

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
35th Legislative Day
Monday, March 31, 2008

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

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

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

National Anthem by Luke Tanner, Mark Tanner, and Debora Tanner, Skowhegan.

Pledge of Allegiance.

The Journal of Friday, March 28, 2008 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Regarding Education Laws"

(H.P. 1446) (L.D. 2062)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-780) AND HOUSE AMENDMENT "A" (H-801) in the House on March 26, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-780) AS AMENDED BY SENATE AMENDMENT "A" (S-496)** thereto **AND HOUSE AMENDMENT "A" (H-801)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Temporarily Suspend the Rate-setting Procedures for the Forest Products Industry (EMERGENCY)

(S.P. 896) (L.D. 2273)

REFERRED to the Committee on **LABOR** in the House on March 28, 2008.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Resolve was **READ TWICE** under suspension of the rules without reference to a committee and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-492)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Require Retailers To Disclose the State's Implied Warranty Laws to Customers"

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

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-823)** in the House on March 28, 2008.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 493)

March 27, 2008

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 5, §2003, I am pleased to appoint Jon Giles of Gray to the Maine Geographic Library Board as a representative of the GIS Vendor Community.

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

Sincerely,

S/Glenn Cummings

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 724)

MAINE SENATE

123RD MAINE LEGISLATURE

OFFICE OF THE SECRETARY

March 28, 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 Education and Cultural Affairs, the nomination of William J. Walsh of North Hampton, New Hampshire for appointment to the Maine Maritime Academy, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of David W. King of Limestone for reappointment to the Maine School of Science and Mathematics, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Michael L. Edgecomb of Spruce Head for reappointment to the Maine School of Science and Mathematics, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Dr. Walter A. Specht of Topsham for appointment to the Maine School of Science and Mathematics, Board of Trustees.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Statute

Department of Health and Human Services

Representative PERRY for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Major Substantive MaineCare Benefits Manual, Chapter III, Section 21,

Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1649) (L.D. 2287)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Cesar E. Chavez, founder of the United Farm Workers of America, on the anniversary of his birth, March 31, 1927. Mr. Chavez was a major force in American history and one of the heroic figures of the 20th century. He focused national attention on the plight of farm workers, making the world aware of their demands for safe and fair working conditions. Millions of Americans across the Nation, of all backgrounds, joined Cesar E. Chavez in the movement for farm workers' rights. He was also a champion of civil rights, labor rights, voting rights and women's rights. An early environmentalist, he warned the public of the devastating effects of pesticides on both farm workers and consumers. Because of his contributions to America, ten states now celebrate Mr. Chavez's birthday, and public institutions have been named after him. Governor John E. Baldacci has declared March 31, 2008 as Cesar E. Chavez Day in Maine and we join with Latino, labor, civil rights, interfaith and other organizations, leaders, elected officials and Maine citizens who are working to ensure that the legacy of Cesar E. Chavez is celebrated and emulated throughout our Nation. We encourage all people in the State to engage in service, learning and community actions that represent the best of Cesar E. Chavez on this occasion and throughout the year;

(HLS 1161)

Presented by Representative BLISS of South Portland.
Cosponsored by Representative EBERLE of South Portland, Representative KAENRATH of South Portland, Representative FAIRCLOTH of Bangor, Senator BARTLETT of Cumberland.

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

READ.

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. Most of you, when you went to school, read the story of the Joad family in the 1930's, who piled into their jalopy and left the Oklahoma dustbowl, and made their way to the golden State of California to get jobs picking peaches. The central valley of California, from Chico in the north to Riverside in the south, was rapidly becoming the agricultural goldmine of the country. By the 40's and the 50's and then the 60's, California was producing over half, almost two-thirds of the agriculture that went to families all over the country. By the 60's, the Joad family and people like them were replaced by itinerant workers—mostly Latino, mostly from Mexico—who survived by going from farm to farm as itinerant pickers and

gatherers. They made their meager living by living in shacks in the fields, and taking whatever the farmers were willing to pay them so that they could feed their families.

I went to the University of California in the early 1960's; it was quite an exciting time to be a university student in California, particularly at the University of California. Among those things that raised my awareness of the world was this guy who was going around in those fields, saying to these itinerant workers "You don't have to take this seven cents an hour. If you just organize and ask the owners of these huge tracks of land to treat you fairly, they would have no choice because if they did not, their fruit or vegetables would rot on the trees or in the ground." Cesar E. Chavez was really the first to suggest that those farm workers unionize. It was amazing. It did not happen overnight and there were lots trips by friends of mine and people in colleges all over California, who raised money and used clothes, and drove them to those striking farm workers to help them out, but eventually the United Farmer Workers actually happened. Cesar E. Chavez was also among the first to say to people who ate those fruits and vegetables, watch out for the pesticides, you don't know what those farmers are doing to these crops. He was an environmentalist.

Today marks the birth of Cesar Chavez, and today, as the sentiment indicates, Governor Baldacci has named this date as Cesar Chavez Day in Maine for this year. There is a national movement to proclaim March 31 as a national holiday; I do not know whether that is going to happen or not; I do not know if Maine is going to jump onto that bandwagon or not. But if people bothered to take the time to deal with their fellow human beings in the same way that Cesar Chavez did, this would be a much better world for all of us. So I encourage you to remember Cesar Chavez on his birthday today. There will be a ceremony in the Welcome Center today at noon; I encourage you to drop by. 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 just wanted to note briefly that my seatmate, in his days out west, worked with migrant farm workers, as did so many people in that era, went without lettuce for a period of time in honor of the boycott Cesar Chavez organized, so in his honor and in Cesar Chavez's honor, viva la raza.

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

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just like to take this moment. The good Representative from South Portland's resolution today brings to mind one of my former students, a boy by the name of Thomas Richie, of Kennebunk, who took his Amherst College education and went to southern California and is currently working on behalf of farm workers. As difficult—I would say heroic—as that pursuit is today, it is because of the footsteps of Cesar Chavez that he is able to build upon this mission of justice. Thank you, Mr. Speaker.

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

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What Representative Bliss said was very, very true, very poignant; I was raised out west. I can remember, very vividly, standing with my mother, my grandmother and my sister, three generations of us marching the Simi Valley and the agricultural belt of California, and you cannot believe today the living conditions that those people had to live in. It was far more disgusting than anything

that we have in Maine. Dirt poor was not the word for it; malnourishment was not the word for it. Those kids were working at three, four, and five year's old out in the fields, from sunup to sundown.

When Cesar Chavez tried to organize, it was not a very pleasant thing to have happen because the farm owners were not going to allow it; they did everything in their power for years to prevent this. They had their goons, which you might only remember from newsreels; well, I remember it from real life, out in the fields with their clubs, blocking you from organizing. I remember the way it was back then and how far we have come, that is one of the reasons I will always stand on the floor of this House and try to speak for the working people, because those people had nobody to speak for them. They were the majority where they were, but they were treated less than the minority. California, at one time, belonged to them. Well, the rich Anglo came in and bought up the countryside and created those great fields, those great onion fields, lettuce fields, grape fields. They felt they owned it and they could control it like their own little kingdoms, and what they put those people through was unconscionable and this body should do all it can to honor not only Cesar Chavez but the people who marched with him and it was not just a handful; it started off as a handful, but by the time we started heading into L.A. there was no longer a handful and when we went to the grocery stores, it said you are not going to sell the grapes and lettuces.

My grandmother died at 89 years old; she still would not buy a head of lettuce, and she still would not support non-farm growers. My great-grandfather wrote the original bylaws for the Letter Carriers Union many years before that, and I could not for the life of me understand why so many people had to go through so much just to gain so little, but that is what it was like in this country. We should always remember it is very nice now and we can go to our farm markets and we can buy a lot of natural grown fruit and we can buy a lot of food from overseas and from South America. At that time, we could too, but it was off the backs of the three and four and five year olds that had to go to work with their parents every morning at sunup, and they had to have their lunch out in the field and their lunch was not much. I was with them, I marched, I was part of a fourth generation family that was doing it, I am quite proud today that I did it, and at the time I was proud I could do it because that is what it had to do to change, because if you only had Latinos marching, you got nowhere. Similar to Dr. King: You had to have people of other races that would stand up and be counted, and that is what this country is so great about. Today we should celebrate Cesar Chavez, a man that was very short in stature, but boy was he a big man in the world. Thank you very much, Ladies and Gentlemen.

The Sentiment was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Resolve

Representative JACKSON for the **Joint Standing Committee on Inland Fisheries and Wildlife** on Resolve, To Create a Deer Predation Working Group

(H.P. 1650) (L.D. 2288)

Reporting **Ought to Pass** pursuant to Resolve 2007, chapter 39.

Report was **READ** and **ACCEPTED**. The Resolve was **READ ONCE** and assigned for **SECOND READING** Tuesday, April 1, 2008.

Refer to the Committee on Labor Pursuant to Resolve

Representative SMITH for the **Joint Standing Committee on Business, Research and Economic Development** on Bill "An Act To Implement the Recommendations of a Task Force Convened To Evaluate and Recommend Revisions Regarding the Statutory Definition of 'Service Dog'"

(H.P. 1648) (L.D. 2285)

Reporting that it be **REFERRED** to the Committee on **LABOR** pursuant to Resolve 2007, chapter 96.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Resolve, To Expand the Case Definition of Lyme Disease for Purposes of Compiling the Annual Lyme Disease Surveillance Report

(S.P. 750) (L.D. 1956)

Signed:

Senators:

BRANNIGAN of Cumberland
RAYE of Washington

Representatives:

PERRY of Calais
JONES of Mount Vernon
GROSE of Woolwich
MILLER of Somerville
BEAUDOIN of Biddeford
CONNOR of Kennebunk
WALKER of Lincolnville
LEWIN of Eliot
FINLEY of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-520)** on same Resolve.

Signed:

Senator:

MARRACHÉ of Kennebec

Representative:

CAMPBELL of Newfield

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

READ.

On motion of Representative MILLER of Somerville, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-853)** on Bill "An Act To Amend the Credit for Rehabilitation of Historic Properties"

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

Signed:

Senators:

PERRY of Penobscot
NASS of York

STRIMLING of Cumberland

Representatives:

PIOTTI of Unity
 KNIGHT of Livermore Falls
 CLARK of Millinocket
 WOODBURY of Yarmouth
 GOULD of South Berwick
 WATSON of Bath
 CHASE of Wells
 PILON of Saco
 LANSLEY of Sabattus

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

Signed:

Representative:

RAND of Portland

READ.

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

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

Eight Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-851)** on Bill "An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds"

(H.P. 1159) (L.D. 1650)

Signed:

Senator:

NUTTING of Androscoggin

Representatives:

PIEH of Bremen
 GIFFORD of Lincoln
 CARTER of Bethel
 MAREAN of Hollis
 PIOTTI of Unity
 LUNDEEN of Mars Hill
 CRAY of Palmyra

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-852)** on same Bill.

Signed:

Representative:

PRATT of Eddington

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

Signed:

Representative:

EDGECOMB of Caribou

READ.

Representative PIEH of Bremen moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

CONSENT CALENDAR

First Day

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

(H.P. 1604) (L.D. 2243) Bill "An Act To Increase the Number of Mandated Reporters of Abuse, Neglect or Exploitation" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-870)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 791) (L.D. 1997) Bill "An Act To Fully Fund School Breakfast from Kindergarten to Grade 12" (C. "A" S-491)

(S.P. 818) (L.D. 2144) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (C. "A" S-487)

(S.P. 853) (L.D. 2215) Bill "An Act To Increase the Amount of Value of a Residence Protected from Bankruptcy Proceedings" (C. "A" S-490)

(H.P. 1518) (L.D. 2138) Bill "An Act To Amend the Requirements for Approval of the Use of Physical Restraints"

(H.P. 321) (L.D. 405) Bill "An Act To Establish Necessary MaineCare Pharmacy Incentives" (EMERGENCY) (C. "A" H-859)

(H.P. 1485) (L.D. 2099) Bill "An Act To Provide Property and Excise Tax Relief to Disabled Maine Veterans" (C. "A" H-856)

(H.P. 1542) (L.D. 2167) Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) (C. "A" H-860)

(H.P. 1546) (L.D. 2172) Bill "An Act To Protect Children from Lead Poisoning" (EMERGENCY) (C. "A" H-861)

(H.P. 1606) (L.D. 2245) Bill "An Act To Promote the Agricultural Economy" (EMERGENCY) (C. "A" H-862)

(H.P. 1610) (L.D. 2249) Bill "An Act To Protect Lake Water Quality" (C. "A" H-864)

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

(H.P. 1455) (L.D. 2071) Bill "An Act To Amend Maine's Scallop Laws" (C. "A" H-863)

On motion of Representative PERCY of Phippsburg, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

BILLS IN THE SECOND READING

Senate as Amended

Resolve, Establishing the Commission To Review the Accountability of State Cultural Agencies (EMERGENCY)
(S.P. 787) (L.D. 1993)
(C. "A" S-478)

House as Amended

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)
(C. "A" H-818)

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

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"
(H.P. 1531) (L.D. 2151)
(C. "A" H-854)

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

On motion of Representative PIOTTI of Unity, was **SET ASIDE**.

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

ENACTORS

Emergency Measure

An Act To Improve Funding for the State Snowmobile Trail System
(H.P. 482) (L.D. 633)
(C. "A" H-773)

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

Representative FAIRCLOTH of Bangor **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. 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. 274

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Campbell, Canavan, Carey, Carter, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Curtis, Dill, Driscoll, Duchesne, Eaton, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Flood, Gerzofsky, Gifford, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Johnson, Jones, Kaenrath, Knight, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Moore, Nass, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Rines, Samson, Sarty, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Sykes, Theriault,

Thibodeau, Thomas, Treat, Trinward, Valentino, Vaughan, Wagner, Watson, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Ayotte, Beaudoin, Browne W, Cebra, Chase, Crosthwaite, Eberle, Edgcomb, Fitts, Fletcher, Giles, Jacobsen, Joy, Lansley, Lewin, McFadden, McKane, McLeod, Richardson W, Robinson, Savage, Strang Burgess, Tardy, Tibbetts, Woodbury.

ABSENT - Berube, Cain, Casavant, Dunn, Duprey, Emery, Hill, Jackson, Muse, Pendleton, Perry, Rosen, Tuttle, Walker.

Yes, 112; No, 25; Absent, 14; Excused, 0.

112 having voted in the affirmative and 25 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Meet the Emergency Needs of Maine Veterans
(S.P. 779) (L.D. 1985)
(C. "A" S-468)

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

Representative NASS of Acton **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. 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. 275

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

NAY - NONE.

ABSENT - Berube, Casavant, Dunn, Duprey, Gerzofsky, Hamper, Hill, Jackson, Muse, Pendleton, Perry, Rosen, Tuttle, Walker, Weaver.

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

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services

(H.P. 1552) (L.D. 2182)
(C. "A" H-778)

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 Provide for the 2008 and 2009 Allocations of the State Ceiling on Private Activity Bonds

(S.P. 843) (L.D. 2185)
(C. "A" S-473)

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

**Resolve Pursuant to the Constitution
Public Land**

Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands and Enter into Certain Leases with the Federal Government

(H.P. 1598) (L.D. 2237)
(C. "A" H-783)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, 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 Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Require the Accommodation of Religious Practices in Correctional Facilities

(H.P. 390) (L.D. 507)
(C. "A" H-784)

An Act To Preserve the Cobscook Bay Scallop Fishery

(S.P. 774) (L.D. 1980)
(C. "A" S-472)

An Act To Clarify the Exemption of Retail Sales of Kerosene from the Sales Tax

(H.P. 1483) (L.D. 2097)
(C. "A" H-754)

An Act To Amend the Cable Television Laws and Establish a Model Cable Franchise Agreement

(H.P. 1515) (L.D. 2133)
(C. "A" H-777)

An Act To Ensure That State Government Is a Model Employer of People with Disabilities

(H.P. 1527) (L.D. 2147)
(C. "A" H-776)

An Act To Sustain Maine's Core Wastewater Licensing Program and Adjust Related Provisions

(H.P. 1596) (L.D. 2235)
(C. "A" H-779)

An Act To Delete Outdated References to Rule 42 of the Maine Rules of Criminal Procedure from the Maine Bail Code and the Provision Allowing for Appeals by Aggrieved Contemnors

(H.P. 1609) (L.D. 2248)

An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the Maine State Museum Commission under the Government Evaluation Act and To Revise the Review Schedule

(H.P. 1631) (L.D. 2268)

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, 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)

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 Implement the Recommendations of the Commission To Study the Costs of Providing Certain Services in the Unorganized Territories

(H.P. 670) (L.D. 885)
(C. "B" H-730)

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

On motion of Representative PINKHAM of Lexington Township, was **SET ASIDE**.

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

Representative **PINKHAM**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill, LD 885, is an increase in property taxes in the plantations and towns within the jurisdiction. It provides for three new employees in that department, this at a time when we are cutting back on all other departments. This report is the Minority Report and I urge you, at a time when we are making cuts in all departments, that we do not grant one department the ability to expand at the expense of property taxpayers in our towns and plantations, with the least ability pay. They received from the state last year, actually from the 123rd last year, a fee increase amounting to better than \$200,000 which they were able to replace some positions that they had lost, so they were up to par as of this past year. I am asking and requesting and urging you to please vote no on this Minority Report. I would like to ask for a roll call. Thank you, Mr. Chairman.

Representative PINKHAM of Lexington Township **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 Millinocket, Representative Clark.

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

The SPEAKER: The Representative may pose his question.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In this fee increase, is

there any new positions added to, particularly LURC, on this piece of legislation? Thank you, Mr. Speaker.

The **SPEAKER**: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In response to that question, my understanding that some of the fee increases go into support LURC, to restore some positions which were cut a few years ago. There are no new positions beyond that that are being created.

While I have the floor, I just want to point out a few things about this bill. There are some fee increases being proposed, they are significantly less than the unanimous report of the working group on the unorganized territory, with their recommendation was. The fee increases are there to pay for services that municipalities within the unorganized territory can receive. There is no requirement that those municipalities pay that fee and receive those services; they have a right to do it on their own. They generally do it because it is very cost effective for them to do it in that way. I think you will also find that all of these municipalities have a mill rate that you would be very envious of, often in the range of 3 or 4 mills, rather than the 10, 15, or 20 mills that many of our other communities see. In short, the proposal is a modest increase that they have no obligation to accept, and it is necessary for the continuance of the LURC's administration of the unorganized territories. Thank you.

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

Representative **DUCHESNE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I actually served on the Unorganized Territory Study Task Force and I had some good helpmates with me: Senator Lois Snowe-Mello was on the commission; Arlan Jodrey, who was termed out last year, was on the commission; Kim Rosen was on the commission; it was chaired by Bob Duplessie from the House. When we reached this unanimous report, it was also a nonpartisan report. It recognized that there was a disparity in the way taxes were collected in UT and tried to straighten that out. It is true that this bill does not go as far as we unanimously recommended, but at least it makes some progress to the issue. Thank you, Mr. Speaker.

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. On this committee, I was on the Majority Report which was not presented on this one, this is a Minority Report, and one of the reasons I did not vote for the Minority Report that is up for a vote right now is because it would have substantially increased the costs to small towns in the unorganized territory. We are going from a .01 percent of the assessed state value of these municipalities and plantations, to .015—that is half again as much as an increase to these small towns and these plantations.

Now whether or not someone has a high mill rate or not, it does not matter. It could just mean the towns are more fiscally responsible or maybe they do not provide as many services in another way. I just think that at this time and place, an increase of this amount to any municipality or plantation is uncalled for. Thank you.

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

Representative **CARTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was up in a

town plantation in Magalloway two or three weeks ago and they said, "Whatever you do, do not let them pass a tax increase on us because we cannot afford it." Some of the people who own properties in the plantation are very wealthy, but there are also a lot of people who have lived there all their lives that are not very wealthy, they are mostly woodworkers, and they work in the woods as loggers and things like that, or retired people. I know it sounds like their mill rates are low, but they do receive very few services and part of the thing to do is in my committee—Agriculture, Conservation and Forestry—we did vote last year to increase their fees on inspections and things that LURC does in these towns for them.

Again, I really question if we want to put this much of an increase on the plantations right now with the economy the way it is, because the reason they are a plantation is they could not afford to run a town. Thank you.

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

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to make two quick points.

The first is that although this is a fee increase, I want to stress that there is no requirement that these municipalities pay this fee. If they want to provide these services that are right now provided by the state on their own, as most municipalities do, they can do that and not pay the fee.

The second point I want to make is the balance of this budget is paid for out of the General Fund. If these fees do not go up, it is paid for by us. Thank you.

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

Representative **PINKHAM**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do understand that the unorganized territories have had good representation before the Tax Committee with their fiscal administrator, but the ones that really lack any direction and help and it is the very people we are talking about, the plantations and towns within the LURC jurisdiction.

I just want to say that what Representative Piotti said, I was treated before that board with the absolute utmost respect from both chairs, and I wanted to say thank you for that opportunity because they gave me several opportunities to come, even at work sessions, and speak when they did not necessarily need to have me speak. But the towns and plantations in this state, I have talked with a good many of them and they just do not really understand what is going on. There were two or three of them that did come down to that meeting. I got many phone calls and emails from others who choose not to come for whatever reasons; I did urge them to.

Just please consider, either the Minority Report or the Majority Report is not a tax increase for the unorganized territories. The Minority Report is a tax increase to those towns and plantations within that district. Thank you, Mr. Speaker.

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

Representative **CARTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To respectfully disagree with Representative Piotti, they really do not have a choice. The reason they are a plantation is that they could not afford to run a town in the first place. I mean, if they could afford to maybe they would, but the point is that most of these plantations—there are a few exceptions—did not have the tax base to run themselves as a municipality, so that is not really a choice to them. Thank you.

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

Representative JOY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is unfortunate that we do not have a lot of Representatives from the unorganized territories. In my district, I have all of the unorganized territories from the Golden Road all the way through to the northern boundary of Penobscot County, and I have thousands of square miles of unorganized territory in Aroostook County. I see nothing in the amendment that it is a choice; consequently, I ask that you vote against this motion. Thank you.

Representative KNIGHT of Livermore Falls REQUESTED that the Clerk READ the Committee Report.

The Clerk READ the Committee Report in its entirety.

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

Representative CLARK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am kind of glad the report was red. I think I can give a little bit to you what transpired in the committee. The committee itself had a full unanimous report, until it came to that last amendment on to the floor in the committee and that is where it fell apart. It was a unanimous report on a report that was given on part of the unorganized territory. When the amendment was put in, that is when things fell apart.

I hope that when you do vote, you take a strong look at what is happening in the unorganized: We are hearing one side, we are hearing another side; some people are seeing the fee is not there, others are seeing the fee is there. If that is the case, who is going to be paying for the employees that they are going to be putting on board to take care of the UT? There are a lot of questions out there. The report, we have no progress; the amendment, we do.

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. 276

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Bryant, Burns, Cain, Carey, Casavant, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Eberle, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jones, Kaenrath, Koffman, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Percy, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Silsby, Simpson, Sirois, Smith N, Treat, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Beaulieu, Berry, Boland, Browne W, Campbell, Canavan, Carter, 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, Lewin, Lundeen, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Peoples, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Trinward, Vaughan, Weaver.

ABSENT - Ayotte, Berube, Dunn, Duprey, Hill, Jackson, Muse, Pendleton, Perry, Tuttle, Walker.

Yes, 71; No, 69; Absent, 11; Excused, 0.

71 having voted in the affirmative and 69 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Provide for Fairness and Accuracy in Utility Rate Setting

(H.P. 1490) (L.D. 2104)
(C. "A" H-732)

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

On motion of Representative FAIRCLOTH of Bangor, was **SET ASIDE**.

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

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 just want to note I spoke with the Public Advocate about the significance of this legislation. Had this legislation been in place seven years ago, the title "Fairness and Accuracy" is truly an understatement because it would have saved the consumers of this state \$25 million, at a minimum, per year, for seven years—\$25 million a year, for seven years. Who would have most benefited? The consumers, the residential users and small businesses in this state, in particular.

Unfortunately, this legislation was not in place seven years ago, but we should be very thankful that we have the opportunity to vote for it in a roll call today, because it is a true vote for the pocketbooks, in a big way, for all the residents and small businesses of the State of Maine. I thank the Men and Women of the House.

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

ROLL CALL NO. 277

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Emery, Faircloth, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jacobsen, Johnson, Jones, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Moore, Nass, Norton, Patrick, Peoples, 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, Valentino, Vaughan, Wagner, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Curtis, Gifford, Joy, Lansley, Thomas.

ABSENT - Ayotte, Berube, Conover, Dunn, Duprey, Farrington, Jackson, Muse, Pendleton, Percy, Perry, Tuttle, Walker.

Yes, 133; No, 5; Absent, 13; Excused, 0.

133 having voted in the affirmative and 5 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Amend the Games of Cards Law

(H.P. 1593) (L.D. 2232)
(C. "A" H-787)

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

On motion of Representative PATRICK of Rumford, was **SET ASIDE**.

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

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 just wanted to briefly touch upon some information I got. I made a call to the American Legion State Commander to ask him what he thought about this bill and found out that state Commander Paul L'Heureux was one of the participants in the meeting with the Chief Executive that brought this issue forward. Commander L'Heureux told me that when he met with the Chief Executive, he was looking for three simple things: All he wanted was a onetime fee, increase the fee from \$1 to \$5, and allow 40 players to play.

What we gave Mr. L'Heureux was a onetime fee of \$30 and he said it was a decrease, technically, based on the per board charge. He said he is very satisfied with the onetime \$30 fee; it is extremely workable. He is happy with the \$5 fee. We increased it to 40 players because I did a little bit more research to find out that some little church groups would like to have it with a \$40 limit, so he was extremely happy with what we did. I wanted everyone to have another opportunity, if they so choose, even though there are other bills possibly coming down the road, to support this cribbage bill for our veterans. Thank you.

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

ROLL CALL NO. 278

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Carey, Carter, Casavant, Cebra, Clark, Cleary, Connor, Craven, Cray, Crockett, Dill, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Hamper, Harlow, Hayes, Hill, Hinck, Hogan, Johnson, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, Mills, Miramant, Nass, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pineau, Pingree, Pinkham, 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, Thibodeau, Tibbetts, Treat, Trinward, Valentino, Wagner, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Blanchette, Browne W, Chase, Cotta, Crosthwaite, Curtis, Driscoll, Gifford, Hanley S, Haskell, Jacobsen, Jones, Joy, Kaenrath, Knight, Lansley, Lewin, McKane, McLeod, Miller, Millett, Plummer, Theriault, Thomas, Vaughan.

ABSENT - Ayotte, Berube, Campbell, Canavan, Conover, Duprey, Farrington, Jackson, Moore, Muse, Pendleton, Perry, Piotti, Tuttle, Walker.

Yes, 111; No, 25; Absent, 15; Excused, 0.

111 having voted in the affirmative and 25 voted in the negative, with 15 being absent, and accordingly the Bill was

PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

An Act To Increase the Number of Concealed Firearms Permit Reciprocity Agreements That Maine May Enter into with Other Eligible States

(H.P. 1630) (L.D. 2267)

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

On motion of Representative SYKES of Harrison, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 279

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Carey, Carter, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, 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, Jacobsen, Johnson, Jones, Knight, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Moore, Nass, Norton, Patrick, Peoples, Percy, 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, Valentino, Vaughan, Wagner, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Beaudette, Blanchette, Casavant, Dunn, Kaenrath, Koffman.

ABSENT - Ayotte, Berube, Canavan, Duprey, Jackson, Joy, Muse, Pendleton, Perry, Thomas, Tuttle, Walker.

Yes, 133; No, 6; Absent, 12; Excused, 0.

133 having voted in the affirmative and 6 voted in the negative, with 12 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 items were taken up out of order by unanimous consent:

REPORTS OF COMMITTEE

Divided Report

Ten Members of the Committee on **TRANSPORTATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-865)** on Bill "An Act To Make Supplemental Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and To Change Certain Provisions of State Law Necessary to the Proper Operations of State

Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009" (EMERGENCY)

(H.P. 1566) (L.D. 2196)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
FISHER of Brewer
MAZUREK of Rockland
HOGAN of Old Orchard Beach
ROSEN of Bucksport
THERIAULT of Madawaska
PEOPLES of Westbrook

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-866)** on same Bill.

Signed:

Representatives:

BROWNE of Vassalboro
CEBRA of Naples

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-867)** on same Bill.

Signed:

Representative:

THOMAS of Ripley

READ.

Representative MARLEY of Portland moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended.**

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is the other budget that we need passed and this is the Highway Fund Budget. Often, it is overlooked in all of the drama of the General Fund Budget, but do not forget this funds the roads, the bridges, all the transportation needs that every one of us use everyday.

Let me just point out a couple of the pieces. Unlike the General Fund which has about a 3.1 percent cut to it, we are looking at a 4.1 percent to the Highway Fund Budget and that is primarily because of inflationary costs, because the cost of salt and other consumables—salt actually went up 45 percent this year for the department—as well as decrease usage, so the gas tax is down.

What we did to address this \$28 million budget is to make cuts. We made cuts to Capital because that is, unfortunately, one of the places where we have to make cuts, but we cut those in half. The way that we did that was to freeze, or cut 54 positions—most of those have been frozen so we can put that money immediately, directly into Capital. We deferred other expenditures. We found similar health care savings that were reflected also on the General Fund Budget that we were able to put in to reduce that cut.

I think it is fair to say that the committee as a whole agrees that these program cuts are something we cannot sustain and we need to keep working at. Anyone who is traveling in Maine has gone over a road that is difficult, has potholes and I do not think it is necessarily going to get better anytime soon. We need to find a new way to fund our transportation network. We felt like in the

Supplemental Budget that was not the place to do it. You see more bridges getting work, but we still need about \$50 or \$60 million in bridgework. I hope you will support this. It is very important that we get this supplemental, but as we move forward—and I think future Legislatures will continue to hear a need and that drumbeat—we need to find better ways to fund our transportation network. Thank you.

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

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

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I voted against this budget in committee and I am going to vote against it here on the floor, not because we do not need a transportation budget, but because we have not sat down and taken a look at management. It seems like it is awfully easy to lay off someone that drives a snowplow, that fills a pothole, but if it is a staff attorney, those positions go on forever whether we need them or not.

When you look at the price of asphalt, it has doubled in the last few years, the price of fuel has doubled, the price of steel is up, concrete is up, to the point where we are not doing much at all in the way of projects and yet the staff levels do not reflect that. We have hundreds and hundreds doing project development and there are no projects that we need to develop because we do not have the money to fund them. I think that we could cut back a lot on mid-management; I think we can do better. The people who sent us here want our roads fixed, they do not care if the offices down by the river are full or not. I will be voting against this budget, and we can find a better way. Thank you.

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

ROLL CALL NO. 280

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, 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, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Richardson D, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinarward, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

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

ABSENT - Ayotte, Berry, Berube, Duprey, Jackson, Muse, Pendleton, Perry, Tuttle, Walker.

Yes, 90; No, 51; Absent, 10; Excused, 0.

90 having voted in the affirmative and 51 voted in the negative, with 10 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-865)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** later in today's session.

BILLS IN THE SECOND READING
House as Amended

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

(H.P. 1566) (L.D. 2196)
(C. "A" H-865)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act Making 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"

(H.P. 1651) (L.D. 2289)

Sponsored by Representative FISCHER of Presque Isle. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Representative CUMMINGS of Portland moved to suspend the rules to give the Bill its **FIRST READING WITHOUT REFERENCE** to a committee.

Representative TARDY of Newport **OBJECTED** to suspension of the rules in order to give the Bill its **FIRST READING WITHOUT REFERENCE** to a committee.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to suspend the rules in order to give the Bill its **FIRST READING WITHOUT REFERENCE** to a committee.

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 Newport, Representative Tardy.

Representative **TARDY**: Thank you, Mr. Speaker. I rise to pose a Point of Order.

The SPEAKER: The Representative may proceed.

Representative **TARDY**: Thank you, Mr. Speaker. Given the House and Senate action on LD 2173, which was the budget document that we worked on last week, my question is: Is this LD, LD 2289, is this properly before the body?

Representative **TARDY** of Newport asked the chair to **RULE** if the Bill was properly before the body.

The SPEAKER: In response to the Representative's question, it is a fair question. The question is: Is this bill duplicative of a bill that we had done on Thursday? There are two reasons why it does not fall, in the Chair's opinion, in that category. First of all, the other bill that the Representative from Newport referenced remains un-acted upon in the Senate;

therefore, it has not been acted upon in any final way by the Legislature. Secondly, this particular bill strips out a significant amendment that was in the Thursday rendition, or draft, of this substantive piece of our original bill. For those two reasons, the fact that the original bill has not been acted upon and because there is a major substantive change, the Chair would rule that it is in fact properly before the body, although it is a fair question.

Subsequently, the chair **RULED** that the Bill was properly before the body.

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

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Because we have before us a bill without reference, a 400-page document, I ask the Speaker to pose the question: Can anyone in the House guarantee me and guarantee the rest of us, what the specific, accurate changes are from one 400-page document to another? This document just came on my desk, it is still warm. Can anyone tell me the page, the specific items that are different from one document to the other, so that we do not have to read this entire document? Thank you.

The SPEAKER: Representative, also a fair question. The pending motion though is not debatable. The pending motion right now for the House to deal with in a roll call is in order. Is the suspension of the rules for the purpose of giving this bill a second reading without reference to any committee? That must be dealt with first.

The SPEAKER: A roll call has been ordered. The pending question before the House is to suspend the rules in order to give the Bill its First Reading without reference to a committee. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 281

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

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Emery, Finley, Flood, Gifford, Giles, Gould, Greeley, Hamper, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, 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, Thomas, Tibbetts, Vaughan, Weaver, Woodbury.

ABSENT - Adams, Berry, Blanchard, Bliss, Duprey, Fitts, Fletcher, Hinck, Jackson, Muse, Pendleton, Perry, Pineau, Rines, Smith N, Walker.

Yes, 80; No, 55; Absent, 16; Excused, 0.

80 having voted in the affirmative and 55 voted in the negative, with 16 being absent, and accordingly Joint Rule 308 was suspended and the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further 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**.

On motion of Representative PINGREE of North Haven, **TABLED** pending **PASSAGE TO BE ENGROSSED** and later today assigned. (Roll Call Requested)

ENACTORS
Emergency Measure

An Act To Make Supplemental Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

(H.P. 1566) (L.D. 2196)
(C. "A" H-865)

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

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

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Passage to be Enacted. 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. 282

YEA - Adams, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Giles, Greeley, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jacobsen, Kaenrath, Knight, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, Miller, Millett, Mills, Miramant, Moore, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Chase, Gifford, Gould, Johnson, Joy, Lansley, Lewin, McLeod, Tibbetts, Weaver.

ABSENT - Duprey, Fisher, Hamper, Jackson, Jones, Muse, Nass, Pendleton, Perry, Pineau, Saviello, Thomas, Vaughan, Walker.

Yes, 126; No, 11; Absent, 14; Excused, 0.

126 having voted in the affirmative and 11 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Bill "An Act Making 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"

(H.P. 1651) (L.D. 2289)

Which was **TABLED** by Representative PINGREE of North Haven pending **PASSAGE TO BE ENGROSSED**. (Roll Call Requested)

Representative LANSLEY of Sabattus **PRESENTED House Amendment "A" (H-875)**, which was **READ** by the Clerk.

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. It seems like there was only a short amount of time that we discussed this on the floor, so I am not going to go in to detail. I have distributed through the House, the OPEGA Historical Budget Analysis, and wish that you take a look at this because, as you can see from here, OPEGA not only looks at other departments to look for opportunities, but they also practice what they preach.

During the appropriations, through fiscal 2007, they have been appropriated \$2,455,000; the actual expenses were \$1,563,000, which is variance of \$898,000. When you look at this, diminishing the department by taking away positions, I believe that the effectiveness will not be so strong. In short, what we are doing here is basically putting OPEGA on life support, which the plug can be pulled at any time because then it will be deemed that it is not effective enough, because they do not have the resources or the money to do so. I ask that you take a look at this; I ask that you look at this to ensure that you are going to be voting following my light, to ensure that we keep OPEGA totally in tact to what we have it right now, and maintain this independent and nonpartisan identity. Thank you, Mr. Speaker.

Representative FISCHER of Presque Isle moved that **House Amendment "A" (H-875)** be **INDEFINITELY POSTPONED**.

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 Representative Lansley's amendment. I was just sort of looking over the numbers when I was home over the weekend and realized that the OPEGA budget is about 1/50th of 1 percent of the state budget. With that small amount of money, they have been able to point to over \$22 million in potential savings, just by sort of changing the way we do things in some departments.

I do not relish the thought of losing valuable staffers from the State House, because I know we really cannot afford some of them that maybe would be on the chopping block, but these particular staffers are the ones that we need to find savings, that we can use in the future for whatever purposes we find and are most necessary. What we have in this budget is a cut of 60 percent of the analysts from that department. So I think it would be a great support for the Legislature and for our citizens, who we are asking to tighten their belts, to restore OPEGA, who can show us how to tighten our own. Thank you.

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

Representative **McDONOUGH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I thought we pretty much solidified the deal on OPEGA and it comes back, and it concerns me greatly that we are doing this. As I indicated before—and I do not like to be repetitious but it concerns me—how many departments are in state government, even though this is a small one, that we created on behalf of the people of Maine, that we are cutting 40 percent of the staff out? I mean that is obscene to do that, and I would ask this body to stand up for what is right, once again, we did it before, and vote for

Representative Lansley's amendment. I think it is the right thing to do and I would ask to follow his light. Thank you, Mr. Speaker.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-875)**.

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. One thing that I did not point out on this amendment was that we put an additional \$195,000 of the OPEGA current budget back to the General Fund, and this will more than cover the cost of the positions that we have.

Also, if I could highlight again, OPEGA has reviewed activities of state government that represent over \$630 million in annual expenditures of taxpayer dollars. OPEGA has identified at least \$167,806 in unused and misused taxpayer dollars, including potential fraud. OPEGA has made suggestions to realize at least \$2,177,000 in government savings. OPEGA has made recommendations that, if implemented, would avoid further costs of state government of at least \$20,000,321. So this is a department that should remain in tact. 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. At a time of growing cynicism on the part of citizens of this state, this is exactly the wrong thing to cut OPEGA at this moment. It is a window in to the operations into state government that is truly needed, it saves money, and we should support this amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "A" (H-875). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 283

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

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

ABSENT - Duprey, Hamper, Jackson, Muse, Pendleton, Perry, Pineau, Saviello, Thomas, Walker.

Yes, 76; No, 65; Absent, 10; Excused, 0.

76 having voted in the affirmative and 65 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-875)** was **INDEFINITELY POSTPONED**.

Representative MCKANE of Newcastle **PRESENTED House Amendment "C" (H-879)**, 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. This amendment affords this body another chance to vote in favor of working, fishing, low-income communities in the state, in favor of common sense and against a broken promise to the communities that are hardest hit by property taxes.

In this Supplemental Budget, we are cutting about \$36 million to the ramped up money of General Purpose Aid, but still a lot of money is going into General Purpose Aid, just not quite as much as we originally predicted, as we really wanted a year ago. It was felt that since the minimum receivers are not feeling any of that pain, shall we say, they are not getting any cut—the minimum receivers, by the way, are the ones that suffer under the highest property values and lower student enrollments—and because they are working families—that is why they have the lower student enrollments—they do not get any GPA money, they just get Special Ed money. But it felt that they were not going to feel any of this pain, this cutback in GPA, so the only way to make them feel some of the so-called pain was to cut back on the only money they get from the state, which is the Special Ed money. This is the money that the state demanded that all towns get with question 1a, back in 2004, that we would fund 55 percent of the cost of education and we would fund 100 percent of the cost of Special Education to all towns. It was promised that we would do that with LD 1 and we been doing it, we have been trying to ramp up to those amounts, but now we are breaking that promise right here in this budget.

It contains a tax shift from what are some of the lowest income communities in the state, the communities that are struggling the hardest with their high evaluation, and it is giving to some of the highest per capita income towns and cities in this state that are not getting this cutback. I mean, if you think of it, towns like Bristol and Bremen, Monhegan, Isle au Haut, Boothbay, Southport are getting this hit; the towns like Cape Elizabeth, Yarmouth, Scarborough, Cumberland, Cumberland Foreside, Falmouth are not getting the hit. It does not quite make sense to me. We are taking it from those with the lowest per capita incomes and we are giving to some with the highest. I would hope that you would vote in favor of this, just for these working, waterfront communities that are struggling as it is to have affordable housing, and to keep residents and working families in those communities. Thank you very much, Mr. Speaker.

Representative **FISCHER** of Presque Isle moved that **House Amendment "C" (H-879)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-879)**.

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 North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to speak just very briefly on this amendment because Representative McKane has asked me several times, as has the good Representative from Blue Hill, why I would not support it.

I represent all minimum receiver communities. Some of them are very accurately described by Representative McKane, a town like Vinalhaven, a very working-class, fishing community. But what this amendment does is take \$6.5 million out of the rest of

the communities in the state and give them to the minimum receivers. There is nobody more than myself who has an interest in getting those minimum receivers back up to 84 percent of Special Ed, I plan to fight for that next year. I think it is an important priority, and it is something I attempted to even do in this budget process but I could not come up with \$6.5 million. So in order to come up with that \$6.5 million, you have to take it out of the rest of the state. I have made this argument to the good Representative from Newcastle that taking it out of the rest of the state has also a very negative impact on coastal, rural communities that are not minimum receivers.

It also has a very significant impact on rural communities in the rest of Maine. I saw some folks who voted on this amendment during our last round of the budget, whom I was very surprised that they would vote to make that kind of shift. I just want to read to you a list of the most negatively impacted communities in the state, when it comes to this budget, who are not minimum receivers: Eastport, losing 25 percent of their entire budget; Alexander, 27 percent; Lubec, 15 percent; Steuben, 13 percent; Machiasport, 15 percent; Lamoine, 15 percent; New Sweden, Nobleboro, the list goes on and on. These are non-minimum receiver communities who are going to take a further hit by this shift.

Again, I am absolutely interested in the future for getting these minimum receivers back up to 84 percent, but without a new funding source, you take money out of currently receiving districts and you take it out of those most rural, those most poor districts who are exactly as you described. There is no district probably more poor and more struggling than a town like Eastport, and to take money out of that town and send it to communities like mine, I cannot vote for in good conscience. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "C" (H-879). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 284

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Flood, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Jones, Kaenrath, Koffman, Lundeen, Makas, Marley, Mazurek, Miller, Millett, Miramant, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Samson, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Berube, Browne W, Burns, Cebra, Chase, Cotta, Cray, Curtis, Eaton, Edgecomb, Emery, Fitts, Fletcher, Gifford, Giles, Gould, Greeley, Hill, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Moore, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Schatz, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan, Weaver.

ABSENT - Duprey, Fisher, Hamper, Jackson, Mills, Muse, Pendleton, Perry, Pineau, Saviello, Thomas, Treat, Walker.

Yes, 83; No, 55; Absent, 13; Excused, 0.

83 having voted in the affirmative and 55 voted in the negative, with 13 being absent, and accordingly **House Amendment "C" (H-879) was INDEFINITELY POSTPONED.**

Representative MILLETT of Waterford **PRESENTED House Amendment "B" (H-878)**, 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. I will be very brief, I promise. We are presenting, again, an amendment that would effectively present the Minority Report from last Thursday, which replaces six onetime reductions and a tax that is called the net operating loss carry-back, with structural changes that would, in the ongoing sense, achieve the same effect. You could either read the statements in the Summary, 1 through 16, starting on page 14 of the amendment; or, if you have the green sheets from last week, you can follow them along. So I will just highlight a few of them and not spend time on the bulk of them.

As you know, we do increase the amount of the Maine Clean Election reduction for '08, from 5 percent to 10 percent. We do remove the nuclear safety inspector language. We do request three government holidays spelled out the Fridays before Labor Day, Columbus Day, and Memorial Day. We do the structural changes in both the non-categorical and SCHIP parents that we talked about last week.

Beyond that, we start removing some onetime things, and, again, in the statement of fact you will see that we removed the \$2.5 million take back from the Capital Construction Reserve Fund. We provide \$100,000 in year two, in order that the Fund for the Efficient Delivery of Local and Regional Services has some money in it. We increase the amount of the transfer, from '09 to '08, to keep the biennial budget in balance, from \$10 million to \$10.2 million. We remove the tax issue on the recapture of carry-back net operating losses. We do impose the out of state travel limitation, saving \$250,000. We also do another change in the legislative budget by restricting step increases for employees earning \$75,000 or more, and imposing another travel reduction for the legislative branch. Then we reduce some more onetime take backs: \$3.2 million from Professional and Financial Regulations; \$2.6 million from Emergency Services Communication, or E-911. We do the health insurance savings from legislators and legislative staff, by decreasing from 100 percent to 90 percent, and the state share of the individual premium. We remove the \$9 million onetime stock sale that was proposed by the State Treasurer. We also removed the OPEGA language from the original bill, and I acknowledge that Representative Fischer's amendment reinstates part of that; we just debated another portion, and I believe there will be some language offered in the other body.

The other things that we do, they are minor; I will not go into a lot of detail. I will say that there is agreement between the Minority and the Majority on Appropriations to add some language that inadvertently got dropped in the original printing, and that is to do the Maine Public Employee Retirement study of the actuarial assumptions for determining the rate structure for the next biennium's Maine State Retirement contribution rates. You will find that in PPP at the very back of the newly printed bill.

I would just ask for your consideration of an attempt on the part of the Minority Republicans to do more structural changes, and to remove ourselves from the onetime savings that were offered up in the original bill and are basically repeated here today. One last thing, while I think of it, the tax and match issue was not in the budget bill when it was here last week, was reinstated with a floor amendment; it is not before us at this moment, but is coming before us in a bill that you just had circulated to your desks. So with those background comments and without any need for any further expansion upon them, I would urge your support of an attempt on our part to be

structurally in balance for the long haul, recognizing, as I am sure that you have all thought about and probably continue to read about over the weekend, further signs of deterioration in the Maine economy. My suggestion is that we will no longer be able to leave here this spring, whenever it is next month, with assurance that we will not be back here in the short term, and that is the reason for proposing the structural changes. 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-878)**.

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, like the Representative from Waterford, do not wish to repeat the floor speech that I gave last week. But I would say, as I said then, we have a great deal of respect for the values brought forward by our friends in the Republican caucus on the Appropriations Committee, but we have a difference in opinion, and on our side we thought it was very important to protect health care for 20,000 Maine citizens and that is why there is a division. It seems to me that there is an irreconcilable difference between the two positions, and we simply respect that. So Mr. Speaker, I would indefinitely Postpone House Amendment "B."

Representative **FISCHER** of Presque Isle moved that **House Amendment "B" (H-878)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-878)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "B" (H-878). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 285

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Bryant, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Peoples, Percy, Pieh, Pilon, 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, Austin, Ayotte, Beaulieu, Berube, Browne W, Burns, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan, Weaver, Woodbury.

ABSENT - Boland, Duprey, Hamper, Jackson, Muse, Pendleton, Perry, Pineau, Saviello, Thomas, Walker.

Yes, 85; No, 55; Absent, 11; Excused, 0.

85 having voted in the affirmative and 55 voted in the negative, with 11 being absent, and accordingly **House Amendment "B" (H-878)** was **INDEFINITELY POSTPONED**.

Representative **MOORE** of Standish **PRESENTED House Amendment "D" (H-880)**, 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 will be painfully longwinded, no really. Nonetheless, I would be longwinded if I were to read the 950 travel reports that were filed in a three-month period in this summer by University of Maine administrators and others, totaling in several hundred thousands of dollars.

As a former trustee in the University System and a school administrator and so forth, I am not insensitive to the, often times, beneficial travel of employees to further the goals of the University System and students thereof. Nonetheless, it has become painfully clear that the University System, under the direction of its current trustees, has strayed dramatically from the missions of that university, and does not adhere, or cannot, or will not adhere to the financial restraint as necessary, as we have heard it deflected here today by the various constituencies that are going under in this perpetually deteriorating Maine economy.

We have seen many, many students; many, many reports. Last summer, or prior to that time, I had the opportunity to work with the young people of Opportunity Maine. They went out in droves throughout the State of Maine complaining about the tuition. These are not dummies or stay-at-homes, these are intelligent young people who know that and are very offended by the luxuries that many of the university employees live in at their expense as tuition payers. We know that the university tuition is often used as a cudgel by the trustees or the administrators that go before the Appropriations Committee and held them blackmail, or I call it blackmail. Last year: Oh, if you don't do this, we are going to go up in tuition, and they did anyway. It just is not right. If you were to check it out you would find that youngsters from Presque Isle to Kittery and all over are contributing to the fact that Maine students have the highest loan defaults east of the Mississippi. They are going broke because of our economy and these high tuition rates; yet, as we discussed last week, these administrators are living in a luxurious lifestyle with automobiles and fancy houses and lawn care and home cleanings—oh, that's because they are public homes—please, spare me.

On top of that, when you have a university trustee system that sends 950 trips out last summer in a three month period of time and a huge percentage of them were to out of state travel. Again, I do not think any of us are naive enough to believe that some of this is not desirable. I pulled out a few, what I thought were colorful examples, of trips that at least were they not so egregiously expensive and so strange, at least they sound humorous: a fish symposium in China; Fog and Dew Conference; a research crew in Peru. This one really got me: guppy research in Trinidad, my lord. Now we have another one on research on Vietnamese women; another attended a conference in the United Arab Emirates, in Abu Dhabi—I think that is the richest nation in the world, I am not quite sure. Then we are working on the abolition of the slave trade, certainly a despicable activity. But this one really gets me: We have the largest and most advanced blueberry agricultural industry in the country and need to send people to Italy for blueberry research? Another person went to Turkey to read their paper; another was working on delicate citizenship and gender in Brazil—I bet that was fun. I saved one of the better here: They sent someone to England to study extraordinary experiences; I suggest serving in the Maine Legislature, that will top that any day; come here, it will be cheaper and oh brother.

Anyway, that is just a sampling of some of the trips and of course there are many of these endeavors that are important and make our University System strong. But in these days of restraint, 950 of these trips, that is disgraceful. I am ashamed of the trustees of our University System, I expect to be attending some of their meetings and expressing it directly to them. Please restore the \$1 million—\$500,000 from the travel account; \$500,000 from these administrators luxuries—restore that to the General Purpose Aid in Education, in these towns like Newcastle and other places that are going under with this stuff, or where, the House Leader over here spoke of other places that are having a serious problem with their school finance—\$1 million goes a long way. Mr. Speaker, I will be quiet now and thank you for the chance to speak. I hope that you will do this by the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "D" (H-880)**.

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

Representative FISCHER of Presque Isle moved that **House Amendment "D" (H-880)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-880)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "D" (H-880). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 286

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

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

ABSENT - Bryant, Duprey, Hamper, Jackson, Muse, Pendleton, Perry, Pineau, Saviello, Thomas, Walker.

Yes, 84; No, 56; Absent, 11; Excused, 0.

84 having voted in the affirmative and 56 voted in the negative, with 11 being absent, and accordingly **House Amendment "D" (H-880)** was **INDEFINITELY POSTPONED**.

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

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

Representative **GOULD**: Thank you, Mr. Speaker. Mr. Speaker, I have an amendment pending at the Revisor's Office, as you well know since we happen to meet down there, but it has yet to materialize on the floor. My question, sir, is what are my rights as a member of this body to have that presented?

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

Representative **SYKES**: Thank you, Mr. Speaker. Just as a little bit of background, Mr. Speaker, this process has been hurried up by quite a bit, and I just would remind the body that under Mason's Rule, Section 720, under Required Reading of Bills, and I will quote, "The requirement that each bill be read on three separate days, prescribed by the constitution in some states, legislative rules or statutes, is one of the many restrictions imposed upon the passage of bills to prevent hasty and ill-considered legislation, surprise or fraud, and to inform the legislators and the public of the contents of the bill." I am concerned that this is a process that now, apparently, amendments are being restricted.

May I pose a question to the presiding officer, please?

The **SPEAKER**: The Representative may proceed.

Representative **SYKES**: Thank you, Mr. Speaker. Mr. Speaker, when this bill, LD 2298, comes back from the other body, may we have your assurance that it will be placed in a position to accept additional amendments that may not be ready at this time?

The **SPEAKER**: To respond to the Representative from Harrison, Representative Sykes' question, ultimately, the decision to allow those amendments or not allow those amendments is a decision of the body. As the bill comes back to us from the other body, we will determine whether that would be appropriate or not, and the will of the body would have to be whether, ultimately, this body would have to decide whether that is accurate or not, or that is reasonable or not.

Representative **SYKES**: Thank you, Mr. Speaker. It is my understanding that you would allow this body to place the bill in that position to allow additional amendments, is that correct?

The **SPEAKER**: Again, I would say to the Representative that really is up to the members of the House.

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

Representative **JOY**: Thank you, Mr. Speaker. Mason's Rules and the House Rules indicate that a proposed amendment must be in writing, so in view of that, I have written down a brief amendment that I can forward to the Clerk of the House, and request the Speaker's assistance to lead me through the process of submitting a verbal amendment.

The **SPEAKER**: The Chair would respond that in order to have something not in writing or in print, it would require suspension of the rules, which will require a two-thirds vote for you to do a verbal amendment at this time.

The Representative may proceed.

Representative **JOY**: Thank you, Mr. Speaker. Written, I am not sure, means printed. I didn't see that anywhere in Mason's or in the House Rules, but if it is necessary to have a vote of the House, and I think it would be a matter of courtesy to allow a member of the House to put in a written amendment, I would request the vote.

The **SPEAKER**: It appears in Rule 507 of the Rules of the House, Printing and distribution of amendments: An amendment to a bill or resolve may not be acted upon by the House until the same has been printed and distributed to the members under the direction of the Clerk.

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

Representative **GOULD**: Thank you, Mr. Speaker. I actually was looking at the same rule as you, and I agree with you that it says that the amendment to a bill or resolve may not be acted upon, but I think if you look at this together with the Joint Rules in Mason's, that a Representative in this good body can put forth their amendments, its just that we can't take action on it until it is printed. If you read this whole Rule 507 that would seem to be what it says.

The SPEAKER: The Chair would respond it also requires that it be tabled until printed.

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

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Since we cannot determine whether verbal amendments are available and since we cannot get assurance that our amendments will be considered later, when the bill comes back from the other body, I move to table this until those amendments are available to us.

The SPEAKER: The tabling motion of the Representative is out of order. There cannot be an explanation or a description of a request to table.

Representative **TARDY** of Newport moved that the Bill be **TABLED** pending **PASSAGE TO BE ENGROSSED**.

Representative **PINGREE** of North Haven **REQUESTED** a roll call on the motion to **TABLE** pending **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 to Table pending Passage to Be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 287

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

NAY - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Peoples, Percy, Pilon, 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.

ABSENT - Duprey, Hamper, Jackson, Muse, Pendleton, Perry, Pieh, Pineau, Saviello, Thomas, Walker.

Yes, 56; No, 84; Absent, 11; Excused, 0.

56 having voted in the affirmative and 84 voted in the negative, with 11 being absent, and accordingly the motion to **TABLE** pending **PASSAGE TO BE ENGROSSED FAILED**.

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. 288

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Bryant, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Peoples, Percy, Pieh, Pilon, 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, Austin, Ayotte, Beaulieu, Berube, Boland, Browne W, Burns, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgcomb, Emery, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan, Weaver, Woodbury.

ABSENT - Duprey, Hamper, Jackson, Muse, Pendleton, Perry, Pineau, Saviello, Thomas, Walker.

Yes, 85; No, 56; Absent, 10; Excused, 0.

85 having voted in the affirmative and 56 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

Representative **SYKES** of Harrison **OBJECTED** to sending this matter **FORTHWITH**.

Subsequently, Representative **SYKES** of Harrison **WITHDREW** his **OBJECTION** to sending this matter **FORTHWITH**.

On motion of Representative **PINGREE** of North Haven, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

Representative **GOULD** of South Berwick **PRESENTED** House Amendment "**E**" (**H-881**), which was **READ** by the Clerk.

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

Representative **GOULD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I know I need not tell you about House Amendment "E," for House Amendment "E" is the very legislation that your Prosperity Committee is authorized to report out. It is the adoption of the Brookings Report suggestion of a government efficiency committee, an independent commission that is, charged with finding efficiencies and the savings in our government.

Mr. Speaker, as we call upon Maine citizens to sacrifice in these very difficult times, should we not be leading by example? And when we lead by example, we generate savings of \$75 million which this bill, in the form of an amendment to the budget, directs to a tax relief fund, a fund which over time will reduce the onerous burden which we all labor. We all know, especially those of us on the Taxation Committee, how important tax reform is to you and to all of us.

Mr. Speaker, my only regret in bringing forth this amendment is that it did not occur to me to do it earlier. As our Appropriations' colleagues struggled to find savings, as our citizens struggled to make ends meet, you, Mr. Speaker, through

your foresight in pushing for the Prosperity Committee, have played a pivotal role in providing us this tool, this Brookings' endorsed efficiency committee.

In January, in the very late evening when the committee reached agreement, you were there with us, Mr. Speaker, and it was your commitment to this that brought us all together. I look forward to following your green light, and when the vote is taken I request the yeas and nays.

Representative GOULD of South Berwick **REQUESTED** a roll call on the motion to **ADOPT House Amendment "E" (H-881)**.

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

Representative FISCHER of Presque Isle moved that **House Amendment "E" (H-881)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-881)**.

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 Berwick, Representative Gould.

Representative **GOULD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to be clear: We will all be following the good Speaker's red light on the Indefinite Postponement and the green light on the underlying substance.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "E" (H-881). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 289

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

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

ABSENT - Blanchette, Duprey, Hamper, Jackson, Muse, Pendleton, Perry, Pineau, Rines, Saviello, Thomas, Walker.

Yes, 84; No, 55; Absent, 12; Excused, 0.

84 having voted in the affirmative and 55 voted in the negative, with 12 being absent, and accordingly **House Amendment "E" (H-881)** was **INDEFINITELY POSTPONED**.

Representative SYKES of Harrison **PRESENTED House Amendment "F" (H-883)**, which was **READ** by the Clerk.

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

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a relatively simple amendment. It removes, from the Capital

Construction Reserve Fund, \$1.7 million that would ordinarily have gone to the General Fund and specifically puts it to roads repairs.

Ladies and Gentlemen, a budget is an interesting document. A budget for anyone is an interesting document. It is actually quite a statement about an organization. It is a statement about a business; it is a statement about a town, a municipality, school, even your own household budget. That statement is a statement of priorities. All winter long I have heard nothing from my constituents but "Fix the roads. Fix the roads, they are terrible." Not just in Harrison and my district, but all over the state. I want to be able to go back to my constituents and say I tried. That is a priority of mine, and I hope when the vote comes it is a priority of yours.

Representative FISCHER of Presque Isle moved that **House Amendment "F" (H-883)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-883)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "F" (H-883). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 290

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

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

ABSENT - Blanchette, Duprey, Hamper, Jackson, Muse, Pendleton, Perry, Pineau, Rines, Saviello, Thomas, Walker.

Yes, 78; No, 61; Absent, 12; Excused, 0.

78 having voted in the affirmative and 61 voted in the negative, with 12 being absent, and accordingly **House Amendment "F" (H-883)** was **INDEFINITELY POSTPONED**.

Representative PINGREE of North Haven **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. 291

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Bryant, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll,

Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Peoples, Percy, Pieh, Pilon, 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, Boland, Browne W, Burns, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan, Weaver, Woodbury.

ABSENT - Duprey, Hamper, Jackson, Muse, Pendleton, Perry, Pineau, Rines, Saviello, Thomas, Walker.

Yes, 84; No, 56; Absent, 11; Excused, 0.

84 having voted in the affirmative and 56 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Protect Access to Health Care" (H.P. 1652) (L.D. 2290)

Sponsored by Representative MILLS of Farmington.

Cosponsored by Senator MARTIN of Aroostook and Representatives: BRIGGS of Mexico, CLARK of Millinocket, Speaker CUMMINGS of Portland, PERRY of Calais, PINGREE of North Haven, SAVIELLO of Wilton, SIMPSON of Auburn, SUTHERLAND of Chapman, TUTTLE of Sanford, Senators: GOOLEY of Franklin, NUTTING of Androscoggin.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

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

Under further 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. 292

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Pratt,

Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Mr. Speaker.

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

ABSENT - Duprey, Hamper, Jackson, Muse, Pendleton, Perry, Pineau, Saviello, Thomas, Walker.

Yes, 84; No, 57; Absent, 10; Excused, 0.

84 having voted in the affirmative and 57 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

Representative **BERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for the timing. Had I been present for Roll Call No. 281, I would have voted yea. Had my coffeemaker been working for Roll Call No. 280, I would have voted yea. Had I been in my right mind, I would have voted yea on Roll Call No. 276. Thank you, Mr. Speaker.

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, I would have voted nay on Roll Call No. 276 and Roll Call No. 280. Also, Mr. Speaker, had I been present, I would have voted with the yeas on Roll Call No. 277, 278, and 279. Thank you, Mr. Speaker.

ENACTORS Acts

An Act Making 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

(H.P. 1651) (L.D. 2289)

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

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

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

Representative **TARDY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I oppose the passage of this budget, and I would just like to take a few moments to kind of set the record straight.

The beginning of this session and in anticipation of the revenue shortfalls, House Republicans began working on our approach. We tried to develop some core principles and guidelines that would guide us as we went forward and,

hopefully, were part of negotiating a two-thirds budget. I think to no one's surprise, we, in this caucus, the House Republicans agreed that this budget could not get our support if it had new taxes. We also agreed, among other things, that the budget needed to avoid, at all costs, gimmicks or onetime revenue sweeps. We also agreed that this budget needed to make systematic changes that recognize the concept that government cannot be everything to everybody.

Now Mr. Speaker, you and I have always been able to identify our differences honestly and openly and with mutual respect; both you and the good Representative from North Haven were able to do that in this case. We identified that certain differences of opinion existed; and you knew that our caucus supported the Chief Executive and his desire to reform our welfare system; and you knew that we wanted to support, at the very least, his proposal to reform the benefits for childless adults; and you knew for sure our pledge of no new taxes was at least consistent with what, at the time, the Chief Executive was at least saying in the media. You knew earlier on, as soon as we were aware of the proposal, that the Treasurer Lemoine proposal, distinct from some of his more notorious proposals, is something that was not going to pass muster for us on our side of the aisle.

Well, Mr. Speaker, we were able to honestly convey to each other our difference, and those differences still exist today. I hope that we all have a clear understanding that, at least in this body, we attempted in good faith, and it was open and honest debate, and it is sometimes the differences that define us. I am particularly thankful to your leadership and the leadership of the good Representative from North Haven. We have been able to avoid the tone that I heard from the other body, a tone of a particular member, a tone that I would suggest was a tone of arrogance and self-importance and contempt; and Mr. Speaker, that is kind of why I like to drink water from Poland Springs versus Eagle Lake. Now, I thank you for your professionalism and our ability to understand our differences and to move on.

Now, Men and Women of the House, this budget fails several Republican tests, and I would respectfully suggest that this document is the one that we are going to enact in just a few moments. It is worse than the Chief Executive's proposal in some respects. When I vote tonight, when I cast my vote I am going to think about a couple of families that I care about greatly, families that are second and third generation Moosehead employees, who make just a little too much to qualify for anything, but not enough for them to get ahead. Families that just do not understand why we cannot make the same difficult decisions that they have to make as they await each paycheck. When I vote tonight, I am thinking of some of those folks that the Representative from Raymond has had to lay off because his manufacturing company went out of business. When I vote tonight, I am thinking of the polite scolding I had from the Representative from Lee, Representative McLeod, who reminded me that when his red light goes off tonight, he will be doing a service for the people that he represents back in his district.

Mr. Speaker, there is a whole litany of issues and you know what our issues are and it is because of the taxes, it is because of some of the onetime moneys, the sale of securities which it is what it is. It is because of some of the lack of sustainable reform to our MaineCare system, some of the lack of sustainable reform to other parts of government, and it is because of all of those people I was thinking about earlier tonight that I will be voting no.

Mr. Speaker, we still have work to do, we will still continue to convey to each other our differences of opinion and our areas of significant agreement. I would like to thank the members of the Appropriations Committee: my good friend from Presque Isle, and the members of the Appropriations Committee from my side

of the aisle. I would suggest that there should be no argument that the work of this body was done in good faith with principle difference in mind, and I thank you for your time.

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

Representative PINGREE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to aptly follow up on my good colleague from Newport's comments. I agree with him wholeheartedly that the process, even despite the machinations of this afternoon, has been respectful at this end of the aisle; this entire body, I think it has been fair. I think we have had very honest conversations about our differences, and I want to thank the Minority Leader. I want to thank the members of the Appropriations Committee, on both sides of the aisle, for keeping that tone even when this has been a very difficult process.

Clearly, we always work towards bipartisanship when it is possible. I am very proud of the work we did, an incredibly difficult two-thirds budget last year. We passed bonds together; we passed countless bills in every one of your committees together. Bipartisanship, when possible, is the best policy; it results in good policy for the people of Maine. I think, as members of the Appropriations Committee have discussed, the vast majority of work on this budget document before you was done in a bipartisan way. I was observing, the Health and Human Services Committee—and I have never seen this happen before in the Appropriations processes in the six years I have been there—sat with the Appropriations Committee for several days on end, going through every line of the budget, trying to figure out if there was a better way to not make this cut, to make part of this cut, what cuts could be accepted, what cuts had to be rejected. It was done in an incredible bipartisan way, and I want to especially thank the Health and Human Services Committee, again, on both sides of the aisle, for making such a commitment to the people of this state, who are the most vulnerable, who will be impacted by this budget. While I think all of us will still have some heartburn when we go to bed tonight, I think the work of that committee and the Appropriations Committee has been important.

But as the good Representative from Newport discussed, there are fundamental differences between where this Majority budget is at this point and the Minority budget that was presented. Again, I think our tone—the good Representative from Presque Isle did an excellent job, a better job than I could do tonight, laying out that it is really about our differences, it is about the way we see the world, our values. The differences are whether 22,000 people next year will have health care through our MaineCare system. We talked a lot about the non-categoricals, and I think the other body had an excellent discussion on this subject. These people, who we call the non-categoricals, it makes them sound like really faceless people, but the reality is non-categoricals are childless adults; they are the vast majority of people who make very little money; the average income is less than \$5,000 a year. I know from my work on the Health and Human Services Committee that these people are very often in early stages of psychosis, these are homeless people, these are people in substance abuse treatment, or they are people who are battling chronic illnesses like cancer. I think it is a priority for our party that these people, the non-categoricals and the parents who are part of our MaineCare program, are persevered. We are going through an incredibly difficult economic time, as a state and as a country. Personally, I will go to bed and sleep well tonight knowing that I was able to stand up for those people. We talked a lot about structural change, but in this case this structural change is about people's health care, their livelihood, their future health and safety.

Lastly, there were also cuts to the Fund for a Healthy Maine that were unacceptable to our side of the aisle, and three furlough days or holidays which we found unacceptable. I want to just highlight, again, what is in this budget because this budget was, even in its current state, it was very difficult to get to this place. This budget includes no new taxes, it takes no money from the Rainy Day Fund, it makes \$170 million of cuts. I do not have to speak for every member of my caucus and I know they can all speak for themselves, but this was a very, very difficult budget. I have been here for six years. This is not even a two-year budget; this is onetime budget to fix the structural gap that we have for '08 and '09. This was the most difficult, most painful budget I have seen in my six years in the Legislature. I was here for the \$1.2 billion shortfall in 2003, working with my good whip and others on that budget, which we passed in a bipartisan way. That budget was nowhere near as difficult as this budget, in terms of cuts to Human Services, in terms of its impact on our safety net. I think we are all going to be seriously considering the impacts of this budget next year. But I think, again as I said, we did what we could in a responsible way, without new taxes, without touching the Rainy Day Fund, to try to fix those things that were most onerous to us. Whether it was keeping domestic violence shelters open, providing homecare for our elders to make sure they do not end up in nursing homes, to protect mental health services for kids. There were a number of places where we felt we could try to restore the funds, but as many of you know there are areas like mental retardation, we are all going to have to watch incredibly closely because we fear we could have gone too far in this budget.

So the reality is that we differed on the issues, we differed in a respectful way, and I think that is fine for this process. We all run for office as a part of different political parties, as part of different communities, and we know that we are going to differ from time to time, and I think this budget is an appropriate place to differ. Of course, we are going to do everything we can over the next couple of weeks to work in a bipartisan way on the many issues still left before us. I am, again, very proud that my colleague from Newport said that work is important, because it is. It is worth leaving this chamber as friends having respectfully disagreed with each other. Thank you, Mr. Speaker.

Representative CROSTHWAITE of Ellsworth **OBJECTED** to extending the session past 9:00 p.m. pursuant to the House Rule 501.

The Speaker advised Representative CROSTHWAITE of Ellsworth that House Rule 501 was suspended by implication.

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

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

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

ROLL CALL NO. 293

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Bryant, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Norton, Patrick, Peoples, Percy, Pieh, Pilon, 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, Austin, Ayotte, Beaulieu, Boland, Browne W, Burns, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hill, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan, Weaver, Woodbury.

ABSENT - Berube, Duprey, Hamper, Jackson, Moore, Muse, Pendleton, Perry, Pineau, Saviello, Thomas, Walker.

Yes, 84; No, 55; Absent, 12; Excused, 0.

84 having voted in the affirmative and 55 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

An Act To Protect Access to Health Care

(H.P. 1652) (L.D. 2290)

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

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

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

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

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

ROLL CALL NO. 294

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

NAY - Annis, Austin, Ayotte, Beaulieu, Browne W, Burns, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hill, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, McDonough, McFadden, McKane, McLeod, Millett, Nass, Pinkham, Plummer, Prescott, Richardson D, Robinson, Rosen, Sarty, Savage, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan, Weaver, Wheeler, Woodbury.

ABSENT - Berube, Conover, Duprey, Hamper, Hanley S, Jackson, Marean, Moore, Muse, Pendleton, Perry, Pineau, Rector, Richardson W, Saviello, Thomas, Walker.

Yes, 82; No, 52; Absent, 17; Excused, 0.

82 having voted in the affirmative and 52 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

At this point, a message came from the Senate borne by Senator Martin of that Body, informing the House that the Senate was ready to adjourn without day.

SENATE PAPERS

The following Joint Order: (S.P. 913)

ORDERED, the House concurring, that all matters in the possession of the Legislature, including working papers and drafts in the possession of nonpartisan staff offices and gubernatorial nominations, at the time of adjournment of the Second Regular Session of the 123rd Legislature be held over to the next special session of the 123rd Legislature; and be it further

ORDERED, that any public hearing, work session or other meeting to conduct the business of the Legislature that is scheduled at the time this order is passed is hereby authorized to occur.

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

READ and **PASSED** in concurrence. **ORDERED SENT FORTHWITH.**

The Speaker appointed Representative PINGREE of North Haven on the part of the House to inform the Senate that the House was ready to adjourn without day.

The Speaker appointed the following members on the part of the House to wait upon his Excellency, Governor JOHN ELIAS BALDACCI, and inform him that the House was ready to adjourn without day:

Representative FISCHER of Presque Isle
Representative CRAVEN of Lewiston
Representative MILLS of Farmington
Representative CAIN of Orono
Representative VALENTINO of Saco
Representative WEBSTER of Freeport
Representative MILLETT of Waterford
Representative FLOOD of Winthrop
Representative ROBINSON of Raymond
Representative GILES of Belfast

Subsequently, Representative PINGREE reported that she had delivered the message with which she was charged.

Subsequently, the Committee reported that they had delivered the message with which they were charged.

On motion of Representative WHEELER of Kittery, the House adjourned without day at 11:00 p.m., Monday, March 31, 2008.