hard, they raise families. But beyond that, I understand when we have difficult financial and economic times that sometimes individuals loose their jobs; however, one of the reasons this is bad idea is because this office actually generates revenue for the State of Maine, a significant amount of revenue. I would ask those that are considering the vote here on this amendment to think about that office, and also think about why it was a bad idea one year ago, why it would be a good idea now. There are some things that have changed; however, those do not change the fact that this is not an appropriate decision.

One thing that has happened is that revenue within the state has decreased, there is no doubt about that; however, within this office, revenue generation has actually increased on behalf of the State of Maine. Those individuals are still fully employed; they remain committed to that office. Other offices throughout the state have seen vacancies; have seen others leave the office.

These individuals have actually been working overtime and have been doing so at the authorization of the administration to further generate the income that is needed here in the State of Maine.

There have been letters, petitions. Citizens—not just from Houlton, but the other surrounding communities—have come to Augusta, they have braved snowstorms, braved a number of dangers to travel from the county and back, in order to testify before the Appropriations Committee. This is a community that is very close-knit, very supportive of this office. I would ask that those of you that are here today that will cast your votes, to think of that when you think about supporting or not supporting this amendment, and I would ask that you not support the amendment. Thank you, Mr. Speaker.

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

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise, also, in opposition to this amendment, but I think it is important to point out that the two documents we have on our desks—the Majority and the Minority Reports—the Minority Report is 390 pages; the Majority Report is 393 pages. There are only three pages in difference and that is very symbolic of how far we came as a committee. Three pages may not seem like much, we agree on most things in this document and there is, quite frankly, no better group of 13 people I would rather spend all day and all night with on a fairly regular basis for several weeks in a row, but those three pages represent a philosophical divide that ultimately we could not cross together.

Last year, when we passed the Biennial Budget, we acted unanimously as a committee and with intention in our significant investments in higher education and in research and economic development. Again, the numbers in the Minority amendment versus the Majority Report, the difference is small. They put back to the University of Maine System in the Majority Report is \$4 million; in the Minority Report it is \$3 million. In Economic Development, the Majority Report accepted the \$220,000 cut to the Cluster Enhancement Fund from the BRED Committee and the Minority Report increases that by \$480,000 to \$700,000. Again, it seems like very small but it is very symbolic, again, of that philosophical divide that ultimately we could not cross to close the budget. The impact of that difference, however, is significant. In the Cluster Enhancement Fund, the \$700,000 cut scales it back to a point where they may not be able to accept any additional applications; they have already had nine applications come in. This is very popular; this is very big; they are all across Maine; and they represent bringing together likeminded industries, likeminded people, to make them stronger and more competitive, not only in Maine but throughout the nation and world.

In the University of Maine System, that \$1 million is very significant. That \$1 million means that the University of Maine System will not be able to keep its tuition increases below 10 percent, it means additional layoffs to the ones that are already happening, it means less economic development and economic stimulus, and it means continued backlogs of facilities and maintenance problems. I think it is important to point that out because that \$1 million is on top of the University of Maine System having already reduced its costs last year by \$2.7 million through an operational audit. This year, they have already begun another to reach another \$2.6 million in system wide services. On top of that, they are looking for another \$2.4 million in further reductions to the System office, reductions in administrative costs nationwide, and pulled back on salary increases to most high-level administrators. I guess the point is that the \$1 million is the only place left to go after they have already cut millions and millions, and continue to cut millions and millions out of

administration, the next place it goes is to the students and employees. That is why I am very concerned, and that is why I think it is important to point out that sometimes when you cannot cross that final line together, it really is, while it may seem small, the difference is very big and the impact is very large. Thank you, Mr. Speaker, and I would also encourage members to vote against this amendment.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Robinson.

Representative **ROBINSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, want to thank my fellow members of the Appropriations Committee for coming to nearly a 95 percent agreement on this budget, and I found some of the arguments made during this debate somewhat disingenuous to the reductions we intended to make, specifically in whether it was MaineCare or the non-categorical category.

The Executive made some very tough recommendations, and we choose to move forward with the Executive's recommendations because we know, as the entire committee knows, that we are not out of this economic crisis. We felt it was important to make long-term, sustainable changes. We agreed with the Executive's reductions and we simply looked at an additional \$3 million more to cover that hole. Why did we do that? Simply because we did not want to closeout this budget with gimmicks and gambles and count on unclaimed property, tax collectors, the elimination of OPEGA, E-911 moneys. None of those things are sustainable; none of those things are long term.

We are dealing with, fundamentally, an economic crisis that we will probably see later in this session or turn over to the 124th Legislature. I do not want to take that gamble; I do not want to ask this body to take that gamble which is why we were looking for a long term, sustainable reductions. Please, Ladies and Gentlemen of the House, support this motion and let's take some additional steps for long-term, sustainable changes. Thank you, Mr. Speaker.

The SPEAKER: The pending question before the House is Adoption of House Amendment "B" (H-826) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 257

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

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

ABSENT - Connor, Duprey, Lewin, Thomas, Watson, Woodbury.

Yes, 56; No, 89; Absent, 6; Excused, 0.

56 having voted in the affirmative and 89 voted in the negative, with 6 being absent, and accordingly **House Amendment "B" (H-826) to Committee Amendment "A" (H-806) was NOT ADOPTED.**

Representative MILLS of Farmington **PRESENTED House Amendment "W" (H-848) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment accomplished several, what I think you will agree are, laudable goals to amend the budget by remedying certain serious flaws in the current version of the Majority budget, Amendment "A."

One thing that the administration put forward early on was a deep cut to hospitals that provide basic primary care by employing primary care physicians within their communities. This has been a growing phenomenon, one that has economic merit to both primary physicians and hospitals, particularly the hospitals that are the sole community providers in their towns and their communities. There is proposed in the budget, as proposed by the administration originally, a more than \$7 million cut, actually \$20 million cut to hospitals that employ physicians by lowering the fee, the reimbursement to hospital-based physicians for their services. This creates a serious problem. In the original proposal, I think it was based on a proposed federal rule. The understanding at the time this was proposed was that the federal rule, which has not yet taken effect, would require a lowering of the reimbursement for hospital-based physicians, to make them even with the reimbursement for MaineCare services for private physicians who are not employed by hospitals. We know that is an erroneous interpretation of the rule and we have clarified that on record with members of the Department of Health and Human Services, and now seek the remedy to this problem which creates a \$20 million loss to hospitals across the state. The loss particularly impacts small hospitals, as I said, that are community providers and who have employed many of the local physicians. At this point, nearly half of the primary care doctors in the State of Maine actually work for hospitals. We need to make the hospitals whole and to make the primary care physicians who work for them whole by remedying this problem in the budget. I seek to do this and to remedy several other problems in the budget by updating the hospital assessment that is contained in Title 36 of the Maine Statutes.

Since 1991, the State of Maine has imposed a hospital assessment on hospitals, and it originally was dedicated to support Medicaid costs. That assessment has been updated from time to time, in recent years it has been rebased to change the year on which the assessment is based. I believe that was done in a bipartisan manner in both 2003 and 2004. The assessment is a little bit over 2 percent of hospital net operating revenue for the hospital's particular fiscal year. It is currently based on the fiscal year, ending calendar year 2004. I seek to update that and base the assessment on calendar year 2006 instead, because that includes an inflationary value between 2004 and 2006 that increases the revenue to the state, which is ultimately matched by the state Department of Health and Human Services in MaineCare reimbursements. This makes the hospitals whole, almost exactly whole.

It also leaves a small cushion of \$842,000, which I seek to use to remedy three small areas of the budget that are important to a lot of us. One is to put \$200,000 in General Fund revenues towards continuing the mental health crisis services and postponing the proposed consolidation of those crisis services. If you recall in the budget document, the Department of Human

Services proposed to consolidate the crisis services from 11 regions down to 7. This would change it from 11 to 8 and would postpone that consolidation effort. It also gives the community service networks the responsibility of providing consolidated mental health crisis services for children and adults, beginning January 1, 2009 through a memorandum of understanding among providers, and it includes provisions to ensure coordination and to eliminate duplication and provide a basic minimum level of crisis services as established by the department. This, too, affects the hospitals and helps the hospitals, because they often enough are the crisis service provider in their community, and if there is not another crisis service provider, the hospital emergency room becomes that crisis service provider. So we seek to continue that basic safety net and to encourage coordination in a more thoughtful fashion than is currently proposed in the budget, in Committee "A."

My amendment also provides \$500,000 for mental health community integration services. Many of us on the Committee have been very, very concerned about cuts to the community integration services; this is a mental health item as well, because of the danger of violating the AMHI Consent Decree in the danger of removing the safety net for people with serious, critical mental illnesses, who are trying to survive in our communities but need basic community integration support. This restores a small amount of money to those services, to help continue do what they do and to keep people in our communities with basic support of services.

Finally, it restores only \$142,000—I wish it were more—to day habitation services, to also keep us in line, hopefully, with the Pineland Consent Decree, and to provide the day habitation services which we have all received many, many emails and letter and calls about, people with mentally retarded adults in their families who are trying to keep them in the community, whose families are trying to work but need help in providing care, basic care to the adult, mentally retarded citizens of our communities. So that is what this bill does: it seeks to restore the basic safety net for the hospitals to ensure that they are there for us; that they are the basic provider of primary care, not simply for MaineCare patients, but for all of us. The hospitals have borne the burden of supporting the primary care physicians and we need to reward them for that, not punish them for that, and that is what this amendment does in addition to the three other items in it. I hope that you will join me in supporting Amendment "W" to Committee Amendment "A." Thank you for your support.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be extremely brief, I do not want to repeat everything that has been said, but I am going to be supporting the amendment that Representative Mills has put in.

I have almost identical concern with the hospitals: I have a rural hospital in my district, as well as all the hospitals in the area. Serving on the board, I know the needs of these hospitals and the people that serve these hospitals. I hope when you vote today, you are going to be voting in favor of this amendment. Thank you very much, Mr. Speaker.

Representative **TARDY** of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "W" (H-848) to Committee Amendment "A" (H-806).**

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 Adoption of House Amendment "W" (H-848) to Committee Amendment "A" (H-806). All those in favor

will vote yes, those opposed will vote no.

ROLL CALL NO. 258

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Jones, Kaenrath, Knight, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Webster, Weddell.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Burns, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgcomb, Emery, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hill, Jacobsen, Johnson, Joy, Lansley, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Walker, Weaver, Wheeler, Mr. Speaker.

ABSENT - Blanchette, Connor, Duprey, Lewin, Thomas, Watson, Woodbury.

Yes, 89; No, 55; Absent, 7; Excused, 0.

89 having voted in the affirmative and 55 voted in the negative, with 7 being absent, and accordingly **House Amendment "W" (H-848) to Committee Amendment "A" (H-806) was ADOPTED.**

Representative FITTS of Pittsfield **PRESENTED House Amendment "D" (H-828) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative FITTS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What is a reasonable measure of when an item belongs in a budget? Well, the first measure should be does is have any fiscal impact on the General Fund. Part KK does not. Removal of this section of the Majority Report of the Supplemental Budget has no effect on the General Fund revenues, and a balanced budget is maintained in the 2008-2009 biennium.

The second measure of whether an item belongs in a budget is was there already a vehicle that had appeared in either body, the House or the other body, that deals with the issue that is being raised in this section. The object of Part KK is the monitoring of the waste storage facility at Maine Yankee. This issue was fully vetted and dealt with in the Utilities and Energy Committee under LD 1918 in this session. It was a carryover bill; it had at least seven work sessions in the two sessions. LD 1918 was passed by this body; it now languishes on the table of the other body.

I had handed out a salmon-colored sheet to give you a brief history of the issue surrounding the monitoring of the waste facility at Maine Yankee. One important part of that document that I handed out is the fact that there is a settlement between all of the parties, and that the state agencies and Maine Yankee jointly supported legislation to repeal a number of statutes, and those statutes eliminated the position of the nuclear safety advisor and the nuclear safety inspector. That settlement became effective in the 122nd Legislature, when that Legislature passed legislation that did just that.

The Representative from Bowdoinham, Representative Berry,

brought forth LD 1918 because of concerns over the ongoing funding and the monitoring at Maine Yankee, and the Committee having jurisdiction over that has already dealt with it. After two tries, failed tries, within the Appropriations Committee, and finally that in the Majority Report now adopting this section, I think that the Appropriations Committee has exceeded its necessary and useful purpose related to this issue, and it politicizes, in some ways, what was a nonpolitical issue. So I would ask that we repeal Part KK, and we do that by enacting my amendment. I thank you, Mr. Speaker, and I would request a roll call.

Representative FITTS of Pittsfield **REQUESTED** a roll call on the motion to **ADOPT House Amendment "D" (H-828) to Committee Amendment "A" (H-806).**

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

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

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just a quick note to members of the House: I will be Indefinitely Postponing every amendment from here on out, including this one, so if you want to wait to ask for a roll call until after that motion is made, we would not have to do it twice. Mr. Speaker, I move Indefinite Postponement of this amendment.

Representative FISCHER of Presque Isle moved that **House Amendment "D" (H-828) to Committee Amendment "A" (H-806) be INDEFINITELY POSTPONED.**

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-828) to Committee Amendment "A" (H-806).**

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

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

Representative BLISS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As you can tell, I am not doing real well but I will do my best; if I pass out, someone else can fill in. I am rising to support the Indefinite Postponement measure, and I commend my colleague from Pittsfield for this handout. I think he should pay attention to it, everything on it is true.

In 2003, when we reached that agreement, it was generally understood in this country that Maine Yankee Nuclear Repository—because the Feds do not like to call it a dump—would be opened by 2010, and the Feds would begin removing spent fuel rods from decommissioned sites and closed sites, and taking them from Maine Yankee and burying them underground in the hill country 100 miles north of Las Vegas.

In 2005, when the agreement was approved by the Legislature, that date had been changed by the Feds. Well, maybe it will be 2017 before we get around to removing your spent fuel rods and taking them to Maine Yankee Nuclear Repository. By 2006, that date had been changed to 2025. Today, the Department of Energy has pretty clearly stated that even when they get around to taking possession of those spent fuel rods, that does not necessarily mean they are going to move them anywhere. The fact is that those spent fuel rods, left over from the decommissioned Maine Yankee nuclear site, may be here on the beaches outside of the Town of Wiscasset forever.

When Maine Yankee was in existence, those spent nuclear fuel rods were under water in our granite cask. Now they are out of the water and above ground, and they are in neat little rows in concrete casks, that if you were to fly over Wiscasset, you could easily see. We do not exactly know the lifetime of those casks;

we think it is probably 40 years. When the casks were put there, everybody assumed those casks would be well on their way from Maine to Yucca Mountain before there was any conceivable danger. We needed a nuclear inspector. Times have changed, it is appropriate for the Legislature to be prudent. This is an example of due diligence. This is an example of the Legislature being prudent and recognizing that circumstances change. The Department of Energy and the current federal administration have shifted the land, they have shifted the territory, and they have certainly shifted the date, and it is appropriate for us now to make sure that we have someone always capable of telling us the circumstances that exist in those casks on the beach outside of the Town of Wiscasset. I urge you to allow this to remain in the budget and to support the Indefinite Postponement of this motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We could go into the history, but the history is clear: This issue was thoroughly considered, both in 2005 and within the last few months, and this Legislature took action and developed a bill, which is in the other body, which for whatever reason has not been brought forth and passed.

Within that other bill is a process that continually monitors, and every year we will assess where we are, and then we will activate other measures as needed. So I guess within the evening hours in the last few weeks, there has been divine revelation and wisdom come forth from Appropriations to determine that that agreed to plan, with many hours of consideration, is no longer valid and we have to insert within this budget, which is totally irrelevant to the General Fund, another \$50,000 for a position which really does not have any work to do, and may never have any work to do, based on the understanding of the assessment. Now, I am not going to speculate as to the motivation, but I think this is another way that we as a body seem to forget the process and due process, and at the 11th hour in Washington we complain about earmuffs—I am not sure what I would call this—but it is beyond what the General Fund is even going to fund, there is no justification based on whatever the Committee and the Legislature has decided. It may be because they want to preserve a position that the rest of the ratepayers in this state will pay for without justification that could not be validated or justified when the clear intent of the bill was considered in committee.

I would ask you not to vote in favor of considering this and passing the amendment, which we should do, both in the interest of what is the truth and also what is in the interest of the ratepayers, who may not end up paying it out of their tax bill, but they will pay it on their light bill. Thank you very much.

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

Representative **RINES**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. What a unique position to be in. Both my good Chair and my friends from the other side of the aisle have laid out the facts of this extremely well and they are both right: LD 1918 is sitting at the other end of the building after being worked extremely hard by the Committee and passed by this body.

Unfortunately, I really cannot speak to the merits of that bill, but I think that bill actually takes on the task of doing the job better than this does. This just grabs a chunk of money from ratepayers to do a job, whereas the other bill says come back and tell us what you really need to do the job and do it right, which I think is the better way to go. So being in the envious

position I am in, I will be voting against my chairs and against the Indefinite Postponement, hopefully pull this out of the budget and put it where it is supposed to be. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-828) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 259

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Brautigam, Bryant, Burns, Cain, Carey, Carter, Casavant, Clark, Cleary, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Simpson, Smith N, Sutherland, Theriault, Treat, Tuttle, Valentino, Wagner, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Boland, Browne W, Campbell, Canavan, Cebara, Chase, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Emery, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Jacobsen, Johnson, Joy, Knight, Lansley, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Trinward, Vaughan, Walker, Weaver.

ABSENT - Briggs, Connor, Duprey, Lewin, Silsby, Thomas, Watson, Woodbury.

Yes, 76; No, 67; Absent, 8; Excused, 0.

76 having voted in the affirmative and 67 voted in the negative, with 8 being absent, and accordingly **House Amendment "D" (H-828) to Committee Amendment "A" (H-806) was INDEFINITELY POSTPONED.**

Representative CHASE of Wells **PRESENTED House Amendment "E" (H-829) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative **CHASE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment restores \$11,789,940 of the \$37,266,112 in reduction to the General Purpose Aid for Local Schools. It replaces a little more than a quarter and a little less than a third of what was taken away from General Purpose Aid, and how it is funded is that it is requiring 86 percent of the individual premium for state employees only be paid by the state instead of by the employees. Thank you.

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

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I respect what Representative Chase has proposed. I would say it goes back to the fundamental differences in health insurance and creating people who are uninsured, and I would Indefinitely Postpone this amendment.

Representative FISCHER of Presque Isle moved that **House Amendment "E" (H-829) to Committee Amendment "A" (H-806) be INDEFINITELY POSTPONED.**

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

Representative **CROCKETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, would like

to restore General Purpose Aid funds, but I would ask you to vote Indefinite Postponement on this amendment.

This amendment takes money directly out of the pockets of our state workers, and I think we need to remember that when we take money out of their pockets, this hurts our businesses. They have less money to spend and all of our businesses will suffer. I have had calls and emails, and many of the state workers feel that this is a direct hit on their income, which it is. We need to remember that our state workers have had their benefits negotiated, and I do not think any of us in this building should work to take away something that had been negotiated in good faith. We do not know what they gave up; they probably have given up a salary increase. I do not believe that this amendment will serve the purpose, and I ask you to vote Indianite Postponement. Thank you.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-829) to Committee Amendment "A" (H-806)**.

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 Indefinite Postponement of House Amendment "E" (H-829) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 260

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

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

ABSENT - Berry, Briggs, Connor, Duprey, Lewin, Patrick, Thomas, Watson, Woodbury.

Yes, 85; No, 57; Absent, 9; Excused, 0.

85 having voted in the affirmative and 57 voted in the negative, with 9 being absent, and accordingly **House Amendment "E" (H-829) to Committee Amendment "A" (H-806)** was **INDEFINITELY POSTPONED**.

Representative SCHATZ of Blue Hill **PRESENTED House Amendment "O" (H-839) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment seeks to restore Special Education funding to minimum receiver school administrative units. Funding was cut, as you all know, from 84 percent to 50 percent recently. The best graphic available to display the problem with this cut was given to us a couple of

weeks ago; it was labeled the "General Purpose Aid for Local Schools Governor's Change Package," and in that you will see that even though there are a number of schools who are receiving more money this year than they would have last year, even under a substantial cut, and I will list a few just as an example: Auburn, \$380,000; Augusta, \$602,000; Bangor, \$1.2 million; Brunswick, \$428,000; Old Town, \$366,000; Orono, \$224,000; Yarmouth, \$267,000; Skowhegan, \$1.3 million; Cumberland, \$2.1 million; and the list goes on, maybe totaling up to over \$20 million of additional funding over last year.

On the other hand, these smaller schools, often known like the ones I represent as minimum receivers because of their high evaluation and low enrollments, are in the same effort reduced substantially, and I will read a few of those. Evidently, there is a thought in some committees that if you are in a minimum receiver, you are a wealthy community, and I think you will see when I read some of the towns off, you will see that the people who live there are not wealthier; in fact, the per capita incomes are probably much lower than the cities and towns of those who receive more money that I just read. For example, in my district, Brooksville lost \$96,000 which was 58 percent less than what they received the year before. Calais, \$116,000; China, \$298,000; Eastport, \$345,000; Franklin, \$202,000; Jonesport, \$267,000; Lamoine, \$248,000; Machiasport, \$184,000; Deer Isle, Stonington, \$308,000; Fryeburg, \$787,000; Eliot, \$382,000. Now, all of these cuts are not just the function of going from 84 percent to 50 percent, there are other factors of course, but in the minimum receiver schools it is almost the only factor.

What this amendment does—I hope you will support it—is to bring back in to fairness, in to appropriateness I would say, the treatment of those schools and I would appreciate that you feel the same way and see this amendment to the end and put it in place, and I appreciate your support in listening to this. Thank you, Mr. Speaker.

Representative CAIN of Orono moved that **House Amendment "O" (H-839) to Committee Amendment "A" (H-806)** be **INDEFINITELY POSTPONED**.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate what this amendment is trying to do. I understand that pain. I understand it because I have spent the last several weeks trying to figure out if there was a good way to fix this problem. I personally worked on it, I worked on it with the good Representative from Blue Hill, I worked on it with many others, to try to see if there was a way we could soften this particular blow. In the end, it was not possible and we had to stick with the report from the Education Committee, which made this recommendation that lowered the Special Education subsidy to minimum receivers.

If we were to restore this amendment, while there would not be an impact on the General Fund and it does not upset the balance of the budget, the difference in that cost would be borne by the rest of our towns, all of the towns in the State of Maine, through increased property tax mil rates raised for education. With that, I respectfully ask you to support me in Indefinite Postponement of this amendment, but it is not without sympathy for the situation, and I think that this is something that warrants continued looking at by this Legislature going forward as to how we can responsibly continue to implement essential programs and services. Thank you, Mr. Speaker.

Representative CROSTHWAITE of Ellsworth **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "O" (H-839) to Committee Amendment "A" (H-806)**.

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 Sullivan, Representative Eaton.

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I must rise in opposition to this motion to Indefinitely Postpone. One of the communities just mentioned by the good Representative from Blue Hill is one of my communities: Lamoine. This small town has a school with a crumbling infrastructure; they have attempted for years to run their school as efficiently, as affordably as they possibly can. Through many causes and effect of our actions and those of rising property evaluations, this community has been thumped time and time again, to the point where I question whether they will be able to maintain the school. We do not have time for them to wait a few more years. A couple hundred thousand dollars is crippling to that school, and support Representative Schatz's motion. Thank you.

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

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First of all, I want to thank the Representative from Blue Hill for submitting this because I have also submitted the exact same amendment. The property tax revolt that started on the coast of Maine continues, and quite simply it is because our incomes have not kept up with our property taxes, it is the result of high evaluations. In the Supplemental Budget, we are cutting Special Education funding to those towns that have been hurt the very most by our high property taxes, exactly where the property tax revolt began, and we are giving that money to the other towns.

Let's just go back a couple of years: In 2004, in response to the Palesky Initiative, the tax cap, we were given question 1a. The people demanded 100 percent of Special Ed funding in all communities. With LD 1, the following year, we made that promise that we would fulfill that request and now we are breaking that promise in this budget, which not only contains a tax shift from high evaluation to what are considered high evaluation towns, to what are considered low evaluation towns, but also another DOE policy change and we are changing the rules and giving back less than we promised.

There are 80 school units that will be losing a large portion of the little state aid that these minimum receivers receive. Interestingly, towns like Cape Elizabeth and Cumberland and Falmouth, the highest income per capita towns in the state, are not getting any hit in this budget, but fishing and clamming communities like Bremen, Bristol, Boothbay, Phippsburg, Monhegan Island and others, are taking the hit. This does not quite make sense to me. I do not get it; maybe someone can explain this a little later on. This is one of those acts of redistribution of wealth, we are trying very hard to be fair here, but it is hurting those who need the help most with our very unfair property tax situation. Please support this amendment and oppose the Indefinite Postponement. Thank you.

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

Representative **CEBRA**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the only Representative who lives in MSAD #61, I urge you to oppose this Indefinite Postponement today. Due to some of these cuts and some other cuts, our district is taking —are you sitting down—a \$2.4 million hit this year, and we just cannot take it. I urge you to oppose the Indefinite Postponement. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A while ago, you

heard me talk about the inequity of school funding before. I represent four towns in my district that are minimum receivers. The only funds they receive for School Union 60 are special education funds, so this is an egregious cut in an already small state subsidy. Of the four towns that are in Union 60, the average wage is \$4,000 below the state average. These are not wealthy towns, they are hardworking Maine families, and I would urge you to vote against the Indefinite Postponement of this critical amendment and support it when it is voted on. Thank you.

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

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I represent six towns, that is all that I represent and they are all minimum receiver towns. I would like to rise in opposition to the Indefinite Postponement and would ask you to support Representative Schatz's amendment to the budget.

I would ask you to think about it this way: These towns are made up of not only the wealthy people from away whose property evaluations have caused property values to rise and taxes to rise in our towns, but they are also made up of a winter population who are hard scrabbling to make a living, and they are going to be taxed just as much as those rich people from away, and their taxes are going to increase if we do not maintain the minimum receivership that we have, which is, after all, the minimum and that is all these communities are looking for is some help from the state. I believe that this is unfair to those working men and women of our towns, who are the year-round, hardscrabble, hardworking people, and I ask you to vote against Indefinite Postponement and then support Representative Schatz's amendment. Thank you.

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

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the Indefinite Postponement motion. I just want to remind people of what this amendment does, because most people in this room will be hurt by this amendment. Most people in this room do not have minimum receivers in their district, so if you are from Mars Hill or Houlton or Presque Isle up in Aroostook County, if you are from rural Maine and you do not live on a lake, this money is being taken directly out of your district so that your property taxes will go up. The Education Committee did not think this was a good idea, the Appropriations Committee agreed with them that this is not a good idea, so Ladies and Gentlemen, I would hope that you would Indefinitely Postpone this amendment. Thank you.

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

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just in response to the good Representative from Presque Isle. I spent all last evening making a list, going over the entire list that was provided to us by the Department of Education, and while I am not using this as a prop, the list of people losing money is much greater. I am not going to go through that whole list again, but the big gainers, I have to say, which you may hear people here supporting that will gain, the Auburns, the Augustas, the Bangors, the Brunswicks, Freeport, Gorham, Herman, Jay, Lewiston. Yes, there are people in this room that are receiving more money this year than they have last year, but the list of those losing is a much longer list; therefore, I think the majority people in this room have constituents that would gain by this amendment going forward, so please consider that. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "O" (H-839) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 261

YEA - Adams, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchette, Bliss, Bryant, Cain, Campbell, Canavan, Carey, Carter, Cleary, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Harlow, Haskell, Hayes, Hinck, Jones, Kaenrath, Koffman, Lundeen, Makas, Marley, Mazurek, Miller, Millett, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Plummer, Priest, Rand, Samsom, Saviello, Silsby, Simpson, Sirois, Smith N, Sutherland, Treat, Trinward, Tuttle, Valentino, Wagner, Webster, Weddell, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Babbidge, Berube, Blanchard, Boland, Browne W, Burns, Casavant, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Eaton, Emery, Finley, Fitts, Fletcher, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hill, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Moore, Muse, Nass, Pinkham, Pratt, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Schatz, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Vaughan, Walker, Weaver, Wheeler.

ABSENT - Brautigam, Briggs, Connor, Duprey, Gerzofsky, Hanley S, Jackson, Lewin, Percy, Thomas, Watson, Woodbury.

Yes, 73; No, 66; Absent, 12; Excused, 0.

73 having voted in the affirmative and 66 voted in the negative, with 12 being absent, and accordingly **House Amendment "O" (H-839) to Committee Amendment "A" (H-806) was INDEFINITELY POSTPONED.**

Representative FLOOD of Winthrop **PRESENTED House Amendment "F" (H-830) to Committee Amendment "A" (H-806),** which was **READ** by the Clerk.

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

Representative **FLOOD:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There have been various attempts with other bills this session to deal with problem areas in the school consolidation law; some of those items, as you know, are quite controversial. Because of the policy concerns stemming from those various controversies or disagreements during deliberations of education issues, a majority of the Appropriations Committee felt obliged to remove from the Majority and the Minority Budget Reports, the education policy package forwarded by our Executive as an attachment to the budget bill. We did not want to cloud an already difficult budget bill with broad education policy language; however, as I was thinking about this, there seemed to be one education area proposed by the Executive that seemed non-controversial and, in fact, important, necessary and somewhat urgent and it is the subject of this amendment.

The amendment before you, 830, duplicates precisely the language proposed by the Department of Education, to create flexible and permissive language for the purpose of developing local cost sharing agreements between or among schools joining together in a new RSU. It has no fiscal impact. It would be very helpful to towns and schools as they are moving forward; in fact, they are begging for it. It has no bearing on any of the more difficult or polarizing issue facing our regional planning and consolidation efforts. This amendment would give local communities the flexibility and the authorization to maintain or develop cost sharing agreements to overcome the sometimes

vexing problems of property evaluations and reevaluations and the other facts that, without such flexibility, make it difficult for communities to agree to the sharing of costs within a new RSU. I am not aware of anyone who has opposed this particular offer of flexibility, and I hope that we can see clear to provide it with this amendment. Planning committees are awaiting this authorization. Passage of this simply and potentially very helpful amendment will allow some planning committees to complete their work in a timely manner by providing this needed flexibility.

I have not had the opportunity to say much about the budget as I close my discussion here, but I did want to say a great deal of thanks to Representative Millett and to Representative Fischer for having been such good leaders, and the entire committee. All of the things that both of those gentlemen said earlier about the working relationships of the Committee were absolutely true and I certainly second them and thank this body for the opportunity to represent you there. I did want to put in a plug for your committee. Our Chair, even as he is about to Indefinitely Postpone me, I wanted to say how pleasurable it was to work with him. He is a very good, young leader, and we are proud of him. Thank you, Mr. Speaker.

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

Representative **FISCHER:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate Representative Flood's comments, and for those of you who have not had the pleasure of working with Representative Flood as we have, I want to share two quick stories about him before I move to Indefinitely Postpone his amendment.

The first is when I first became Chairman of the Committee, we were asked about seating assignments and the gentleman from Winthrop was on our committee, and we asked people on the Democratic side who they wanted to sit with because we were going to mix people on the Committee and, miraculously, seven members of the Committee asked to sit next to Representative Flood, including both Senators on our committee. He was very much in demand then and he is very much in demand now because of his hard work, and he is such an honest and upfront person with everyone.

The second thing I would share is that for those of you who do not know him, Representative Flood is exceedingly funny. He sends me notes everyday blaming things on me, which sometimes are, sometimes are not my fault. This one, Representative Flood, is my fault, and I take entire responsibility for moving Indefinite Postponement of your amendment. Thank you.

Representative FISCHER of Presque Isle moved that **House Amendment "F" (H-830) to Committee Amendment "A" (H-806) be INDEFINITELY POSTPONED.**

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

Representative **FARRINGTON:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am rising to speak in favor of the Indefinite Postponement, and I appreciate the words of the Representative from Winthrop, Representative Flood, and I recognize that he proposes this with the intention of bring forward a good piece of policy. I agree with the policy that is in the amendment; however, as he indicated, it is policy that we have already voted on; it is part of LD 1932 so we have endorsed this. That is where that policy belongs, in that education bill, and to take one piece out of that education policy bill and put in into the budget when the rest of it has been removed, I think, would be a very big mistake, and so we have made a decision to move forward with LD 1932 as the vehicle to address the problems in school consolidation. I believe that was wise decision and we

should stick with it, so I would urge you to Indefinitely Postponement this amendment. Thank you, Mr. Speaker.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-830) to Committee Amendment "A" (H-806)**.

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 Indefinite Postponement of House Amendment "F" (H-830) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 262

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

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

ABSENT - Berube, Briggs, Canavan, Connor, Duprey, Gerzofsky, Hanley S, Jones, Lewin, Mazurek, Norton, Thomas, Trinward, Watson, Woodbury.

Yes, 77; No, 59; Absent, 15; Excused, 0.

77 having voted in the affirmative and 59 voted in the negative, with 15 being absent, and accordingly **House Amendment "F" (H-830) to Committee Amendment "A" (H-806)** was **INDEFINITELY POSTPONED**.

Representative **BROWNE** of Vassalboro **PRESENTED House Amendment "N" (H-838) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I propose to reduce by \$1.5 million from the Capital Construction Reserve and allocate this amount to the Highway Fund for emergency road repairs. I think all of you can appreciate the fact that any help we can get for our roads is necessary.

Referring to the green sheet that Representative Millett mentioned, this came from Part HHH. Notice that this amendment maintains a balanced budget for the 2008-2009 biennium. If you look at the bottom right-hand corner, it says there is an ending balance of over \$1.7 million. We need all the help we can get. Now, I realize a lot of the strategies have been used to try to discourage Representative Fischer from making his motion. Sugar does not seem to work; maybe you should try some of the other approaches, though I think it probably would not be appropriate. Anyway, I do ask that you support this measure. It is \$1.5 million, it is not a lot of money, but it is certainly needed by all of our roads and road repair. Thank you.

Representative **FISCHER** of Presque Isle moved that **House**

Amendment "N" (H-838) to Committee Amendment "A" (H-806) be **INDEFINITELY POSTPONED**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "N" (H-838) to Committee Amendment "A" (H-806)**.

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

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Indefinite Postponement motion and further, with resignation, appreciate my friend from Vassalboro and what he is trying to do.

For those that may or may not know, the Capital Improvement Fund is under the jurisdiction of the State and Local Government Committee, and the Majority budget that is in consideration right now has \$2.5 million that is being transferred to help balance the budget as it currently stands before us. It was a challenge that we dealt with within the Capital Improvement Fund, talking about the Fund for Efficient Delivery and Local Regional Services and other cuts within our jurisdiction, but our committee was looking for ways that we could help to get social services reinstated back for our Mainers. While it is tough for me and I have stood here for six years trying to get more money back into the Capital Improvement Fund, it is more important for me to make sure we are getting the services necessary to Mainers that are vulnerable and in need. So to take this fund and put it into another need, which I understand our highway budgets do have that need, I would ask that you support the Indefinite Postponement motion and make sure that if this funding is to be reduced from the Capital Improvement Fund, it goes to those Mainers that do need those services. Thank you, Mr. Speaker.

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just to add a little bit of perspective to this account in light of the comments just made by the Representative from Gorham, in 2003, when we rewrote the end of the year cascade, I worked with the administration to include a reserve fund for capital repairs on our state buildings. The reason for doing it was we had gotten in the very bad habit of borrowing to make those repairs, to put in handicap accessibility, improvements to repair roofs, etcetera. This is a product of that reserve, accumulating since 2003. I would say that it ought not be tapped to begin with in as much as we have many needs that face our state buildings; however, it had been offered up, presumably with the administration's blessing, as a one-time way of balancing this operating budget, again, using one-time resources.

I support the approach offered by the Representative from Vassalboro. What greater need do we have of a one-time nature than to get some actual assistance to those potholed roads that we have all over the state that are going to deteriorate further as the frost comes out of the ground and we go back home everyday and every weekend and hear the complaints from our constituents. This is a pure and simple way to use, apparently, surplus funds that the administration has indicated can be given up for one-time purposes, to be put to good one-time uses, and to do so without unbalancing the budget and to do so in a way that quiets some of those who constantly criticize us for taking Highway Fund moneys. This is an opportunity to return the favor, I believe it is a good move, and it is not destructive to the overall process of that reserve account because the administration has

indicated it can be given out. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "N" (H-838) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 263

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Fischer, Fisher, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Jackson, Koffman, Lundeen, MacDonald, Makas, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Treat, Trinward, Tuttle, Valentino, Wagner, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgcomb, Emery, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hogan, Jacobsen, Johnson, Joy, Kaenrath, Knight, Lansley, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Peoples, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Berube, Brautigam, Connor, Duprey, Gerzofsky, Hanley S, Jones, Lewin, Marley, Mazurek, Thomas, Watson, Woodbury.

Yes, 76; No, 62; Absent, 13; Excused, 0.

76 having voted in the affirmative and 62 voted in the negative, with 13 being absent, and accordingly **House Amendment "N" (H-838) to Committee Amendment "A" (H-806) was INDEFINITELY POSTPONED.**

Representative WALKER of Lincolnville **PRESENTED House Amendment "M" (H-837) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am probably the only one to rise today and offer an amendment that takes no General Fund money. Mr. Speaker, our mental health services and delivery system is broken and many of us on the Health and Human Service Committee recognize this fact, especially with the cuts in this Supplemental Budget that we are speaking with today.

This amendment forms a Blue Ribbon Commission on Mental Health. What we would like to do it we would like to maximize our resources. We would like to have a mental health delivery system that did its job well and did it efficiently, and, again, this is a long-term structural change. This will require no General Fund money whatsoever. It puts together a commission with appointments from both the Chief Executive, the stakeholders, the other body and House members, and I would urge anybody interested in having our mental health delivery system become leaner and meaner and more proactive and do a better job in delivering services, I would urge you to vote for this amendment. Thank you, Mr. Speaker.

Representative FISCHER of Presque Isle moved that **House Amendment "M" (H-837) to Committee Amendment "A" (H-806) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "M"**

(H-837) to Committee Amendment "A" (H-806).

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 Indefinite Postponement of House Amendment "M" (H-837) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 264

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

NAY - Annis, Austin, Ayotte, Beaulieu, Browne W, Casavant, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgcomb, Emery, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hill, Jacobsen, Johnson, Joy, Knight, Lansley, Marean, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan, Walker, Weaver, Weddell.

ABSENT - Berube, Connor, Dill, Duprey, Haskell, Jackson, Lewin, McDonough, Peoples, Strang Burgess, Thomas, Wagner, Watson, Woodbury.

Yes, 81; No, 56; Absent, 14; Excused, 0.

81 having voted in the affirmative and 56 voted in the negative, with 14 being absent, and accordingly **House Amendment "M" (H-837) to Committee Amendment "A" (H-806) was INDEFINITELY POSTPONED.**

Representative WALKER of Lincolnville **PRESENTED House Amendment "K" (H-835) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment was part of the Health and Human Services Republic Report to Appropriations. It did not make it into the Appropriations report, so I simply stand today. This is an effort to limit welfare benefits, they are also known as TANF, but federally they are limited to, at least at the federal level, they suggest limiting to five years. Again, it is part of our ideas on structural reform for spending in the state. We would like to limit welfare benefits to adults to five years. This does not affect children in the TANF program, this is adults only.

Again, I think on an ongoing basis, this is a way that we can start to reduce our spending in the state. I think five years is adequate for most people that are receiving welfare benefits, and I think this is a reasonable amendment and I ask you to support it. Thank you, Mr. Speaker.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a discussion that we had and it was part of the Republican budget proposal, and I suggest that this is a Supplemental Budget, that this is a policy issue to look at forward, and that it does belong as a discussion and a decision with the Health and Human Services

Committee in what would be the next biennial budget, or brought forth as a bill.

Also, because there is no fiscal impact on this, just information wide, the average time on TANF is two and a half years, and it is very rare that somebody exceeds the five years and that is why we are not seeing a savings immediately. I think that we have time to discuss this, along with a lot of other issues Health and Human Services should be looking at in a biennial budget, and also in planning forward. I ask that you support Indefinite Postponement.

Representative FISCHER of Presque Isle moved that **House Amendment "K" (H-835) to Committee Amendment "A" (H-806) be INDEFINITELY POSTPONED.**

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "K" (H-835) to Committee Amendment "A" (H-806).**

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 Indefinite Postponement of House Amendment "K" (H-835) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 265

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

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

ABSENT - Berube, Connor, Driscoll, Duprey, Haskell, Jones, Lewin, Peoples, Thomas, Watson, Woodbury.

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

83 having voted in the affirmative and 57 voted in the negative, with 11 being absent, and accordingly **House Amendment "K" (H-835) to Committee Amendment "A" (H-806) was INDEFINITELY POSTPONED.**

Representative MILLETT of Waterford **PRESENTED House Amendment "C" (H-827) to Committee Amendment "A" (H-806),** which was **READ** by the Clerk.

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

Representative MILLETT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is a very simple amendment that actually builds upon one of the two amendments that have not been Indefinitely Postponed this morning and this afternoon, and that is to add \$250,000 to the Mental Retardation Waiver account. I would say at the beginning that many of us struggled with some of the human services cuts. As you all know, we restored funding for home based care for the elderly

and domestic violence and sexual assault, some of the mental health programs that affect consent decree members, and we tried very definitely on the family foster care reduction to make it less onerous. Here is an area where I thought we really ended up compromising on a take back of more than I would liked to have seen, so am proposing to add back \$250,000 to that Mental Retardation MaineCare account and it builds upon the add back that Representative Mills, from Farmington, succeeded in getting on earlier, and I fund it with the \$250,000 out of state travel reduction so it does not do any fiscal damage to the Majority Report.

Again, these are folks who are receiving community support, day habilitation services, mentally retarded adults who need help to go into the community, become part of the community and, in many cases, to actually become employed within the community. It is a noble cause, self funded, and I urge your consideration.

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

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. There were not votes in the budget more difficult for members of our committee, I do not think at least, than the votes around mental retardation and developmental disability. I was one of the four or five members of our committee who opposed those cuts, but the majority of the committee, including the sponsor of the amendment, supported these reductions to mental retardation and to developmental disabilities, and now we have a budget deal. Even though I would love to put \$250,000 back, I cannot do it because we have a deal; therefore, I would Indefinitely Postpone this amendment. Thank you, Mr. Speaker.

Representative FISCHER of Presque Isle moved that **House Amendment "C" (H-827) to Committee Amendment "A" (H-806) be INDEFINITELY POSTPONED.**

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-827) to Committee Amendment "A" (H-806).**

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 Indefinite Postponement of House Amendment "C" (H-827) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 266

YEA - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Cleary, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Webster, Weddell, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Campbell, Casavant, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Emery, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Jacobsen, Johnson, Joy, Knight, Lansley, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan,

Walker, Weaver.

ABSENT - Beaudette, Connor, Duprey, Haskell, Lewin, Miramant, Thomas, Watson, Wheeler, Woodbury.

Yes, 79; No, 62; Absent, 10; Excused, 0.

79 having voted in the affirmative and 62 voted in the negative, with 10 being absent, and accordingly **House Amendment "C" (H-827) to Committee Amendment "A" (H-806) was INDEFINITELY POSTPONED.**

Representative RAND of Portland **PRESENTED House Amendment "U" (H-846) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative **RAND**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I believe it was a former governor, Joe Brennan, who said, "It is not fun being governor when you do not have any money to spend," and I think that we can probably expand that to the legislative body and say it is not fun being the Legislature when you are looking at such deep and severe cuts, in knowing that the economy is heading south, and we do realize that we cannot raise broad based taxes to fill these holes. Some of the cuts that have been proposed, quite frankly, in both budgets, the Minority and the Majority, I know have been painful to every member of this body. I refuse to believe that there are people on either side of the aisle who relish some of the hardships that we are imposing simply because we do not have the money.

What I have attempted to do with this amendment is to eliminate some of the more, I think, more serious cuts that will eventually actually cost us more money in the very near future. This amendment restores money to the mental health programs and mental retardation. One of the things that I strongly believe in is governmental oversight, so this amendment also restores OPEGA funding. Actually, as a member of the Taxation Committee, I agreed to this particular cut in the circuit breaker indexing, but after further evaluation and running of numbers, we have discovered that this \$2.7 million reduction in circuit breaker actually affects really lower income people, so this amendment restores the circuit breaker indexing cut.

Anne, this all sounds wonderful, but Anne, how are you going to pay for it? Well, I actually looked at a lot of different ways to fund these serious cuts, and I think that the one that I am proposing is the least—it is a cut—it is a cut somewhere else naturally, but I think it is the least harmful and the least painful and to me makes a great deal of sense. The funding comes from partially, not even totally, but partially eliminating the double dip in the BETR program. I am not going to go on for two hours and tell you all about how this thing works, but very simply put, when a municipality grants a TIF—tax increment financing—to a business, that business does not have to pay certain taxes. We support that, as it supports economic development in our communities, but the double dip kicks in when the BETR program actually pays money, returns money to these businesses that have not had to pay the money out. We do that to the tune of approximately \$7 million a year, a little bit more, so I think in order to get us over this hump, over this bad time and in order to take care of our very seriously mentally ill people who are in crisis, in order to restore governmental oversight, in order to not slam the property taxpayers of the lower income, I would ask you to support this amendment.

Before I sit down, Mr. Speaker, and Men and Women of the House, I would like to add that I understand the job that the Appropriations Committee has done and that they have to continue to do, and I understand the Indefinite Postponement request will be coming from the Chair of Appropriations and that

is the job that has to be done, but my job is to present some kind of option to the other members of the House to save some of the critical, critical services for our own people. I thank you, Mr. Speaker, and I hope that this body will accept this amendment.

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

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Many of you know that during our budget deliberations on the second floor, I was quite vocal about the fact that I thought that everyone should pay and feel the pain, not just the folks who are on the lower end of the scale, not just the most vulnerable, not just education or health care, but that everyone should share this pain. The Taxation Committee's majority sent a report to our committee that said just that, that if you are going to look at the circuit breaker or any reimbursement program, for individuals you should also look at to some sort of business tax incentive also to find savings, and we did that. If you remember in the budget, there is a \$5 million reduction in the net operating loss deduction for FY08, so businesses—C corporations—will lose \$5 million this year, just as the circuit breaker program will lose \$2.7 million. I think that is fair, I think it does spread the pain. But I think that this amendment, since we already have what the Taxation Committee asked for, which was a cut to businesses and a cut to individual taxpayers, I think that this amendment goes too far. You just have to read the amendment and remember that this is a very large cut to the BETR program, much larger than what our committee was ever considering, so I would move Indefinite Postponement. Thank you, Mr. Speaker.

Representative **FISCHER** of Presque Isle moved that **House Amendment "U" (H-846) to Committee Amendment "A" (H-806) be INDEFINITELY POSTPONED.**

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

Representative **CANAVAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Yesterday working with members of Appropriations and others who were concerned about efforts on the part of some to eliminate OPEGA, we managed to craft an amendment that will preserve the independent status of that important office and I want to extend my thanks to the members of Appropriations for the hard work that they did in that respect. But I am still truly concerned that the cuts we made to OPEGA staff may diminish its ability to what I believe is an important service to the people of this state, which is to enhance transparency and accountability in government.

Yesterday, I voted to support a budget that still contains massive cuts to mental health services and other programs that serve our most vulnerable populations. In the nearly eight years I have served in this body, I have had to compromise many times to get bills passed that I thought were important to the people I represent and this session is certainly no exception. But compromising on the details of a piece of legislation is one thing and compromising on principles is another. I know I have compromised principle when I get a really uncomfortable feeling in my gut that will not go away, and with despite all of my efforts to justify what I have done, a little voice inside keeps saying "You know you have done wrong, woman," and that is where I am now and that is why I am standing before you in support of this amendment. I cannot think of a more perfect solution than this amendment to resolving the problems of OPEGA, and the problems of our folks with mental illness and the other vulnerable populations that will be hurt by this budget. It is poetic justice, really.

One of OPEGA's most important endeavors was to examine a report on the enormous amount our state spends on economic

development programs, approximately \$200 million a year, either in the form of outright grants or in tax incentives. The report showed that many of the programs contain no mechanism to measure outcomes and that some may overlap, so my question at this point would be: Why is it okay to cut programs we know very well will benefit our most vulnerable population? Why is it okay to diminish accountability in government that we know very well strengthens the confidence of Maine people in the political process, but it is not okay to cut, substantially, programs that enrich companies that do not necessarily need further enrichment, and that are not required to show in any way whether the tax incentives that we give them are accomplishing anything of value for workers and the economy of Maine? Men and Women of the House, I am voting for this amendment as a matter of conscience and I urge you to do the same.

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

Representative **CONOVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. I think this is a very important amendment. In short, I could not concur more with the good Representative, who I thank very dearly for putting this in, Representative Rand; and my good neighbor from Waterville, Representative Canavan. Very simply, the pain that this budget is causing, we must put people first. I believe this amendment does it; I hope that you vote red to Indefinitely Postpone and green on the amendment. Thank you, Mr. Speaker.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Before I ran for this seat eight years ago, I came up here and spent a day shadowing a legislator because I wanted to learn what it was all about, and the person that I spent the day following was then Senator Rand. I learned a lot about the legislative process; I learned more about Senator Rand's compassion, her sensitivity, and her care for the weakest and poorest among us, and I love that she is looking out for those people in this amendment. I also have grown to admire the people on the Appropriations Committee, who have toiled day in and day out far longer than any others of us on our other committees, to make a budget that makes sense, to pull things together and craft documents that will work and I would not like to see that destroyed.

You may know, some of you know, that in real life I am the director of the career center at the University of Southern Maine. We try very hard at that career center to tell the truth to our students, to not say "Just study hard and graduate and a job will be waiting for you." The truth is there is no white knight that is going to march in to Maine and say, "Let's build a General Motors plant here and give everybody \$60,000 jobs," it just is not going to happen. So we have to take care of our state that is full of small businesses, and when a moderate sized business thinks about coming to Maine and bringing their jobs with them, they naturally look at how they can make it in Maine. It is logical for them to talk to the municipality where they plan to build their factory or store and find out what tax advantages they can get. It is also natural for them to talk to the state and find out what other advantages they might have, and we work hard to offer those competitive advantages so that those moderate sized businesses will come to Maine instead of New Hampshire or South Carolina or Rhode Island, so that they can help us grow our struggling economy.

One of those moderate sized businesses that has creatively taken advantage of municipal tax breaks—TIFs, if you will—and also some state relief is in South Portland: National

Semiconductor. National Semiconductor provides hundreds of jobs to people in southern Maine. National Semiconductor hires graduates from the University of Maine and the University of Southern Maine, almost faster than we can churn them out, in fields that they are concerned about. They pay great wages and there are lots of small mom-and-pop stores within driving distance of their plant that rely on those employees to spend those dollars in their businesses. It is a huge economic engine in southern Maine. We have, in the last few years, taken substantial money away from and changed the focus of the BETR program; to carve out another scope now will do irreparable harm to those businesses that are trying to help us grow our economy. I urge you to support the Indefinite Postponement of this amendment. Thank you, Mr. Speaker.

Representative **RAND** of Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "U" (H-846) to Committee Amendment "A" (H-806)**.

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

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also rise in support of this amendment. This is a very important piece of legislation and as some of you know, I have been particularly strong on trying to defend OPEGA from its dismemberment.

I would just like to indicate to you that things as we know are probably not going to get a lot easier around here to find funds, so if we can restore OPEGA to its full staff, which is already a very small staff and a very small budget, we can continue to find such savings as they have already recognized. For instance, in adoption assistance, \$4,200,000; in State-Wide Planning and Management of Information Technology cost avoidance, \$16 million; for Guardians ad litem, they actually realized that there were more resources needed to do the job so that the job gets done properly. In the Bureau of Rehabilitation Services, they discovered \$167,000 in the misuse of funds; in the contracting for Health and Human Services, they recognized a reduction of current expenses potential of about \$ 2 million. This goes on and on. State Boards and Commissions, this is a possible reduction of \$190,000. There are millions upon millions of dollars that OPEGA has been able to identify so that we can run a more efficient, effective government. When the reduction was presented to us, it was suggested that there were two vacancies; the director of OPEGA has corrected that, come up to the third floor to say there is only one vacancy and that is really very, very new.

The needs of our population for mental health services are huge; I know because I have a daughter who has suffered with depression and anxiety to the point of being advised to have shock treatment—we were able to find another means because of nutrition, believe it or not—but in any event, I know what these are. Her services, over seven or eight years, cost the state plenty of money which it does not have to spend anymore. Now if someone can help, if OPEGA can, to identify systems throughout government which would allow us to save money and better direct services to people in need, such as this person who is now fully recovered and a totally contributing person, I think we solve a couple of problems and the funding seems to be coming from an appropriate place if we go to double dipping. These people are not even dipping once, that we are cutting out, so I urge you to support this amendment.

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

Representative **HARLOW**: Thank you Mr. Speaker.

Mr. Speaker, Ladies and Gentlemen of the House. I would also like to thank Representative Rand; she has given me some of my consciences back to vote for this, if we go along with this.

The original purpose for cities and towns was to help each other; it was to keep the dinosaurs away. The dinosaurs, today, are taxes, but we are going to try to stop that and I think the good Representative has done that. Problems do not go away if we do not help people; we are going to pay for it one way or another. If we do not help them, we are going to pay big time, and we are going to pay through property tax so we had better help them now.

I remember back in 1993, when—I will not mention his name—the former governor of years ago had the same problem we have here right now, to try to balance the budget, and they shutdown AMHI and we had a big meeting with the commissioner—I was mayor at the time in Portland—and I asked, "How much are we going to save?" They said, "We will save about \$120,000 per person." I said, "Well, give it to Portland and we will take care of it," and they would not because they were going to use it to balance the budget. What happened is, in the middle of February, that night—it was about a week later it started, it was really below zero—our then Chief of Police Mike Chitwood started arresting the homeless because the state was not taking care of them, and they would have froze to death had we not done this. So Mike, the next day he gets up and he says I am now the commissioner of health and welfare for the State of Maine. We are going to pay for this one way or another and I am willing to pay for it right now. I would like to say thank you, Representative Rand.

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

Representative **CRAVEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. First, I want to thank all of the members of the Appropriations Committee and the Majority leaders for helping us craft a budget that causes the least amount of pain. There are few people in this chamber that I admire more than Representative Canavan and Representative Rand, besides I have just voted against Representative Millett's amendment to add more funding to people who have mental retardation services, so one can imagine how difficult it is to vote against those amendments to keep this budget in tact.

This is the document that causes the least amount of harm. We worked hard in Appropriations to cause the least amount of harm, although we cut many, many services to our vulnerable populations. There are some actions that we took, bipartisanly, that I am very proud of: One is returning funding for home based care for senior citizens, retuning funding to continue home based care for disabled adults, returning funding to services to victims of domestic abuse and sexual abuse.

During this process to add insult to injury, the Federal Government sent us rule changes that are going to cause deep, deep cuts to waiver funding and to MaineCare funding, to people in this state. When Dr. Corbin came before Appropriations earlier this year, he recommended making an effort to keep our infrastructure and our investments in higher education and other infrastructure in place. He said, "When the economy does turn around, Maine will be ready and in a posture to go forward without delay in business and in social services." This Majority budget maintains, as best as possible, to keep the framework and safety net in place, and please join me in keeping this document together. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "U" (H-846) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 267

YEA - Austin, Ayotte, Babbidge, Barstow, Beaudoin, Beaulieu, Blanchard, Bliss, Brautigam, Briggs, Cain, Campbell, Carey, Chase, Clark, Cleary, Craven, Cray, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Eberle, Edgcomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Greeley, Hanley S, Haskell, Hayes, Hill, Jackson, Jacobsen, Johnson, Jones, Kaenrath, Knight, Koffman, Lundeen, Marean, McDonough, McLeod, Miller, Millett, Mills, Moore, Nass, Norton, Patrick, Percy, Perry, Pieh, Pilon, Pingree, Potti, Plummer, Priest, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Silsby, Simpson, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Tibbetts, Tuttle, Valentino, Watson, Weaver, Webster, Weddell, Mr. Speaker.

NAY - Adams, Annis, Berry, Berube, Blanchette, Boland, Bryant, Burns, Canavan, Carter, Casavant, Conover, Cotta, Crockett, Dunn, Eaton, Gerzofsky, Gould, Grose, Harlow, Hinck, Joy, Lansley, Makas, Marley, McFadden, McKane, Miramant, Pendleton, Pineau, Pinkham, Pratt, Prescott, Rand, Rines, Schatz, Sirois, Treat, Trinward, Vaughan, Wagner, Wheeler.

ABSENT - Beaudette, Browne W, Cebra, Connor, Duprey, Fisher, Hamper, Hogan, Lewin, MacDonald, Mazurek, Muse, Peoples, Samson, Theriault, Thomas, Walker, Woodbury.

Yes, 91; No, 42; Absent, 18; Excused, 0.

91 having voted in the affirmative and 42 voted in the negative, with 18 being absent, and accordingly **House Amendment "U" (H-846) to Committee Amendment "A" (H-806) was INDEFINITELY POSTPONED.**

Representative MCKANE of Newcastle **PRESENTED House Amendment "J" (H-834) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It turns out this slight technical difference between my amendment and Amendment "O" that we recently talked about, the cuts to Special Education funding, so that affords this body another opportunity to vote in favor of working, fishing communities in this state, in favor of common sense and against the broken promise of communities hardest hit by property taxes.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Fischer, and asks why he rises at this time.

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

Representative **FISCHER**: Thank you, Mr. Speaker. I first want to apologize to Representative McKane for interrupting him. But Mr. Speaker, I cannot find a difference between this amendment and the Representative's amendment that was already rejected by this body.

Representative **FISCHER** of Presque Isle inquired through the Chair if the Amendment was properly before the body.

Subsequently, Representative MCKANE of Newcastle **WITHDREW House Amendment "J" (H-834) to Committee Amendment "A" (H-806).**

Representative **GILES** of Belfast **PRESENTED House Amendment "H" (H-832) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The amendment I am going to present to you is a very straightforward amendment,

and if I can, I want to fast-forward you to the fall. We will, many of us, be in a general election at that time, and there will be new candidates coming forth for the first who have never participated in the election. If you recall, when Representative Millett presented the green sheet earlier today, there was on it an item that takes from, in the Majority budget as well, there is a one-time item in there to reduce the Maine Clean Election Fund by 5 percent for this fall. It provides the General Fund savings of around \$270,000.

What I am proposing here will be still very much in the spirit and the mission of the Maine Clean Election Act, which is to have as many people who have the interest and who are willing to go out and run elections to still participate. But what I am concerned about is that the 5 percent reduction, even though it is small, it may be one that does present a problem for someone who is trying to, maybe even for the first time, present a well run and effective campaign. What I am putting forward here is a one-time thing—I have said that a few times—because I certainly do not want to go against the fine work of the Ethics Commission, nor the Legal and Vets Committee that oversees our Clean Election program, so this is a one-time opportunity to restore the 5 percent, and for those people who do run as a Maine Clean Election's candidates, they would have the option to raise the additional 5 percent or the missing 5 percent as seed money. What this translates into for a House raise that is contested, it will be \$218 in additional seed money; in an uncontested House race it would be \$87. I know that there are some in this chamber who have chosen to run for the Senate this fall; in that case, it would give you an opportunity in a contested race to raise an additional \$1,004, and in an uncontested Senate race to raise \$402. As I said, this is one-time. The candidate would have the option to raise the money the first day after the primary, once they know for sure they are headed to the general election, and they could obtain the money no later than August 31. This does not create matching funds for anyone, it is optional, and it has no General Fund impact.

Again, in trying to keep the Maine Clean Election Act to continue to be as effective as it has, because we know full well that over 80 percent of candidates now run as a Clean candidate, this would restore this 5 percent, not have any General Fund impact, and I would recommend that—I know my Chair on Appropriations will soon move Indefinite Postponement—but I would recommend that we support this amendment and make it a part of this budget document. Thank you.

On motion of Representative FISCHER of Presque Isle **House Amendment "H" (H-832) to Committee Amendment "A" (H-806) was INDEFINITELY POSTPONED.**

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

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, Colleagues and Friends. I rise in support of Indefinite Postponement of Amendment "H" for a couple of reasons.

One, the only reason the Legal and Veterans Affairs Committee ever came up with an idea to touch upon the Clean Election Fund—we have always traditionally supported it, we were against the \$6 million withdrawal years ago, we have been against all of the withdrawals—is that this would be an effort that candidates could actually say "we gave something up," not a huge amount but \$219 probably runs two ads in a newspaper, and a House candidate usually has two or three different newspapers within a district, taking away one ad in two different newspapers. The \$1,000 in the Senate campaign, we looked at that and figured it would have a small effect, not a huge effect, if the traditional candidates raise more money they might not get

quite as much on their match, but there would be an effect that we could actually say that we did something and we felt pain. A huge amount of pain, no; is it as much as some of the social service agencies, no we didn't.

The other reason why we decided to do this is the Legal and Veterans Affairs number one priority this year was to protect veterans programs, and the initial attempt the Legal and Veterans Affairs Committee did with this money was to actually come up with extra money that we were charged to fund the hole that we had in the budget, and to actually raise some revenues to give that money to the program that Senate President Edmunds has that will reinstate two VSO office positions, or offices that we took away, and these offices would bring back between \$9 and \$12 million for \$250,000, would put it into the pockets of our veterans, and we said as a committee that we are sick and tired of taking bites and little hits to our veterans, and instead of always taking away with all of the antiwar sentiment that is going on that we should just take a stand as a committee and say enough is enough, let's do something to get funds back into the hands of our veterans and staff. We said, with a 13-0 decision, that this is what we wanted to do. We did not want to open up a can of worms, we did not want to take a look at going to 5 or 10 percent, have the ability to go after more moneys, because the other thing that this is problematic is not everyone raised the full amount of seed money, not everyone raised seed money so it is not going to be fairly administered as far as every single candidate is not going to be able raise the extra 5 percent again, so it really is not fair this late in the game. We figured it would be a little onerous and that I would respectfully have you vote Indefinite Postponement of House Amendment "H."

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

Representative GILES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that Representative Patrick raises some very good points about not making change, but I did want to address one point he raised which is about the candidates feeling some pain, and I would agree, having sat on Appropriations these past several weeks, that was one feeling that I had, that the more we spread these cuts and reductions around, the more it is a shared responsibility. But I still see sacrifice for this, as the candidates—again, this is an optional measure I am proposing—may choose on their own whether or not to go raise the seed money and they are going to go have to work a little harder to do so, so I see the pain and I see a little bit of sacrifice here. Again, I would encourage for people to support this and be adopted as part of the budget document. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative BRYANT: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do respect the Representative from Belfast, Representative Giles, but I do feel at this late hour, it could jeopardize the integrity of the Clean Election Act and my chair of our committee eloquently put out of points of order. But I want to bring that to your attention: I think that a late raising of seed money could unravel the integrity and the transparency of the Act. Thank you, Mr. Speaker.

On motion of Representative CUMMINGS of Portland, the House **RECONSIDERED** its action whereby **House Amendment "H" (H-832) to Committee Amendment "A" (H-806) was INDEFINITELY POSTPONED.**

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "H" (H-832) to Committee Amendment "A" (H-806).**

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 Indefinite Postponement of House Amendment "H" (H-832) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 268

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

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

ABSENT - Berube, Blanchard, Blanchette, Connor, Duprey, Fisher, Gerzofsky, Hill, Hogan, Lewin, Marley, Muse, Thomas, Woodbury.

Yes, 83; No, 54; Absent, 14; Excused, 0.

83 having voted in the affirmative and 54 voted in the negative, with 14 being absent, and accordingly **House Amendment "H" (H-832) to Committee Amendment "A" (H-806) was INDEFINITELY POSTPONED.**

Representative RINES of Wiscasset **PRESENTED House Amendment "T" (H-844) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative **RINES**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. There has been a tremendous amount of discussion around OPEGA. Here is your simplest opportunity to tell the people and your colleagues what you feel: a straight up and down vote on Section LLLL. All it does is remove it from the budget and renumber everything sequentially so the budget stays in tact. If you read the last line on the Fiscal Note that is on it, it says: "This amendment will increase the General Fund cost of the bill by \$1,187,867 in fiscal year 2008-09. Based on the estimated year-end balances, this amendment maintains a balanced budget for the 2008-2009 biennium." Here is your opportunity to make it happen. A straight up and down vote; it is not attached to anything else; the budget is in tact. Thank you much, Mr. Speaker.

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the amendment that is being presented here. It is not because I do not support the Office of Program Evaluation and Government Accountability, but rather we have a compromise that keeps the office in tact compared to what was presented to us in the committee amendment of the budget, that maintains the independence, the mission and the goals, as was

stated in the letter that was distributed by my good friend from Sabattus on this matter. But is also understands that many in state government—whether it be departments, agencies, individuals—have had to make sacrifices.

I have spoken within my caucus; I have spoken on this floor about the sacrifices that we have had to make. I do understand, as my colleagues have spoken to me, that could we use the additional positions and not have the cuts that were currently proposed in House Amendment "P" that has already been adopted? Certainly. Could we have flourished more, moved forward quicker; could we get more buildings repaired if we had funding in Capital Improvement? Absolutely. Could we have more regional projects and cost savings at the local and county level with funds in the Efficient Delivery for the Local and Regional Services grant program? Absolutely. But again, we have to balance and all have to make sacrifices to make sure that the social service needs and all responsibilities are equally delivered in this state. It is with that that I hope that you oppose the pending amendment and keep in tact what has already been changed as a compromise to keep OPEGA in tact and functioning for the people of Maine. Thank you, Mr. Speaker.

Representative FISCHER of Presque Isle moved that **House Amendment "T" (H-844) to Committee Amendment "A" (H-806) be INDEFINITELY POSTPONED.**

Representative RINES of Wiscasset **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "T" (H-844) to Committee Amendment "A" (H-806).**

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 Sabattus, Representative Lansley.

Representative **LANSLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. OPEGA was set up as a nonpartisan office to make sure that we have accountability and oversight in government. Unfortunately, OPEGA has become the latest target of the accountability opponents in the Legislature.

In just a few short years, OPEGA has found millions of dollars in savings, identified fraud and poor practices among publicly funded government programs, and made recommendations to achieve even greater savings into the future. What is even more impressive than OPEGA's accomplishments, however, is that the agency has consistently performed significantly under its operating budget of less than \$1 million. As of this budget, they have to date used \$714,000, which was a variance of \$219,000; over the two-year biennium, they have an unencumbered balance of \$367,000. During its short existence, OPEGA's appropriations have totaled \$2.45 million and actual expenses have only been \$1.5 million. How many departments do we have in this government that would state that and state the accomplishments that they have?

As an oversight agency with the memberships equally divided between Democrats and Republicans, this will be replaced by a legislative joint standing committee. The independent, nonpartisan review would turn in to hearings stacked by bureaucratic defending lax management. Millions of dollars in identified waste would be redirected within government departments at the whims of a committee. In short, state government would operate without an independent agency to hold it accountable to the citizens of Maine.

According to the accountability opponents pushing for the elimination of OPEGA, Maine government would save about \$800,000 annually.

The SPEAKER: The Chair recognizes the Representative

from Gorham, Representative Barstow and inquires as to why he rises at this time.

Representative **BARSTOW**: Thank you, Mr. Speaker. I apologize for interrupting my colleague from Sabattus; I rise with a Point of Order.

The SPEAKER: The Representative may proceed.

Representative **BARSTOW**: Thank you, Mr. Speaker. We are speaking to Indefinite Postponement to House Amendment "T," which involves full reinstatement of OPEGA; however, the language that is being spoken talks of complete elimination, which my understanding in the current posture is not on the table.

On **POINT OF ORDER**, Representative **BARSTOW** of Gorham asked the Chair if the remarks of Representative **LANSLEY** of Sabattus were germane to the pending question.

The SPEAKER: The Chair would rule that, in fact, the House has approved House Amendment "P" which is not the full elimination of that program.

The Representative may proceed.

The Chair reminded Representative **LANSLEY** of Sabattus to stay as close as possible to the pending question.

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

Representative **LANSLEY**: Thank you, Mr. Speaker. While just eliminating programs, my point was by eliminating positions and lowering the staff, they will not be as effective as they are today. OPEGA has reviewed activities of state government that represent over \$630 million in annual expenditures of taxpayer dollars. OPEGA has identified \$167,800 in misused taxpayer dollars, including potential fraud. They have suggested to realize at least \$2.17 million in government savings. OPEGA has made recommendations that, if implemented, would avoid future costs of state government of at least \$20,300,000. There is no other committee, office, department or advisory council in state government with a track record that comes close to OPEGA's effective oversight. The value of OPEGA has been recognized by many others that want to hold government accountable for the people of Maine.

Earlier this month, as you read in the letter that I distributed, was that the State and Local Committee had offered up not to do anything to the department, nothing whatsoever, no changes and that was unanimous coming out. As far as I am concerned, OPEGA gets more bang for its buck than any other agency in government, and the significant savings and more accountability in efficient government it has created should not be sacrificed. We cannot throw accountability and achievement out the window, OPEGA must remain in tact as is. Thank you, Mr. Speaker.

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

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this amendment and I hope that you will allow it to live. This is not about sharing pain if we do not move forward with this, this is about inflicting pain. How much do we really think it is important to not be accountable to our constituents and the good of the State of Maine? How important is it to be able to go back to our constituents, who are asking us what the Legislature has done to patrol itself or state government?

This OPEGA is an office that anyone of your constituents can come to with a request to make a study on the efficiency on anything in state government; it is a committee that any one of us can bring our concerns to. I understand their importance of holding a budget together, and I understand the importance of working together and compromising, and I am just a freshman legislator so I am sure there are a lot of things I do not understand. But I understand compromise and I understand that

we are here to take care of our people, and I understand that we do not see a bright glow on the horizon of financial needs from where we stand now. Things look like they are going to get darker before they get lighter. This is a program established through a lot of really hard efforts, a lot of thought; it has been shown to be able to identify millions upon millions of dollars that can go any number of benefits for state government. If this is allowed to be dismembered slowly, a death of a thousand cuts; we will have a really hard time getting it back. I serve actually on both the Government Oversight Committee and the State and Local Government Committee; I have seen it attacked in both places and I do not see the need for it because this is an office that is allowing us to make a difference on into the future.

OPEGA is currently studying contracting services for Health and Human Services. Here is the book that describes all of those contracts. It is pretty big; it is about two inches or more deep. Isn't it conceivable that, as they said before they even finish their study, they are probably able to identify \$2 million of possible savings? Is it worth it to us to bypass that and have to explain it later to our constituents, to each other and to ourselves? I believe there are very many things that are important in the budget, but this will allow future budgets to be a little less painful than they will otherwise be.

This is a committee on which Republicans and Democrats are united in support of what goes on there. There is no mistrust; there is no wondering because it is so clearly presented. The reports are presented to the public at the same time they are presented to the Legislature, so no one can question if somebody knew something first or if they are not getting the full story. The agencies that are asked to give information to support the reports are invited back; they are invited to continue to give support, to give their information. If there is something that they think is wrong, they can come back and say so. It is very, very fair and the confidentiality is very carefully protected, but the main thing right now is that we are discussing the budget. This is one thing Republicans and Democrats on both State and Local Government and the Government Oversight Committee are very much together on, except for a few. I think it is kind of remarkable that we have something that we all can really be fully in support of and can serve all of us, so I would just request that you please keep this alive and vote against Indefinite Postponement.

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

Representative **PENDLETON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I won't promise to be brief, and I won't tell you that I wasn't wishing to speak on this issue because this is a very passionate issue for me, so I hope that you will vote with me, red, to not Indefinitely Postpone this piece of legislation. Yes, there is a compromise and I do believe in compromise. The only thing is the compromise does not fully fund the positions of OPEGA. I just want to remind everyone that OPEGA is an important position to keep. We struggled eight years ago just as we are struggling now, and when I was out there tromping around in the swamplands of Scarborough, I had no idea that I would be standing here talking about OPEGA once again. It took us several years to get it passed, it took us several years to get it funded, and it breaks my heart to just see it go away. I hope that you will be voting red with me not to Indefinitely Postpone this piece of legislation.

Please remember that this piece of legislation, fully funded, was meant to have legislators get the information they needed to solve the problems of the State of Maine. We were not getting the information that we needed back then. We had several legislators, Democrats and Republicans, come to our committee

and ask us "Please, we need an oversight commission, committee, something." This OPEGA came from 13 members of a committee, bipartisan, so I hope that you just join me in voting red. Thank you.

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

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to ask you to vote to Indefinite Postpone this amendment, and I do that with a great deal of respect for the sponsor of the amendment and all of the supporters of the amendment, those who are supportive of OPEGA. I want to first say that I am a little troubled by any statements that have been made that say that those who would be voting for Indefinite Postponement are "accountability opponents." That is not what we are doing here today. What we are doing here today is trying to come up with a budget that is fully funded and that funds all of the services that this state needs, to the best of our ability, knowing that some things are going to be cut, whether it is mental health or whether it is OPEGA.

I think, first, we have to recognize that we unanimously supported in House Amendment "P" a complete restoration of the functions, the missions, and the independence of OPEGA. All of that language—I do not know how many pages it was, five or ten pages of verbiage—that was stuck into the budget that changed the mission of OPEGA, that put it under the control of a new joint standing committee is now gone. What remains in the law was the original OPEGA law without any changes. The only changes are to reduce the staff and the amendment that we all voted for under the hammer was an amendment that added back two additional staff. There is now an executive director who is a highly skilled, highly paid, highly educated, experienced person. There will be two analysts who are lawyer people with skills as well, who are lawyers, as well as a secretary and a small amount of funding for contracted services to get through the end of the fiscal year. That is a pretty significant office. To say that that four-person office with funding for additional contracting services and purchase services is basically eviscerated or disappeared is, I think, inaccurate.

There is a very strong attempt here to come up with a compromise that did maintain—and I am going to read from the letter of the State and Local Government Committee—that did retain something, that did not diminish the mission; I do not see the mission being diminished in this, diminish the goals and the independence of OPEGA. There is nothing in the budget as amended, the posture that we facing now, that does any of those things. Yes, there are some positions that are cut, as we have cut many, many positions and many, many services elsewhere in this budget. I think it is a very reasonable approach; it is still going to have a lot of ability to get things done.

It also says to the Oversight Committee and to the State and Local Government Committee, come back to us and what resources are needed; come back to us and whether there are additional measurements of accountability that are needed; come back to us and give us your ideas which many people said there was a need for, including the director of OPEGA; come back to us about ways that the OPEGA office can coordinate with all of the other offices of this Legislature and other parts of state government that do audits, that do reviews, that do fiscal policy. That is all there and it is totally up to the State and Local Government Committee and OPEGA Oversight Committee as to whether they want to come back us. Nobody is requiring them to come back and put in new legislation that changes anything, it gives them the opportunity. I think it is an excellent approach; it is not what everybody wants, it is not the ultimate. I challenge

you to find anyone that finds this budget, Minority or Majority budget, that they are completely happy with any piece of it. But this is a very good compromise and I hope that you will vote with me to Indefinitely Postponement this amendment, vote green.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the Indefinite Postponement. I value government accountability and oversight; with all due respect to every one who serves here, I did not come here because I had an utter and blind faith in the institution, but because I questioned the business of government as many of the public today do and rightfully so. It is their constitutional right to question what goes on here and it is our obligation to answer to them, and having this office provide that oversight for me, should I request it for my constituents should they request it, is far too valuable.

I rise not only in opposition to this, but also to pose a question to the body through the Chair based on things that I have heard here. I heard very eloquent testimony earlier from the Representative from Waterville, as I have from other Representatives here, but there was discussion raised about a report that came from this office. It was a report on economic development subsidies, which many of us know are not sufficiently on the table, were not sufficiently before the Appropriations Committee for discussion and debate and for cutting so that we could restore funds to Mainers who are suffering greatly under the proposed cuts that we are going to make. My question is: When did this proposal to target OPEGA, when was that put on the table for cutting in relation to the request from many among us for economic development subsidies to be put on the table fairly like everything else? To reiterate the question, when was OPEGA put on the chopping block in comparison to the discussions that have been going on since the beginning of the session?

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I thank the good Representative for his question. In the letter that was distributed by the Representative from Sabattus, it states that the State and Local Government Committee met today, and today the letter is dated March 14. I believe it was about 24 hours beforehand that members of the other body and leadership presented the idea to our committee for consideration.

The recommendation from our committee is stated in the letter that you have before you and it is my understanding that, through progression, the Appropriations Committee took the action that was in Part LLLL. Further upon consideration, once that final draft of the committee amendment was brought forth, the compromise that we had brought forward in Committee Amendment "P," which has been adopted and restores that independence, mission, goals and accountability, it brings us now to the posture where we are looking to Indefinitely Postponement House Amendment "T." That is really the brief synopsis of how we have gotten from point A to this present point. Thank you, Mr. Speaker.

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

Representative **McDONOUGH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for standing up at this late point in the amendment procedure, but I just felt that I needed to say two or three words about this whole process

of the OPEGA program. I happen to be one of the people who was serving when the whole issue of OPEGA came up and we support that, we put it in place and I would ask the body to vote against this Indefinite Postponement for a couple of reasons: It is a disservice to the people of Maine to cut this oversight program. The second part is it is a disservice to you and me, as members of this body and Representatives of the people of Maine, not to have a fully funded program in place to answer the questions, do the investigations, and report back to us to make the final decisions in what happens. For that reason, Mr. Speaker, I would ask you and members of the body to vote against the measure of Indefinite Postponement. Thank you, Mr. Speaker.

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I did want to answer, directly, the question from Representative Burns. I may have missed it by a minute or two, but I think it was about 11:17 pm in the evening last Thursday after the budget had been closed and a motion was made to reconsider and immediately a motion was made to add LLLL. With no language in front of the Minority members, we asked what was going on and we were finally given a copy to see, but the motion was to move it in, there was no discussion, it took place in about 30 seconds and it came out of nowhere from our point of view.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I know the day is getting long, but yet I still make no apology for speaking and adding to the discussion.

Government oversight and accountability is important. The fact that an effort to somehow undermine, seemingly, OPEGA, at the late hour of the night, late in the process does feed the cynicism that some might have. I admit, I am among them, that we argue that there is a report that came from OPEGA about economic development subsidy—some of those are good, I support economic development—but if I have to tighten my belt, then I have to weigh these things: fiscal responsibility, dollars and cents, the economy, the health of it and human beings, everything needs to be on the table. I cannot help but be cynical about the fact that we spoke to the report from OPEGA and then OPEGA becomes a target. Thank you.

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

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just briefly, I would like to say in regard to the report on economic development programs that BRED has actually moved forward with some recommendations to that report which ask for better information and indexing of what the programs are, looking into what the measures are, as we, in State and Local Government, have used their reports on boards and commissions, so the BRED Committee has also used it and started to move forward to make some progress to try to identify good uses for economic development money, so it has not been a total loss. As far as what Representative Burns might think, it has had that positive effect and it is for that reason that the OPEGA reports are valuable to all of us. Thank you for listening.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "T" (H-844) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 269

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Bryant, Cain, Carey, Carter, Clark, Cleary, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Gerzofsky, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Jackson, Jones, Kaenrath, Koffman, Lundeen, Makas, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Samson, Schatz, Silsby, Simpson, Smith N, Sutherland, Treat, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Boland, Browne W, Burns, Campbell, Canavan, Casavant, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Jacobsen, Johnson, Joy, Knight, Lansley, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Pendleton, Pinkham, Plummer, Prescott, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Saviello, Sirois, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Trinward, Vaughan, Walker, Weaver.

ABSENT - Connor, Duprey, Emery, Fisher, Hogan, Lewin, Marley, Muse, Thomas, Woodbury, Mr. Speaker.

Yes, 72; No, 68; Absent, 11; Excused, 0.

72 having voted in the affirmative and 68 voted in the negative, with 11 being absent, and accordingly **House Amendment "T" (H-844) to Committee Amendment "A" (H-806) was INDEFINITELY POSTPONED.**

Representative GILES of Belfast **PRESENTED House Amendment "I" (H-833) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

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

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have introduced this amendment which eliminates the future diversion of funds from the Maine State Housing Authority for the Housing Opportunities for Maine Fund, or commonly known as the HOME Fund, during the fiscal years 2009-10 through 2012-13, and I would like to give you some reason for it.

In putting together the Biennial Budget that we had, I know there is a little bit of history with the Legislature from time to time using funds from the HOME Fund to, at times, be used for other purposes. In this recent \$190 million shortfall we face, there is about \$2.9 million that is going to restore some of the BRAC moneys, which are used for low and moderate income rentals.

I just real quickly wanted to explain what does the HOME Fund do. The HOME Fund is for loans for first time homebuyers, it is for housing for people who are homeless, affordable rental house, home repair, and housing for people with special needs. It helps make homes safer for children by eliminating lead paint hazards. It does many other things, including helping make homes accessible for people with physical disabilities.

The concern I have with this is the funds are being diverted to fund a tax credit that was presented and approved in another bill and I am not going to debate the merits of that bill, but what I am really concerned with, because I feel we have ways to address this within our budget process, is not to go four years forward with what would over a \$3 million a year reduction to the HOME funding. That represents about 30 percent of the HOME's annual funds that they have been receiving, which the funding comes through the real estate transfer tax.

The housing market in Maine has been struggling, but I think one of the main concerns with this is to keep thinking of

affordability for so many Maine citizens, so many working families, so many first time homebuyers. The average price of a home in Maine, despite the recent drop in the housing market, is still over \$200,000. Now, I know that varies depending on where you are in the state, but it clearly indicates that it is increasingly difficult for Maine people to find affordable housing for them. This program has been in place for many years, I think it provides a very valuable purpose to citizens in our state, so I would propose this knowing that we would have to, in Appropriations for it to fund the tax credit that I mention, go back in those future budgets to address it through a regular appropriation. But with this amendment, I would just really encourage people to support this because it would remove the diversion of the fund for a four-year forward period. Thank you.

Representative FISCHER of Presque Isle moved that **House Amendment "I" (H-833) to Committee Amendment "A" (H-806) be INDEFINITELY POSTPONED.**

Representative CROSTHWAITE of Ellsworth **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "I" (H-833) to Committee Amendment "A" (H-806).**

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 Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Representative from Belfast, Representative Giles, and I share a commitment to increasing the stock of housing affordable to low and moderate income families in Maine, and I wish I could be here in the 124th Legislature to join her in championing this worthy purpose.

Over my eight year in the House, I have worked with colleagues from both sides of the aisle to increase housing opportunities. For example, in 2004, Representative Tobin and Senator Mills and I worked with a team of people who created a new program that the Maine Housing Authority attributes 600 new housing units, affordable housing units, since that program was put in place.

In the same bipartisan spirit, a team of experts and the Maine Historic Preservation Commission redesigned our 30 year, under performing now, rehabilitation tax credit for the renovation of older buildings. Under the revamped program, investors will put these grand, old buildings to new uses, increase tax rates for towns, stimulate economic development, and create jobs. The Taxation Committee helped strengthen the restructured program by including the requirement that 30 percent of the total restored space be devoted to affordable housing. Many of these restoration projects will include mixed income and mixed use projects that will revitalize and boost downtown improvements. The element of creating mixed income projects versus segregated low-income housing, I think, is an important mix in our housing program.

It is safe to predict that in the years ahead, LD 262, working in tandem with existing housing development models, will yield more moderate income housing than would otherwise be produced. Maine's Housing Authority supports this positive forecast, calling LD 262 "a win-win for housing and the economy." Those who redesigned Maine's historic building tax incentive appreciate the members of Taxation, who helped reshape this program and voted for it 12-1, and the Appropriations Committee members for their bipartisan support for this program. I urge my colleagues to vote in favor of Indefinite Postponement of Amendment "I."

The SPEAKER: The Chair recognizes the Representative

from Portland, Representative Rand.

Representative **RAND**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to take two minutes to thank the good Representative from Belfast, Representative Giles, for putting this amendment in. I was the one on the Taxation Committee who did not support this, not because the end result was not very commendable and a good thing, I just did not think that now was the proper time to divert funds from the HOME Fund. Thank you.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As a member of the BRED Committee, we oversee the Maine State Housing Authority and the HOME Fund. In my six years here, we have worked as hard as we possibly could to maintain the integrity of that fund, recognizing the many needs for our low-income citizens around the state in fulfilling their housing needs.

However, I must say that I am also a member of CPAC and I have been involved with the GrowSmart Brookings Report. I think that when we look at the real issues around the state, one of them is the revitalization of our downtowns, the maintenance of the critical infrastructure that we have in many of our fine, old mill buildings that really distinguish us from other parts of the nation. I think we have an unusual opportunity here, an opportunity to allow those to be developed in a way that is meaningful for the communities in which they sit, that allows for mixed development, that allows for a range of housing and actually provides an incentive for those developers moving into those buildings, actually an additional incentive to provide low-income housing, utilizing the credit that will be financed through the HOME Fund. To me, it is a perfect use, really a perfect marriage of a tax credit benefit and the uses for which it was intended and the financing from which it comes. I think that if you look at this carefully, you will realize that it is a wise place to be and with all due respect to my colleague from Belfast, I think we should Indefinitely Postpone this and move on to further matters. Thank you, Mr. Speaker.

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

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that support of this Indefinite Postponement will actually result in more housing units, more affordable housing units I should add, would be built in the State of Maine,

Previous history with money taken out of the HOME Fund that went directly to the General Fund—\$7.5 million each year for the past four years; \$5 million for each year for the three years previous to that—obviously did very little good towards the building of affordable housing units. The element that is in the budget today is a result of a thoughtfully crafted compromise, involving the Maine Housing Authority, to be able to take some of this money that has historically been redirected directly to the General Fund, to an area, through historic tax credits, that would result in some of that money going to affordable housing where it would not have previously. The way it has been crafted, it has been crafted in such a way that that incentivises the construction of affordable housing units, so I would ask you to please support the Indefinite Postponement motion.

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

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do appreciate all of the debate on this from my fine colleagues here. Just a couple of things for people to think about before they cast their vote on

this and this comes from my own perspective where I have been a banker for 30 years. I support economic development in my communities, I support revitalization of the downtowns, I support affordable housing, so to me it comes down to a balance of how do you best use a fund which has been in place to support the so many needy things that I mentioned earlier today.

We have heard a lot of discussion on the need to support those of need through this whole time period of dealing with a \$190 million shortfall, and I cannot think of one area that is so important in terms of housing and making sure we have good funding to support those truly in need, because let's face it: the most important thing to most people is a place to keep their families and a place to live affordably.

I appreciate the work that Representative Koffman has done on that tax credit and I, in committee, said I really support the idea of it. My concern is the funding here; I think we are diluting an already established fund. That tax credit does provide some provisions for affordable housing, but it does not require a developer to put that into the building that they are going to be renovating, it is not a requirement.

The other thing is the Revenue Forecast Committee has downgraded the amount, when they did their downgrade of revenues, also downgraded the amount of the real estate transfer tax that is coming to us. We have, again, another financial concern here that going forward real estate home sales are down. That means the amount of real estate transfer tax is down, 45 percent of that goes over to the HOME Fund, that is down. To me, to take at this point in time, to put into place a budget item that is going to take, as I said, about 30 percent of what they are currently getting over the next four years knowing that we may see some decline in those moneys, I just do not think this is the best way to support that tax credit, although in concept, I think it is a great idea. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "I" (H-833) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 270

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

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

ABSENT - Berube, Connor, Conover, Duprey, Emery, Lewin, Muse, Rines, Thomas, Woodbury.

Yes, 89; No, 52; Absent, 10; Excused, 0.

89 having voted in the affirmative and 52 voted in the negative, with 10 being absent, and accordingly **House Amendment "I" (H-833) to Committee Amendment "A" (H-**

806) was INDEFINITELY POSTPONED.

Representative MOORE of Standish **PRESENTED House Amendment "Q" (H-841) to Committee Amendment "A" (H-806)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I present this amendment to the budget under consideration here this afternoon.

I, like all of you, have been listening attentively to a tremendous array of groups that are being negatively impacted by the budget, whatever budget we are going to be forced to adopt here. I, like you, like many here, was also very, very pleased to see that the Executive, when he made the original presentation of the budget, really did spread the pain. It was nonetheless somewhat disappointing as we got into the budget discussion, to notice or hear that the Appropriations Committee had seen fit to find a way to give back up to \$9 million that the Chief Executive had proposed to cut from the University of Maine System, disappointing for many reasons.

I, like many of you here, are a graduate of the University System, and my wife and I and our entire family, and I could go on at great length and I probably will about the value of the University of Maine System and what it has done for the many youngsters and oldsters within our state. However, during the time that I have served as a trustee of the University System and in other capacities, in a variety of services for Governor McKernan, Brennan and all of them, in the University System, but more recently in my involvement here in the Legislature the past six years, it has become increasingly evident that the University System has strayed dramatically from its mission.

While I have great respect for many of the trustees who are serving on that board at the University System now, it is clear to me, and I hope it is clear to you, that the trustees have failed miserably in financial oversight, to the point that we are in a situation where there has been a tremendous listing of people, people who are seeking housing and people who have a difficult time with their heat, people who are having a difficult time keeping their jobs—I have over 300 in my town who are out of work because the corporation that is in our town is moving its operation to China—lovely. The people in the trailer park down the road cannot even afford to keep the thing plowed out adequately to get the snowplows in, and these are not people who want to sit home and be on the dole and all of that, they want to work and they want to get ahead, and they want their kids to go to the university.

More importantly, we are seeing now a tremendous shift, or at least a dramatic shift, in the general purpose aid to education, a downward shift. Overall, no it is not but many towns, many communities, many schools are seeing a very dramatic reduction in the General Purpose Aid to Education, and mine is one of them. I have heard some figures here today from Representative Cebra, about \$2 million in his district—mine is not that bad, but it is half a million—and where is that going to go? Chances are quite good that that burden is going to fall right on the backs of the taxpayers of the communities. We cannot afford it; we cannot do it. So looking for a way around this dilemma, I am proposing that we take another look at the givebacks that were promulgated by the Appropriations Committee in their difficult work.

I am saying that we take another look at that \$9 million that the Chief Executive proposed. I am saying that we take a look at the \$1 million difference that exists between the two budgets that have are on our desks here. There is a \$1 million difference between one proposal and the other. I am suggesting that we

take that \$1 million and move it into the General Purpose Aid for Public Education; it does not affect anything other than shifting. I am saying this because, I am suggesting this because I think you may have gotten the drift that many people think that executive level administrators at the university level are grossly overpaid, and that the benefits that accrue for them are, in many cases, obscene, when compared to the general population of our state. We are a poor state. We are a state that cannot afford to indulge ourselves or to indulge others.

Talking about affordable housing? Take a look. Tell me, if I am making \$210,000 a year, or I am making \$220,000 a year, I think I could find a way to get a really nice apartment up in Orono for a \$39,000 housing allowance. I think I could make it pretty well. I do not think the people in my town appreciate that. I know the folks that are trying to scrape together the money for their books at USM and at Gorham, they are appalled. They wonder where we are, where are these trustees, where are their minds. Oh, by the way, worried about your gas bill and your car? Not to worry, sign up at the University of Maine System and become an administrator. Not to worry, we will rent the vehicle for you, and, oh yes, we will fill it up with gas every day, oil changes and the like, stickers. What a great system. I am not the first person to have gone to the University of Maine and trust me, I lived in Starks before they had the big party with the blue smoke, I wonder if the trustees aren't going to that party. With these kinds of benefits accruing to people making \$200,000 a year, it is sick, it is wrong.

In the sheet that I tried to pass out there and I finally got it right thanks to Millie there, she finally got me on the right track so that I did not say anything that was too off the wall, but there is only one—can you imagine that we only have one?—university administrator who is provided a membership to a country club. Well, where are we failing? We should do better. Oh, by the way, we do not pay for that, someone donates it. Isn't that a shame. The last time I went to a country club, let me tell you, I was very low on the grass, and to get this administrator to live up in Machias, God forbid we would have to live in Washington County without being able to get two or three free trips back to New Mexico. I mean the more you dig into this, you can go on and on and on about the obscene level of whatever you want to call it, but the trustees have lost their marbles when it comes to this type of thing. Yes, \$20,500 goes right into the 457(b); that is on top of a \$220,000 salary. I know I went wrong somewhere, and I think maybe even the Speaker did. We should all look towards finding a career in the University System at the upper levels. I am ashamed that our youngsters and the people who are paying taxes for this University System and are now looking at an increase, in my town anyway, of a local tax on public education, it is embarrassing that we do not do something about this. I even get questions about some of the people that are on that committee; they work for the university. It raises lots of questions where you have this time of largess on the part of the taxpayers.

I hope that you will see the wisdom of taking \$1 million away from the upper level administration of the University System, not permitting them to raise tuition to make up for it which is what this amendment does, and sending that \$1 million to the towns, to the General Purpose Aid for Education that we have seen whittled down in other measures that have been here today. Thank you very much for letting me go on here, but let's restore a little common sense to this, okay? Thank you very much, Mr. Speaker.

Representative CAIN of Orono moved that **House Amendment "Q" (H-841) to Committee Amendment "A" (H-806) be INDEFINITELY POSTPONED.**

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

Representative CAIN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Mr. Speaker, I am very glad to have this opportunity to talk about this amendment to the budget. It actually provides a perfect opportunity and a perfect forum to dispel some myths and put some real facts out there, some of which you have had put out before you today, and I think it is important to put things in context. In the interest of full disclosure, I work half time at the University of Maine at the campus located in Orono in the Honors College and I have worked there since before I got elected, and I make less money there, I bring less money home there at the end of the day than I do here in my job. But I love the work that I do and I think it is important for you know that before I give you this floor speech, which will be short.

Earlier today, I spoke of the importance of \$1 million, in the \$1 million that separates what was the Minority Report and what is now the Majority Report, and I talked about the horrible impact on students, layoffs, and those things. I also talked briefly about administrators not taking raises, which I think is very appropriate in this time; and of more than \$2.7 million that has already been cut from the system administration piece; and also another \$5 million in administration cuts that will only move more money towards students and away from administration, so I will not repeat all of that. But I do think it is important to clarify some of the pieces that you have heard about today.

First of all, University of Maine System employees are not state employees. If they were, they would have 100 percent of their health insurance taken care of, but they do not. They pay 11 percent of their health insurance and if they are a couple, they pay 13 percent.

Secondly, the University of Maine System employees and the administrators, which are the people in question in this floor amendment, are underpaid from the national median, anywhere from 8 percent to 38 percent below the national median. How many University of Maine System executives are eligible for health, dental, life and disability insurance as well as retirement contributions? It is a great question. Well, they all are, but you know what? Every single employee of the University of Maine System is eligible for those same things; it is not a special benefit within the University of Maine System. Every single employee, from the secretary at the desk to the college president, receives those same levels of benefits. It is very important that we take care of people and have those types of benefits, and we should expect that from all of our public and private institutions out there.

We could talk about travel allowances, we could talk about cars, but what we should really talk about is higher education and the national context which our higher education system exists. The University of Maine System Chancellor makes 38 percent less than the national median for the job that he has. I do not know about you, but if I was going to be running a business in the State of Maine, was trying to recruit the very best person and I knew that in the public sector which this lives, every single year this data is published in a national/international publication called *The Chronicle of Higher Education*, is available online as we speak and if you are bored you can look it up, *The Chronicle of Higher Education* tells you how much all these people make across the country. Our Chancellor that we are so quick to criticize and I am right there with you a lot of the time, our Chancellor makes 38 percent less, his benefits are 38 percent less than the national median. I don't know about you, but when I finish my doctorate and someday when I want to be a college or university president, I am not sure I am going to the place that pays me 38 percent than the national median.

All of the University of Maine System presidents make less than the national median. The president in my town makes 8.4 percent less. All of the presidents in northern Maine make between 18 and 21 percent less than the national average. The University of Maine's Augusta president makes 25 percent less than the national average. The University of Southern Maine president makes more than 16 percent below the national median. That \$1 million in this amendment, to pull that back and to focus and target it specifically and penalize our university administrators who are already working very hard to cut their costs and to keep costs down for students. Because those gas prices that have risen, those health care prices that have skyrocketed, those are all included in the University of Maine System's budget. They are not a separate line item in the budget; they are part of those same moneys that we send them every year. We send them less money and we ask them to do more.

In the last few years, I have been very sad to see that the state appropriation to the University of Maine System does not even cover half their budget anymore. We expect them to be our economic engine and they prove it every time. The University of Maine System generates \$8—\$8 for every \$1 that we invest in that system; \$1 million out is \$8 million out of our economy. That is a pretty serious impact, and I am pretty sure that we cannot afford not to invest in our higher education system. I wish we could have put back all of the money for all of higher education in this budget; we did our best but I think we did a good job. I think it is very easy to poke at what looks like a big package, what looks like a big job, what looks like a big responsibility.

Well, it is a great responsibility and with great responsibility comes great accountability, and if you have not been in Appropriations when the University of Maine System, or the Chancellor or the President of the Community College System are there, or the President of the Maine Maritime Academy, I will tell you that you will never find a hotter seat than the seat that those people sit in, in front of our committee when they get asked those questions about "What more can you do for Maine students?", "What more can you do for Maine people?", "What more can you do for Maine businesses?"

Today in the Hall of Flags there is a roomful of people from all over the State of Maine from Cooperative Extension, which people forget is a huge part of the mission of the public campuses, specifically the flagship campus which is in my town. People forget that when every county in the State of Maine benefits from Cooperative Extension, those people are University of Maine System employees who are working twice, or three, or ten times as hard as we cut back their money and we ask them to do more. I hope you will visit with them. I hope you will ask them about their experiences at the University of Maine System. What I really hope is that moving forward in this body, in the next session, we are able to talk about higher education in the context of not only what we expect of it but proper levels of investment in it, and to stop this bickering over who does what, who gets what, who gets less, because I believe that we all get more every time we invest any dollar in any part of higher education and that is why I am enthusiastically asking you to support the Indefinite Postponement of this amendment. Thank you, Mr. Speaker.

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

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to support the motion to Indefinitely Postpone on this. Actually, being the opposite from what Representative Cain said where Mr. Speaker has been standing all day and I have been sitting, I look forward to standing and rising today to stretch for a few minutes.

I also want to say why I am supporting the motion to Indefinitely Postpone. One of the reasons is I certainly respect the passion that I have seen today in this chamber. Everybody has stood up and argued very passionately for or against putting something back into this budget, and I understand that passion because the members of the Appropriations Committee had that same passion when we were going through this budget. As you have heard many times today, probably 90 percent of the items that are in there were all unanimous by every member of the 13 members of the Committee. And when you go to look at the rest of the 10 percent, only a very few of those may have been partisan votes. Most of those were all nonpartisan votes, with Ds and Rs on both sides of it. I actually went through and did a little homework and, even though we do not record the votes that we have that we take, I put them in my notation, and there is not one single person on the Appropriations Committee that did not come out on the Minority Report. We all lost on something that we were passionate about, we all lost that fight in committee on different times, on an item that we wanted on the Budget, but fortunately we had that opportunity to make those arguments, not only in public but amongst the Committee. I think that is why it is great that you have the opportunity to make these arguments here today and to be heard, and I really respect that process on it.

I also want to say, too, that in regard to the University of Maine, as many of you here, I am an alumni also and my husband, and my daughter is there now, and everybody else in our family. I have a great respect for higher education, but I think what a lot of people also have to remember is that the Chief Executive originally put into his Executive Budget a decrease of \$7 million. We only put back \$4 million. They are still receiving a decrease of \$3 million. This \$3 million reflects on every aspect of the university, and I would bet that a lot of us that are there now or looking to go the University of Maine and that might be reflected in different tuition things. I know my daughter is a classics major and I worry about that program being reduced or cut or anything else. I feel that we have a certain duty to the University of Maine, the community colleges and all higher education because it is for our benefit, it is for our children's benefit, and ultimately it is for the benefit of the State of Maine. But I cannot support this because we have gone through this in the Committee, we have had our opportunity to vet this, and we come before you today with a package.

I can tell you in all honesty, there were a couple of these amendments that I would have liked to have voted for today and I voted for in committee, and I fought that battle and I lost. But I realize that this budget is not about me and it is not about one issue that I personally care for, and I could have submitted amendments myself on issues that I was not pleased with but I do not because it is about 151 people in this room, it is about 35 people down at the end of the hall, and it is about one person on the second floor, and this budget is a reflection of all of us and all of those people working together. This is not my budget; this is not anyone's particular budget. We do not get everything we want. There are good things, there are bad things from a personal level, and that is what comes when you have 185 people from different backgrounds, different occupations, and different areas of this state. We all have to vote for the best possible package. We have to vote for a package that is going to meet the greater demands of all of the citizens, not just a specific branch of that. As much as I like higher education, I admire everything that they have done at the University of Maine, I will have to vote against this because we have done a package, we have fought those battles, and I appreciate everything that everybody has said today because this is your opportunity for

your pushback, to really get out your views, and I think we all respect that and appreciate that, but I will also urge all of you to Indefinitely Postpone.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "Q" (H-833) to Committee Amendment "A" (H-806)**.

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 Indefinite Postponement of House Amendment "Q" (H-833) to Committee Amendment "A" (H-806). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 271

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

NAY - Annis, Austin, Ayotte, Beaulieu, Blanchette, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Gifford, Giles, Gould, Greeley, Hamper, Hill, Jacobsen, Johnson, Joy, Kaenrath, Knight, Lansley, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rosen, Sarty, Savage, Saviello, Schatz, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Berube, Connor, Duprey, Emery, Lewin, Muse, Peoples, Thomas, Woodbury.

Yes, 86; No, 56; Absent, 9; Excused, 0.

86 having voted in the affirmative and 56 voted in the negative, with 9 being absent, and accordingly **House Amendment "Q" (H-841) to Committee Amendment "A" (H-806) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-806) as Amended by House Amendments "P" (H-840) and "W" (H-848) thereto was ADOPTED.**

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

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. 272

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Bliss, Brautigam, Briggs, Bryant, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Conover, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon,

Pineau, Pingree, Piotti, Pratt, Priest, Rand, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Blanchette, Boland, Browne W, Burns, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Jacobsen, Johnson, Joy, Knight, Lansley, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Vaughan, Walker, Weaver.

ABSENT - Connor, Craven, Duprey, Emery, Kaenrath, Lewin, Muse, Thomas, Tibbetts, Woodbury.

Yes, 81; No, 60; Absent, 10; Excused, 0.

81 having voted in the affirmative and 60 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-806) as Amended by House Amendments "P" (H-840) and "W" (H-848) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

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

The **SPEAKER**: The Chair recognizes the Representative from Mexico, Representative Briggs who wishes to address the House on the record.

Representative **BRIGGS**: Mr. Speaker, had I been present for roll call this morning, on Roll Call No. 254, I would like to go on record as a ye. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Caswell, Representative Ayotte who wishes to address the House on the record.

Representative **AYOTTE**: Mr. Speaker, had I been present for Roll Call No. 253 and Roll Call No. 254, I would have voted with the yeas. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Silsby who wishes to address the House on the record.

Representative **SILSBY**: Mr. Speaker, if I had been present for Roll Call No. 259, I would have voted ye.

On motion of Representative FISCHER of Presque Isle, the House adjourned at 4:09 p.m., until 9:00 a.m., Friday, March 28, 2008.