

MAINE STATE LEGISLATURE

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

Volume III

First Special Session

April 1, 2008 - April 18, 2008

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House Legislative Sentiments
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Pages 1358-2163

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST SPECIAL SESSION
6th Legislative Day
Wednesday, April 9, 2008

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

Prayer by the Reverend Calvin Sanborn, St. Matthew's Episcopal Church, Hallowell.

National Anthem by St. John's Elementary/Middle School Band, Brunswick.

Pledge of Allegiance.

Doctor of the day, Daniel Summers, M.D., Hallowell.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

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)

Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR** in the House on April 7, 2008.

Came from the Senate with the Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-943) in NON-CONCURRENCE.**

On motion of Representative TUTTLE of Sanford, the House voted to **ADHERE.**

COMMUNICATIONS

The Following Communication: (H.C. 512)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

April 7, 2008

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2029 An Act To Reduce Property Taxes, Eliminate Duplication and Streamline Government by Unifying the State Prisons and County Jails

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

Sincerely,

S/Sen. Bill Diamond

Senate Chair

S/Rep. Stanley J. Gerzofsky

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 513)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 7, 2008

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2153 An Act To Improve the Organizational Structure of the Department of Health and Human Services

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

Sincerely,

S/Sen. Joseph C. Brannigan

Senate Chair

S/Rep. Anne C. Perry

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 514)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

April 7, 2008

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2261 An Act To Allow a Casino in Oxford County

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

Sincerely,

S/Sen. Lisa T. Marraché

Senate Chair

S/Rep. John L. Patrick

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 515)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TAXATION**

April 7, 2008

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1582 An Act To Reduce Maine's Tax Burden over a 10-year Period
L.D. 1833 An Act To Provide Property Tax and Income Tax Relief

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

Sincerely,
S/Sen. Joseph C. Perry
Senate Chair
S/Rep. John F. Piotti
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 516)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

April 7, 2008
Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2292 Resolve, To Establish a Stakeholder Group To Study the Sale or Lease of the State's Excess Broadband Capacity

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

Sincerely,
S/Sen. Philip L. Bartlett II
Senate Chair
S/Rep. Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 922)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

April 7, 2008
Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:
Please be advised that Governor John E. Baldacci has withdrawn his nomination of Diana Scully for appointment to the Maine Indian Tribal-State Commission, pursuant to Title 3 M.R.S.A. §154.

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

Sincerely,
S/Beth Edmonds
President of the Senate
S/Glenn Cummings

Speaker of the House

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

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

The Following Communication: (S.C. 760)

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

April 8, 2008
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Labor on Bill "An Act To Clarify the Application of Prevailing Wage Requirements" (H.P. 328) (L.D. 412).

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

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Keep Bridges Safe"

(H.P. 1673) (L.D. 2313)

Sponsored by Representative MARLEY of Portland.
(GOVERNOR'S BILL)

Cosponsored by Senator SAVAGE of Knox and Representatives: BARSTOW of Gorham, CAMPBELL of Newfield, CAREY of Lewiston, CEBRA of Naples, CROCKETT of Augusta, Speaker CUMMINGS of Portland, FAIRCLOTH of Bangor, FISCHER of Presque Isle, FISHER of Brewer, HOGAN of Old Orchard Beach, KOFFMAN of Bar Harbor, MAZUREK of Rockland, PEOPLES of Westbrook, PERCY of Phippsburg, PINGREE of North Haven, ROSEN of Bucksport, THERIAULT of Madawaska, WALKER of Lincolnville, Senators: DAMON of Hancock, DOW of Lincoln, President EDMONDS of Cumberland, GOOLEY of Franklin, MARTIN of Aroostook, MILLS of Somerset, MITCHELL of Kennebec, PERRY of Penobscot, TURNER of Cumberland.

Committee on **TRANSPORTATION** suggested and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed.

Sent for concurrence.

ORDERS

On motion of Speaker CUMMINGS of Portland, the following Joint Resolution: (H.P. 1672) (Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: AYOTTE of Caswell, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BERRY of Bowdoinham, BLANCHARD of Old Town, BLISS of South Portland, BOLAND of Sanford, BRIGGS of Mexico, BRYANT of Windham, BURNS of Berwick, CAMPBELL of Newfield, CANAVAN of Waterville, CARTER of Bethel, CASAVANT of Biddeford, CHASE of Wells, CLARK of Millinocket, CONOVER of Oakland, COTTA of China, CRAVEN

of Lewiston, CROCKETT of Augusta, DRISCOLL of Westbrook, DUNN of Bangor, EATON of Sullivan, EBERLE of South Portland, FAIRCLOTH of Bangor, FINLEY of Skowhegan, FISCHER of Presque Isle, FLETCHER of Winslow, GERZOFSKY of Brunswick, GILES of Belfast, GREELEY of Levant, GROSE of Woolwich, HARLOW of Portland, HINCK of Portland, HOGAN of Old Orchard Beach, JACKSON of Allagash, KNIGHT of Livermore Falls, KOFFMAN of Bar Harbor, MAKAS of Lewiston, MARLEY of Portland, MAZUREK of Rockland, McFADDEN of Dennysville, MILLER of Somerville, MIRAMANT of Camden, MOORE of Standish, PATRICK of Rumford, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PIEH of Bremen, PILON of Saco, PINGREE of North Haven, PINKHAM of Lexington Township, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RAND of Portland, RECTOR of Thomaston, RINES of Wiscasset, ROSEN of Bucksport, SAMSON of Auburn, SAVAGE of Falmouth, SCHATZ of Blue Hill, SIMPSON of Auburn, SIROIS of Turner, SMITH of Monmouth, SUTHERLAND of Chapman, THERIAULT of Madawaska, TIBBETTS of Columbia, TREAT of Hallowell, TUTTLE of Sanford, WAGNER of Lewiston, WATSON of Bath, WEBSTER of Freeport, WHEELER of Kittery, Senators: BARTLETT of Cumberland, BRANNIGAN of Cumberland, BROMLEY of Cumberland, DAMON of Hancock, DIAMOND of Cumberland, HOBBS of York, MARRACHÉ of Kennebec, MARTIN of Aroostook, MITCHELL of Kennebec, ROTUNDO of Androscoggin, STRIMLING of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO STOP GASOLINE PRICE MANIPULATION AND TO CLOSE THE ENRON LOOPHOLE

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the United States Congress as follows:

WHEREAS, energy prices are reaching an all-time high in the United States and its citizens are especially hard-hit in the State of Maine, as our cold winters are long and many of our citizens use petroleum products to heat their homes; and

WHEREAS, diesel fuel prices for Maine truckers are causing severe economic hardship for this hardworking industry and gasoline fuel prices continue to rise, causing financial hardship to all Maine citizens; and

WHEREAS, it is apparent to the United States Congress and the citizens of Maine that some of the serious factors causing the high prices are excessive trading, speculation and, allegedly, manipulation of the commodities market; and

WHEREAS, the United States Congress passed, in December 2000, at the behest of the American energy company Enron, what is known as "the Enron Loophole" as part of the Commodity Futures Modernization Act of 2000, Appendix E of P.L.106-554, 114 Stat. 2763, and this loophole allows electronic exchanges set up for large traders to operate without any federal oversight; and

WHEREAS, one of the fundamental purposes of futures contracts is to provide price discovery, and those selling or buying commodities in the spot market rely on futures prices to judge amounts to charge or pay for a commodity; and

WHEREAS, since the creation of the futures markets in the agricultural context decades ago, it has been widely understood that, unless properly regulated, the markets may distort the economic fundamental of price discovery through excessive speculation, fraud or manipulation, and the federal Commodity

Exchange Act has long been praised as preventing those economic abuses; and

WHEREAS, a recent bipartisan United States Senate report, "The Role of Market Speculation in Rising Oil and Gas Prices: The Need to Put the Cop Back on the Beat," stated that as much as 25% of the cost of a barrel of crude oil may be due to the cost of speculation and profiteering taking place in these unregulated commodities markets; and

WHEREAS, this speculation and profiteering unfairly causes many Maine citizens to pay excessive fuel and gas prices; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully and strongly urge and request that the United States Congress rein in this excessive energy commodities speculation and enact meaningful reforms of the Commodity Futures Trading Commission, including closing "the Enron Loophole"; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to President of the United States Senate and to the Speaker of the United States House of Representatives, and to each Member of the Maine Congressional Delegation.

READ.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. You heard me talk about this Joint Order several days in a row, and I am not going to bore you with a lengthy speech. You don't want to hear anymore about energy commodity speculation, or what is commonly referred to on Wall Street as the "Enron loophole." Let me just suggest that it is time for us to send a message from this Legislature, on behalf of this state, to Congress and the President and say stop this loophole, stop messing with the price of gas. Mr. Speaker, I would ask for a roll call.

Representative **BLISS** of South Portland **REQUESTED** a roll call on **ADOPTION**.

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

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

ROLL CALL NO. 349

YEA - Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Browne W, Bryant, Burns, Campbell, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Curtis, Driscoll, Duchesne, Duprey, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Hamper, Hanley S, Harlow, Hayes, Hinck, Hogan, Jackson, Johnson, Jones, Joy, Knight, Koffman, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, McFadden, McKane, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Pratt, Prescott, Priest, Rector, Richardson D, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Trinward, Tuttle, Valentino, Wagner, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Crosthwaite, Edgcomb, Jacobsen, Lansley, Lewin, McLeod, Plummer, Richardson W, Walker.

ABSENT - Adams, Berry, Berube, Boland, Cain, Canavan, Dill, Dunn, Emery, Fischer, Fisher, Greeley, Grose, Haskell, Hill, Kaenrath, Makas, Moore, Muse, Rand, Treat, Vaughan.

Yes, 120; No, 9; Absent, 22; Excused, 0.

120 having voted in the affirmative and 9 voted in the negative, with 22 being absent, and accordingly the Joint Resolution was **ADOPTED** and sent for concurrence.

On motion of Representative CLARK of Millinocket, the following Joint Resolution: (H.P. 1674) (Cosponsored by Representative WHEELER of Kittery and Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, AYOTTE of Caswell, BABBIDGE of Kennebunk, BERRY of Bowdoinham, BLANCHARD of Old Town, BOLAND of Sanford, BRIGGS of Mexico, BROWNE of Vassalboro, CAMPBELL of Newfield, CARTER of Bethel, CONOVER of Oakland, EDGECOMB of Caribou, FINCH of Fairfield, FISHER of Brewer, FLETCHER of Winslow, GERZOFKY of Brunswick, GIFFORD of Lincoln, HANLEY of Gardiner, HARLOW of Portland, HOGAN of Old Orchard Beach, JACKSON of Allagash, JOHNSON of Greenville, KNIGHT of Livermore Falls, LUNDEEN of Mars Hill, MAKAS of Lewiston, MARLEY of Portland, McLEOD of Lee, MILLS of Farmington, PATRICK of Rumford, PIEH of Bremen, PRATT of Eddington, ROBINSON of Raymond, SIMPSON of Auburn, SMITH of Monmouth, SUTHERLAND of Chapman, THERIAULT of Madawaska, TIBBETTS of Columbia, TRINWARD of Waterville, TUTTLE of Sanford, WATSON of Bath, WEBSTER of Freeport, Senators: BENOIT of Sagadahoc, BOWMAN of York, BRANNIGAN of Cumberland, BRYANT of Oxford, COURTNEY of York, DAMON of Hancock, DIAMOND of Cumberland, President EDMONDS of Cumberland, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, MARRACHÉ of Kennebec, MARTIN of Aroostook, McCORMICK of Kennebec, MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, ROSEN of Hancock, SAVAGE of Knox, SHERMAN of Aroostook, SMITH of Piscataquis, SNOWE-MELLO of Androscoggin, STRIMLING of Cumberland, TURNER of Cumberland, WESTON of Waldo)

JOINT RESOLUTION RECOGNIZING THE MAINE SNOWMOBILE ASSOCIATION ON ITS 40TH ANNIVERSARY OF SERVICE TO MAINE'S CITIZENS

WHEREAS, the Maine Snowmobile Association was formed in 1968 by a group of concerned sports enthusiasts dedicated to the safe and responsible operation of snowmobiles in the State; and

WHEREAS, the 285 snowmobile clubs of the Maine Snowmobile Association now represent approximately 26,800 individuals and 2,000 businesses statewide; and

WHEREAS, these citizens, through dedication to landowner relations and volunteer effort, have created a 13,000-mile trail system that is regarded as one of the finest snowmobile systems in the United States; and

WHEREAS, these citizens have persevered in maintaining and improving the image of family snowmobiling in the State and support the safe operation of snowmobiles throughout the State through adoption of appropriate legislation and enforcement of the State's laws; and

WHEREAS, snowmobiling generates an estimated \$350,000,000 in annual economic activity statewide, promoting the local economies of many rural areas; and

WHEREAS, the Maine Snowmobile Association celebrates its 40th anniversary this year; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature, now assembled in the First Special Session, recognize this occasion and offer the Maine Snowmobile Association our heartiest congratulations on this milestone, with continued good wishes for many years of service to the people of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Snowmobile Association in honor of the occasion.

READ.

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 know when I have 45 minutes to speak on this issue; I know it is a very important issue to the people in the State of Maine. I wish to reserve my 45 minutes for something on the agenda more important.

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

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Florence B. Hastings, 103, of East Bethel, who was the holder of the Boston Post Cane as the oldest citizen in Bethel. Mrs. Hastings was born in Portland and was a graduate of Gorham Normal School. She taught school in Lisbon, Hanover and Augusta. In 1926 she married Robert D. Hastings and together they made their home on the Hastings Farm in East Bethel, where they raised their four children. Mrs. Hastings taught school in East Bethel and was a substitute teacher in area schools for 20 years. She was known for her creative handicrafts, and the Florence B. Hastings Traditional Arts and Crafts room in the proposed new addition to the Robinson House at the Bethel Historical Society will continue her legacy. She was honored as an Outstanding Homemaker by the Oxford County Extension Service in 1976, and she was the star of "The Center of Things," an hour-long documentary about the Hastings family farm, which was part of the PBS series "Our Stories." She will be greatly missed and long remembered by her loving family and many friends;

(HLS 1188)

Presented by Representative CARTER of Bethel. Cosponsored by Senator BRYANT of Oxford.

On **OBJECTION** of Representative CARTER of Bethel, was **REMOVED** from the Special Sentiment Calendar.

READ and **ADOPTED** and sent for concurrence.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass** on Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities (EMERGENCY)

(S.P. 923) (L.D. 2312)

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:

GERZOFSKY of Brunswick
BLANCHETTE of Bangor
GREELEY of Levant
HILL of York
HANLEY of Gardiner
PLUMMER of Windham
SYKES of Harrison
HASKELL of Portland
KAENRATH of South Portland

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

Signed:

Representative:

TIBBETTS of Columbia

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

READ.

On motion of Representative GERZOFSKY of Brunswick, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Resolve was **READ ONCE**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-577)** on Bill "An Act To Amend Teacher Confidentiality Laws"

(S.P. 912) (L.D. 2291)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
EDGECOMB of Caribou
McFADDEN of Dennysville
STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-578)** on same Bill.

Signed:

Senator:

MILLS of Somerset

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-578)**.

READ.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-576)** on Bill "An Act To Authorize Low-stakes Cribbage Games by Charitable and Fraternal Organizations"

(S.P. 814) (L.D. 2134)

Signed:

Senators:

MARRACHÉ of Kennebec
PLOWMAN of Penobscot

Representatives:

MOORE of Standish
NASS of Acton
TRINWARD of Waterville
TUTTLE of Sanford
PINKHAM of Lexington Township
CAREY of Lewiston
FITTS of Pittsfield

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

Signed:

Senator:

BRYANT of Oxford

Representatives:

WEDDELL of Frankfort
BRYANT of Windham
PATRICK of Rumford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-576)**.

READ.

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

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

Representative CAREY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to introduce this Majority Report briefly to you. It builds upon the existing Texas Holdem law that you passed last year that was Representative Patrick's bill. It was a good bill that set up a good structure for tournament games. A cribbage group came to our committee and said that they had been holding an annual, weekend long cribbage tournament that had more than 100 players, which was the limit of the bill that you passed last year.

The purpose of this amendment is to allow, within the existing framework of that law, a little more flexibility. What that would mean specifically is, currently, the Texas Holdem law has 100 players, and up to \$100 wagered. If this super tournament bill passes, the number of players could go up to 1,000, but if it goes up, the amount wagered has to go down so that there will never be more gambled than you passed last year. This is a minor change that, we believe, will bring added flexibility to this law and will allow more people to play games to match what they want to play, without increasing gambling in the state, and in fact it will lower gambling because the amount that individuals will wager

will be lower. In terms of fiscal impact, this has no additional costs and has a slight revenue increase for other special revenue going forward. Thank you, Mr. Speaker.

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. I very seldom rise to talk in opposition to a gaming bill, which is kind of contrary to what was reported in the newspapers, but I appreciate the intent of the good Representative from Lewiston, because it does stay within the framework of what the tournament bill originally proposed. I worked five years on that tournament bill, and I worked with many nonprofits over the course of the year. What this bill does is it has a sliding scale fee that the \$10,000 cap that anyone at any one event will never go over, so what in fact that does is, if you have 1,000 players, the most entry fee they can have is \$10.

Now one of the reasons I am against this is because the group that came before us basically said they want to be able to bet \$40 or \$50 with the 1,000-player tournament, which would increase the gambling to \$50,000; however, this bill restricts it. Originally, I had in the tournament laws, out of all the nonprofits I dealt with, there were one or two in the state that would like to see the amount of players to go to about 300. In the cribbage bill, the person spoke that yearly they have two or three tournaments of 300 or 400. This bill goes way beyond that, and it doesn't encompass their ability to pay the \$40 entry fee that they would, so at this time, Mr. Speaker, I am in support of the Ought to Pass motion instead of this motion, and I would urge you to defeat this motion and move on the Ought Not to Pass. Thank you.

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

Representative TRINWARD: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the Ought to Pass motion. We worked very hard this year to help the cribbage players have different varieties of tournaments. There were bills introduced to eliminate the cribbage players entirely from our games of chance, and I called my local Elks Club to talk to them about it, only to find out that at their organization they play hearts, so we would then, again, next year be faced with dealing with the hearts' players as opposed to the cribbage.

We have made things much simpler and easier for them, and this bill just allows the larger tournaments that happen once or twice a year an opportunity to come in. The difference with their entrance fees: Cribbage is not a game where they gamble a lot; cribbage is a game where they pay entrance fees and they play for tournament points and master points. So this game would allow Maine the opportunity of hosting these tournaments where we get several hundred people coming into the State of Maine to play cribbage and stay for a weekend, and play over several days. Thank you very much.

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

Representative FITTS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. For me, this bill was about bring people to Maine and allowing them to have a weekend here doing something that they enjoy, where the restaurants, the hotels, the gas stations, everybody gets a little piece of this action, and anytime we can bring people to Maine in large masses—this is potentially 1,000 people—we win. So that in itself, for me, was enough to vote in support of this Majority Report. Thank you, Mr. Speaker.

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

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

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

ROLL CALL NO. 350

YEA - Adams, Annis, Austin, Ayotte, Barstow, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Burns, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hanley S, Harlow, Haskell, Hayes, Jacobsen, Johnson, Jones, Joy, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Nass, Norton, Pendleton, Peoples, Perry, Pieh, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Vaughan, Walker, Watson, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Babbidge, Beaudette, Blanchette, Bryant, Carter, Cleary, Faircloth, Hinck, Hogan, Jackson, Marley, Miramant, Patrick, Percy, Pilon, Pineau, Samson, Smith N, Valentino, Wagner, Weddell.

ABSENT - Canavan, Conover, Dill, Dunn, Emery, Fischer, Gerzofsky, Greeley, Grose, Hill, Kaenrath, Makas, Moore, Muse, Rand.

Yes, 115; No, 21; Absent, 15; Excused, 0.

115 having voted in the affirmative and 21 voted in the negative, with 15 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-576)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-576)** in concurrence.

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (S-577)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (S-578)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend Teacher Confidentiality Laws"

(S.P. 912) (L.D. 2291)

Which was **TABLED** by Representative PINGREE of North Haven pending **ACCEPTANCE** of either Report.

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

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-961)** on Bill "An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance"

(H.P. 1597) (L.D. 2236)

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:

WEDDELL of Frankfort
BRYANT of Windham
PATRICK of Rumford
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-962)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

MOORE of Standish
NASS of Acton
PINKHAM of Lexington Township
FITTS of Pittsfield

READ.

Representative PATRICK of Rumford 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.

**CONSENT CALENDAR
First Day**

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

(S.P. 893) (L.D. 2266) Bill "An Act To Promote Municipal Wind Generation Development" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-579)**

(S.P. 905) (L.D. 2279) Bill "An Act To Ensure Equitable Payment for E-9-1-1 Services" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-580)**

(H.P. 1612) (L.D. 2250) Resolve, Regarding Legislative Review of Portions of Chapter 220: Methodology for Identification of Regional Service Centers, a Major Substantive Rule of the Executive Department, State Planning Office (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

(H.P. 1545) (L.D. 2171) Bill "An Act To Amend the Animal Welfare Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-965)**

On motion of Representative PIEH of Bremen, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ.**

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

ENACTORS

Emergency Measure

An Act To Reduce Wild Blueberry Theft

(S.P. 795) (L.D. 2001)

(C. "A" S-542)

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. 124 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 Tax Relief to Maine's Forest Products Industry

(S.P. 857) (L.D. 2225)

(C. "A" S-559)

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

Representative LANSLEY of Sabattus **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. 351

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Conover, Cotta, Craven, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Farrington, Finch, Finley, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Hamper, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, 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, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Canavan, Connor, Cray, Dill, Dunn, Emery, Faircloth, Fischer, Fisher, Greeley, Grose, Hill, Makas, Moore, Muse, Rand.

Yes, 135; No, 0; Absent, 16; Excused, 0.

135 having voted in the affirmative and 0 voted in the negative, with 16 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 Make Technical Corrections in the Laws Regarding Funding Adult Education Programs and the Closure of an Elementary School in a School District

(H.P. 1658) (L.D. 2299)

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.

Emergency Measure

Resolve, Regarding ISO New England

(S.P. 884) (L.D. 2254)

(C. "A" S-545)

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

Mandate

An Act To Help Prevent Identity Theft

(H.P. 1479) (L.D. 2093)

(C. "A" H-905)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 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 Inland Fisheries and Wildlife To Convey a Certain Easement Interest in Lands

(S.P. 889) (L.D. 2260)

(C. "A" S-556)

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

Acts

An Act To Protect the Health of Infants

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

(C. "B" H-891)

An Act To Require Disclosure of the Compensation of Officers and Directors of Public Benefit Nonprofit Corporations

(S.P. 636) (L.D. 1792)

(C. "A" S-532)

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

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

(C. "A" H-904)

An Act To Enhance Economic Development in Maine's Aviation Industry

(S.P. 770) (L.D. 1976)

(C. "A" S-485)

An Act Concerning Certain Excavations

(H.P. 1430) (L.D. 2046)

(C. "A" H-897)

An Act To Amend the Laws Governing Lobbyist Disclosure

(H.P. 1452) (L.D. 2068)

(C. "A" H-895)

An Act To Increase Access to Dental Care

(H.P. 1562) (L.D. 2192)

(C. "A" H-902)

An Act To Establish a Railroad Crossing Information Council

(S.P. 847) (L.D. 2199)

(C. "A" S-549)

An Act To Implement the Recommendations of the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine

(H.P. 1655) (L.D. 2295)

An Act Regarding the Statewide Homeless Council

(S.P. 916) (L.D. 2296)

An Act To Establish a Method for Reporting Health Care-associated Infection Quality Data

(S.P. 917) (L.D. 2297)

An Act To Improve the Reporting Requirements of Boards and Commissions

(H.P. 1657) (L.D. 2298)

An Act To Implement the Recommendations of the Alternative Education Programs Committee

(H.P. 1661) (L.D. 2303)

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

Resolves

Resolve, To Advance Maine's HealthInfoNet Program

(H.P. 1251) (L.D. 1797)

(C. "A" H-900)

Resolve, Implementing the Recommendations of the Commission To Study Primary Care Medical Practice

(S.P. 910) (L.D. 2286)

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 Eliminate the Property Tax on Business Equipment Owned by Small Retailers

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

(C. "B" S-459; S. "A" S-543)

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

On motion of Representative LANSLEY of Sabattus, was **SET ASIDE**.

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. Just so you know, this bill, it deals with businesses that are 20,000 square feet, which gives them the same advantage as a corporation or a larger business, and I request a roll call, please.

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. 352

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, 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, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Berube, Canavan, Dill, Dunn, Emery, Fischer, Grose, Hill, Makas, Moore, Muse, Rand.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 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.

An Act To Generate Savings by Changing Public Notice Requirements

(H.P. 1310) (L.D. 1878)
(C. "B" H-684)

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

On motion of Representative SIMPSON of Auburn, was **SET ASIDE**.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "B" (H-684)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-726)** to **Committee Amendment "B" (H-684)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Simpson.

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. First, I would like to say that I am very pleased with the outcome, so far, of this bill having been introduced. LD 1878 brought the newspapers to the negotiating table with the state, and will achieve a savings from that new negotiated rate over the next five years of over \$1 million—\$1.1 million, which I think is a fantastic thing.

This amendment would do two small things to change the bill: It would leave in the language that allows for abbreviated publishing of rules, so people could get more information, but the state could save money by not having such a long line item in the newspaper, but the two things it takes out is: One, the final notice of agency rulemaking would still be published, so that people would know that the rules that they had seen in the paper that might be considered had actually been adopted and are the new law of the land. Rules are more difficult for the general public to find, they are not like statutes, they are regulatory rules, so I think having them published in the newspaper is an important public service.

The other thing this amendment would do is remove the provisions governing municipal legal notices. It is not that I don't think municipalities have the same difficulties as the state these days in terms of their finances. The difference, the reason why I can't support this piece, there are a couple of reasons: One, three years ago, the newspapers negotiated with the towns where they had a lower penetration level to reduce their rates by 50 percent and more, so that those towns where the newspapers were under serving their populations, the towns would have more money left over so they could advertise again in another medium. So the newspaper has already, three years ago, stepped up as good stewards to make sure that the public would find out what is happening and that the municipality would have the money to do multiple notices.

The other reason I cannot support the bill, as drafted, this municipal notice change in the bill would allow municipalities to do their public notice through third class mailers. The United States Postal Service is not required to deliver third class mail in a timely and predictable manner, so my concern would be that your town or my town, if they move their municipal notices to the third class mail and it was a particularly heavy mail time for some reason, the public notices in those third class mailers could perhaps not arrive at the door of our constituents until after the public hearing on things that will affect your local citizens. I have had constituents contact me because they were frustrated by the post office with third class mailers for their organizations—the VFW or the American Legion—those people have sent out their monthly newsletter with the things that their organization was doing that they wanted to notify their members about, but they paid to send that mailing out, they have limited resources, and the post office did not deliver them until after everything in the newsletter had already happened. This is a dangerous precedent for your town. Your citizens would not be happy to find out after the fact that the thing that would fundamentally change the character of their neighborhood, that they might have wanted to weigh in on, happened before they even knew about it. So for that reason, I would urge you to support this amendment, which

will probably be to oppose the pending motion. Thank you, Ladies and Gentlemen of the House.

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to House Amendment "A" with a filing number of (H-726) and speak on behalf of my committee members that voted 12-1 for the bill that we were in the posture of enacting earlier this morning. I would like to thank the Representative from Bar Harbor, Representative Koffman, for helping me to be able to insert something new in the debate on this issue. You all got on your desk, this morning, a blue sheet and it is poetry month, and I looked at Robert Frost's poem "The Road Not Taken" and I looked at the first two verses: Two roads diverged in a yellow wood, and sorry I could not travel both. We actually have the opportunity to travel both roads today, both with regards to cost savings and also with regards to long-term structural change.

What we have before us, and the propaganda that you have gotten from the Maine Press Association states that, yes, they can save us money again, but what is it to say that their rates could not go up again in the future? What is to say that we have control over what our future rates or future advertising will look like? What we have done is we have entered a partnership with what can be called the fourth branch of government to get out these public notices, and the partnership has worked well. What we are looking to do is renegotiate in an efficient way through our statutory requirements how that notice gets out to our citizens. It was alluded to by my friend from Auburn that these are two minor changes to the bill. If you take the bill that we are considering, LD 1878, and you segment it, it really comes down to three parts. These are two major changes because it strikes out two of the three parts of the bill: You would make it so that local control concerning municipal notices would be eliminated and the option of that going forward within your own municipality and community, and it would also take out the bulk of the savings with regards to the notice being published for rule adoption.

With the understanding that my committee was supportive of the amendment that we have here before us, I would make a motion at this time that we Indefinitely Postpone House Amendment "A" with a filing number of (H-726). I would ask for a roll call on that motion and hope that my colleagues support me in that respect. Thank you, Mr. Speaker.

Representative **BARSTOW** of Gorham moved that **House Amendment "A" (H-726) to Committee Amendment "B" (H-684) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-726) to Committee Amendment "B" (H-684).**

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 Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the Indefinite Postponement and great respect for my Chair. I feel that the amendment that we would be able to consider is a very helpful one; so therefore, I would hope that you vote against Indefinite Postponement. Thank you, Mr. Chair.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-726) to Committee Amendment "B" (H-684). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 353

YEA - Babbidge, Barstow, Beaudette, Beaulieu, Berry, Berube, Blanchard, Bliss, Briggs, Burns, Carter, Craven, Driscoll, Duchesne, Duprey, Eberle, Faircloth, Farrington, Finch, Fletcher, Hanley S, Haskell, Hayes, Jackson, Jones, Joy, Knight, Miller, Norton, Pendleton, Peoples, Percy, Pieh, Pingree, Pinkham, Piotti, Pratt, Priest, Rines, Samson, Sirois, Smith N, Strang Burgess, Thomas, Trinward, Tuttle, Valentino, Wagner, Weaver, Weddell.

NAY - Adams, Annis, Austin, Ayotte, Beaudoin, Blanchette, Boland, Browne W, Bryant, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Cray, Crockett, Crosthwaite, Curtis, Dunn, Eaton, Edgecomb, Finley, Fisher, Fitts, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Harlow, Hinck, Hogan, Jacobsen, Johnson, Kaenrath, Koffman, Lansley, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Millett, Mills, Miramant, Nass, Patrick, Perry, Pilon, Pineau, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Walker, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Brautigam, Canavan, Dill, Emery, Fischer, Grose, Hill, Lewin, Makas, Moore, Muse, Rand, Vaughan.
Yes, 50; No, 88; Absent, 13; Excused, 0.

50 having voted in the affirmative and 88 voted in the negative, with 13 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-726) to Committee Amendment "B" (H-684) FAILED.**

Representative **BARSTOW** of Gorham **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-726) to Committee Amendment "B" (H-684).**

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 Buckfield, Representative Hayes.

Representative **HAYES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The proposed amendment will in fact eliminate a significant portion of the savings, which was the motivation behind changing the way we do this piece of our business. When we publish notices in the newspapers, currently, to allow our citizens to learn about what we are in the process of doing, it is because we seek to involve them in that. Once we have adopted those rules. There is not longer an opportunity for them to be involved, it is done. Currently, that is roughly half of the savings, continuing to publish those notices that you can't participate in that point in time, they are over with. That information is all still available, will continue to be available, it is just whether or not we continue to pay to have it published in five daily newspapers across the state. I contend that is a misuse of public funds, because, in fact, we are not generating the returns from that publication. There is no longer an opportunity to participate; the decisions have been made.

I fully support continuing to publish notice while the rulemaking process in ongoing and that is what this bill does minus the amendment. If you would vote in favor of the amendment, essentially, based on the argument that the newspapers have come to the table, you are really talking about apples and oranges here. We are a purchaser of a service. What LD 1878 does is change the mandate of what we must buy, it shortens it up. It says that we will continue to publish multiple media, but it says we will buy less because that is more efficient. It is a more effective use of limited public funds. The amendment that is offered also strips out any potential for savings at the municipal level. I would contend to you that a tax dollar saved is

a tax dollar saved. We are very concerned about the property tax and what is doing in our communities at home. Municipal government is required, we created a mandate, we have a state law what they must do. All we are doing is allowing those communities, those municipalities under served by subscriptions to the daily newspaper, to use other media. That is all this does. It doesn't change anything at the municipal level automatically. It simply creates an option for municipal officials under certain circumstances.

I would ask that you, in fact, vote against the amendment because it will mean business as usual. The fact that the newspapers have been willing to negotiate when we turn up the pressure, doesn't suggest to me that that is the best way and the most efficient and the most effective way to govern. I think we should be able to decide what we will purchase and where is will be purchased, and we should be allowed to look at economic circumstances in making those decisions, and that is what LD 1878 does. If you support the amendment, you basically are supporting business as usual, which means we will continue to play this tug of war. We will sit down when in fact the newspapers are persuaded to do so. This is good government, absent the amendment, and I would urge you to follow my light and defeat the amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-726) to Committee Amendment "B" (H-684). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 354

YEA - Adams, Annis, Austin, Ayotte, Beaudoin, Blanchard, Blanchette, Boland, Brautigam, Browne W, Bryant, Campbell, Carter, Cebra, Chase, Connor, Conover, Crockett, Crosthwaite, Dunn, Eaton, Edgcomb, Finley, Fisher, Flood, Gerzofsky, Giles, Hamper, Harlow, Hinck, Jacobsen, Kaenrath, Koffman, Lundeen, MacDonald, Mazurek, Millett, Mills, Miramant, Patrick, Perry, Pilon, Plummer, Prescott, Rector, Richardson W, Robinson, Rosen, Savage, Schatz, Silsby, Simpson, Smith N, Sutherland, Tardy, Theriault, Thibodeau, Tibbetts, Walker, Watson.

NAY - Babbidge, Barstow, Beaudette, Beaulieu, Berry, Berube, Bliss, Briggs, Burns, Cain, Carey, Casavant, Clark, Cleary, Cotta, Craven, Cray, Curtis, Driscoll, Duchesne, Duprey, Eberle, Faircloth, Farrington, Finch, Fitts, Fletcher, Gifford, Gould, Greeley, Hanley S, Haskell, Hayes, Hogan, Jackson, Johnson, Jones, Joy, Knight, Lansley, Marean, Marley, McDonough, McFadden, McKane, McLeod, Miller, Nass, Norton, Pendleton, Peoples, Percy, Pieh, Pingree, Pinkham, Piotti, Pratt, Priest, Richardson D, Rines, Samson, Sarty, Saviello, Sirois, Strang Burgess, Sykes, Thomas, Treat, Trinward, Tuttle, Valentino, Wagner, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Canavan, Dill, Emery, Fischer, Grose, Hill, Lewin, Makas, Moore, Muse, Pineau, Rand, Vaughan.

Yes, 60; No, 78; Absent, 13; Excused, 0.

60 having voted in the affirmative and 78 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-726) to Committee Amendment "B" (H-684) was NOT ADOPTED.**

Subsequently, **Committee Amendment "B" (H-684) was ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-684).**

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

An Act To Clarify the Waste Motor Oil Disposal Site Remediation Program

(H.P. 1383) (L.D. 1947)

(C. "A" H-894)

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

On motion of Representative HAMPER of Oxford, was **SET ASIDE.**

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In regard to LD 1947, " An Act To Clarify the Waste Motor Oil Disposal Site Remediation Program," I think it is important to add to the record today that it was not the intention of the Natural Resources Committee, or this Legislature, to authorize that a premium be assessed on oil that is transshipped to destinations outside the State of Maine or with shipments going through the state. Thank you, Mr. Speaker.

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

An Act To Protect Homeowners from Equity Stripping during Foreclosure

(H.P. 1559) (L.D. 2189)

(C. "A" H-892)

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.**

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. 355

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

NAY - NONE.

ABSENT - Barstow, Canavan, Dill, Emery, Fischer, Gerzofsky, Grose, Hill, Lansley, Lewin, Makas, Mills, Moore, Muse, Pineau, Rand, Simpson.

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

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

An Act To Allow a Municipality To Adopt a Program To Provide Property Tax Benefits to Senior Citizens

(H.P. 1571) (L.D. 2202)
(C. "A" H-903)

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**.

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 Kittery, Representative Wheeler.

Representative **WHEELER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today briefly to share with you the importance of this bill, and thank the members of the Taxation Committee for their support and hard work.

As everyone in this body is well aware, property taxes increases, particularly among Maine's coastal communities, is putting a heavy burden on our senior citizens. Add to this the additional cost of fuel, electricity, and prescription drugs and a number of Maine's elderly are beginning to question whether they can remain in their homes.

This bill will simply give towns the option of creating a volunteer program for the seniors to exchange for property tax relief.

I believe everyone stands to benefit from this bill. This legislation provides needed tax relief to our seniors, while supplying our towns with able volunteers. I ask you to join me today in supporting LD 2202.

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. 356

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, 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, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Canavan, Dill, Emery, Fischer, Grose, Hill, Lansley, Lewin, Makas, Moore, Muse, Pineau, Rand.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 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.

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:

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-809)** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding the Operations of the Greater Portland Public Development Commission"

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

TABLED - March 27, 2008 (Till Later Today) by Representative **SAMSON** of Auburn.

PENDING - ACCEPTANCE OF EITHER REPORT.

On motion of Representative **SMITH** of Monmouth, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-809)** was **READ** by the Clerk and **ADOPTED**.

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

Representative **CLEARY** of Houlton **PRESENTED House Amendment "A" (H-969)**, which was **READ** by the Clerk.

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

Representative **CLEARY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a simple amendment to this bill that would require that the Greater Portland Public Development Commission provide some additional information to this body, and to the Business, Research and Economic Development Committee, so that a bill can be drafted sometime later. Thank you, Mr. Speaker.

House Amendment "A" (H-969) was ADOPTED.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-809) and House Amendment "A" (H-969)** and sent for concurrence. **ORDERED SENT FORTHWITH**

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

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

TABLED - March 27, 2008 (Till Later Today) by Representative **CLEARY** of Houlton.

PENDING - PASSAGE TO BE ENGROSSED.

Representative **SMITH** of Monmouth **PRESENTED House Amendment "A" (H-967)**, which was **READ** by the Clerk and **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-967)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

An Act Regarding Grassroots Lobbying
(S.P. 481) (L.D. 1393)
(C. "A" S-479)

TABLED - April 1, 2008 (Till Later Today) by Representative PATRICK of Rumford.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative PATRICK of Rumford, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-479)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-968)** to **Committee Amendment "A" (S-479)** which was **READ** by the Clerk.

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

Representative **PATRICK:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is an amendment to clarify a couple of things that some outside entities had problems with. They were wondering whether or not if you were on a radio or a television ad that this would be considered grassroots lobbying, and they wanted clarity in the wording so we added that. They also, the committee's intent was to not encompass the small groups; we were looking at the larger groups that utilize grassroots lobbying, so we raised the limit from \$2,000 to \$5,000.

House Amendment "A" (H-968) to **Committee Amendment "A" (S-479)** was **ADOPTED.**

Committee Amendment "A" (S-479) as **Amended by House Amendment "A" (H-968)** thereto was **ADOPTED.**

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.

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

Bill "An Act To Provide Property Tax Relief"
(S.P. 766) (L.D. 1972)

- In Senate, **PASSED TO BE ENGROSSED.**
TABLED - April 8, 2008 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **FURTHER ACTION.**

Subsequently, 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.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** in concurrence.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-555)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend Certain Provisions of the Fish and Wildlife Laws"

(S.P. 776) (L.D. 1982)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-555) AND SENATE AMENDMENT "A" (S-558).**

TABLED - April 7, 2008 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (S-555)** was **READ** by the Clerk and **ADOPTED.** **Senate Amendment "A" (S-558)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-555)** and **Senate Amendment "A" (S-558)** in concurrence.

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

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

Representative **SMITH:** Thank you, Mr. Speaker. In reference to Roll Call No. 343, on LD 2219, "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics," I voted no, and request that the record reflect that I intended to vote yes.

Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Use of Lakes by Licensed Child Care Facilities (EMERGENCY)

(H.P. 1417) (L.D. 2033)

TABLED - April 7, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-890).**

Representative DRISCOLL of Westbrook **PRESENTED House Amendment "A" (H-975)** to **Committee Amendment "A" (H-890)**, which was **READ** by the Clerk.

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

Representative **DRISCOLL:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to thank Representative Saviello; I consider this a friendly amendment, it just enhances a situation which is already in the rules. It just allows parents to know what the situation is when their kids are either going to a pool or the lake, and I appreciate his willingness to collaborate on this issue and to allow this amendment through. Thank you very much.

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

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also rise to support this amendment. I appreciate Representative Driscoll working together to make this happen, and please don't tell anybody that I am nice guy, you will ruin my reputation. Thank you very much, Mr. Speaker.

House Amendment "A" (H-975) to Committee Amendment "A" (H-890) was ADOPTED.

Committee Amendment "A" (H-890) as Amended by House Amendment "A" (H-975) thereto was ADOPTED.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-890) as Amended by House Amendment "A" (H-975)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

MATTERS PENDING RULING

Bill "An Act To Establish a Labor Center within the University of Maine System"

(H.P. 115) (L.D. 123)

TABLED - April 8, 2008 by Speaker Pro Tem **KOFFMAN** of Bar Harbor.

PENDING - RULING OF THE CHAIR.

Representative **CAIN** of Orono **WITHDREW** her request for a **RULING OF THE CHAIR.**

On motion of Representative **TARDY** of Newport, **House Amendment "A" (H-926) to Committee Amendment "C" (H-908) was INDEFINITELY POSTPONED.**

Committee Amendment "C" (H-908) as Amended by House Amendment "B" (H-964) thereto was ADOPTED.

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

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

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

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

ROLL CALL NO. 357

YEA - Adams, Babbidge, Beaudoin, Berry, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Clark, Cleary, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Gerzofsky, Hanley S, Harlow, Haskell, Hinck, Jackson, Kaenrath, Koffman, Lundeen, Marley, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Piotti, Pratt, Priest, Rines, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Barstow, Beaudette, Beaulieu, Berube, Blanchard, Browne W, Campbell, Casavant, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgcomb, Finley, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hayes, Hogan, Jacobsen, Jones, Joy, Knight, Lansley, Lewin, MacDonald, Marean, Mazurek, McDonough, McFadden,

McKane, McLeod, Millett, Nass, Pieh, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Connor, Dill, Emery, Greeley, Grose, Hill, Johnson, Makas, Moore, Muse, Pineau, Rand, Tuttle.

Yes, 70; No, 68; Absent, 13; Excused, 0.

70 having voted in the affirmative and 68 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "C" (H-908) as Amended by House Amendment "B" (H-964)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

UNFINISHED BUSINESS

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

Bill "An Act To Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products"

(H.P. 1432) (L.D. 2048)

TABLED - April 7, 2008 (Till Later Today) by Representative **PINGREE** of North Haven.

PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (H-898) AS AMENDED BY HOUSE AMENDMENT "A" (H-948) thereto.

Representative **TARDY** of Newport **PRESENTED House Amendment "B" (H-973) to Committee Amendment "A" (H-898)**, which was **READ** by the Clerk.

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. House Amendment "B" makes any fees set by the department, in the bill, subject to review by the Legislature through the major substantive rulemaking process, and it is offered as a friendly amendment.

House Amendment "B" (H-973) to Committee Amendment "A" (H-898) was ADOPTED.

Committee Amendment "A" (H-898) as Amended by House Amendments "A" (H-948) and "B" (H-973) thereto was ADOPTED.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-898) as Amended by House Amendments "A" (H-948) and "B" (H-973)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

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)

(S. "A" S-531 to C. "A" H-818)

- In House, **PASSED TO BE ENACTED** on April 4, 2008.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-818) AS AMENDED BY**

SENATE AMENDMENT "B" (S-560) thereto in **NON-CONCURRENCE**.

TABLED - April 8, 2008 (Till Later Today) by Representative MARLEY of Portland.

PENDING - **FURTHER CONSIDERATION**.

On motion of Representative MARLEY of Portland, the House voted to **RECEDE**.

On further motion of the same Representative **Senate Amendment "A" (S-531) to Committee Amendment "A" (H-818)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "A" (H-976) to Committee Amendment "A" (H-818)**, which was **READ** by the Clerk.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Before I talk about this amendment, let me just give everyone in this body a piece of advice: If anyone asks you to put in a bill on local road associations, respectfully decline. It is excellent advice. I don't think I've spent more time and energy on a bill than on this bill, but it is interesting. This is probably the purest form of democracy that we still have, if you will, and a lot of this has been about governance, so that is what this amendment really is about.

This amendment, if you have had a chance to look at it, basically says that, except if that the bylaws of an association authorize, is more than one vote, each parcel may have two votes under the subsection, because some of these road associations actually allow two votes per parcel and that is what has been this real conflict with the law is. Several years ago when we put in this road association law, we dictated that they had to do it by evaluation, we told them how they had to run their road associations, and these really are community members coming together in good faith, trying to find the best way to take care and maintain these public roads. So this simply will allow some flexibility in some of these unique situations in other parts of the state that we had not anticipated, so with that, I hope you support Adoption of House Amendment "A."

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

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to thank the Representative from Portland, Representative Marley, and the Senator from Hancock, Senator Damon, for their indulgence. I know that they spent a great deal of time on this bill. And about 9 o'clock, two nights ago, I had a call from a constituent who owns a camp on one of these roads, explaining that she looked at this bill online and she thought everything was great, but there was one small problem that had to do with the fact that her association had bylaws, and this would override one specific bylaw that she cared about. Representative Marley was very generous in helping me to amend this bill on the floor at this late hour to be able to respond to her concerns, so I want to thank him, and I want to thank members of the House. I hope you will support this.

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

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have had more than one public hearing. We have formed a study group that met a number of times—there is nothing in the bills—and it has been amended a number of times. This is an issue that has been discussed in earlier sessions, will be discussed in the future. This particular amendment was in place in case a

husband and wife cannot agree. The other bylaws that are in place will take precedent. I think that this is kind of the final straw, and I move this amendment to be **Infinitely Postponed**.

Representative **BROWNE** of Vassalboro moved that **House Amendment "A" (H-976) to Committee Amendment "A" (H-818)** be **INDEFINITELY POSTPONED**.

Representative **FISCHER** of Presque Isle **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-976) to Committee Amendment "A" (H-818)**.

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

On further motion of the same Representative, **TABLED** pending the motion of Representative **BROWNE** of Vassalboro to **INDEFINITELY POSTPONE House Amendment "A" (H-976) to Committee Amendment "A" (H-818)** and later today assigned. (Roll Call Ordered)

Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

(H.P. 1531) (L.D. 2151)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854)** on April 2, 2008.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854) AND SENATE AMENDMENTS "A" (S-537) AND "B" (S-557)** in **NON-CONCURRENCE**.

TABLED - April 8, 2008 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **FURTHER CONSIDERATION**.

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

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-935) - Minority (6) Ought to Pass as Amended by Committee Amendment "B" (H-936) - Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To License Certified Professional Midwives"

(H.P. 1616) (L.D. 2253)

TABLED - April 8, 2008 (Till Later Today) by Representative SMITH of Monmouth.

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

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

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I strongly support the choice of mothers to have babies at home, so I want to make sure there is no misunderstanding about that, and I believe that families have a right to select that their care provider be whomever they choose to handle that delivery. In low risk situations a home birth can certainly be a very appropriate choice, and I believe that process should be as safe as it possibly can be. I also believe that access to medication is an important component of that process. We have a legislatively prescribed review process to determine what professions are licensed. That is part of the Professional and Financial Regulation Office, and it is called Sunrise Review. Had that process been in place over the years, many of the things that we currently license would not be licensed today, and we expect to be reviewing and eliminating many of those unnecessary licenses in the future.

It is important to remember why we license: We license to

protect the public's health and safety based on a demonstration of need for that protection; we do not license to increase the stature of those individuals whom we license, though that may be a result of our licensing. We do not license to improve communications with other licensed professionals, though that may or may not be an outcome of licensing. We license for one reason and that is to protect the public health and safety of the people of the State of Maine.

We had no one come and testify that they felt that the public health and safety was at risk without licensing. In fact, even the certified professional midwives testified that they did not want to prohibit unlicensed practice of midwifery. That also was the outcome of the Sunrise Review that was carried out based on the BRED Committee's request last session. We are sensitive to the need to safely provide a limited number of drugs in very specific circumstances during delivery, much the way an EMT is allowed to administer drugs in specific settings where they would otherwise not be given such authority. We further believe that expanded discussions between doctors, pharmacists, and CPMs would benefit from ongoing conversations to improve communications, and to foster and build a common understanding of issues related to midwifery.

Again, it is important to remember that we have a very specific process to licensed professions: Data is gathered as to the size of the affected group, outcomes are reviewed, in this case comparable outcomes to hospital for simple births were cited. In a look back over the past five years, no specific examples of harm that would have been impacted by licensing were presented. Voluntary self-regulation occurs here in Maine through the Midwives of Maine, which has had a standard of practice in place since 1983. Also, the North American Registry of Midwives, which provides testing and certification, is where your certified midwives receive their current certification. Cost to implement licensing would be substantial. Given the need for self-funding of licensing and the small number of practitioners, somewhere between 22 and 24 currently, current law views childbirth as a natural, normal process; I hope we would all agree with that. It does not involve the practice of medicine. Approximately half the states, actually it is slightly fewer than half the states in the United States, offer midwife licensing, but that license varies from registration to a full-blown license and testing. It is problematic whether those states have a comparable process to our Sunrise Review. That process would not have allowed many professions, as I said earlier, that are currently licensed to be licensed.

This is not about whether or not we like our midwives. I can tell you, over the past two years having had the midwives come to our committee repeatedly and I know you have seen many of them in the halls, and I can honestly say that I have some very good friends that are midwives. I like my midwives; I think it is a wonderful thing that they are here in Maine. I think we would all agree that they carry out an exceptional practice and it is a valuable service to those who choose to give birth in their home setting, but this is also about honoring our legislatively prescribed process to determine whom we need to license. If that process is not appropriate then the process should be changed, but to simply ignore the outcomes of that discussion, based on a motion and love of our midwives, would be sad indeed. I urge you to defeat the Majority Report. And Mr. Speaker, when the roll is taken, I request the yeas and nays.

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

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

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a bill about childbirth. I think it is appropriate we start with our breathing exercises, everyone together. Is that familiar to anyone? I have a deal for you. If I can see it by a show of hands, 80 people are so willing to vote with me on the Majority Report, I will not share with you the stories of the three births that I have been an intimate part of with my three children, otherwise—I got one hand, anyone else?—I cannot guarantee, but there is a distinct possibility you are going to hear some birth stories today, but I won't start there. This is not a woman's issue, in my opinion; this is a family issue. This is about choices that families make. Men in the body here today, I encourage you to be a part of the debate, particularly if you support the Majority Report, but hopefully you have been part of the birth of your children or your grandchildren, and I am pretty sure that you yourselves were born at one time, so this is relevant to all of us in the body.

You have gotten a bit of a piece of the background, let me tell you a little bit: Certified professional midwives are licensed in 23 states; ours in one of many states considering this action this year. There are 21 certified professional midwives in Maine. The background has been given to you by Representative Rector. There was a Sunrise Review done by the department as a result of a bill that I brought forward last year. The department said that this does not rise to the level of needing licensure because there isn't a public safety issue. The key point to remember, on the BRED Committee, we are charged with either accepting the recommendation from the department or not. In this case, we did both. You will see Majority and Minority Reports that either go with the department or go against it saying that licensing is appropriate.

The rationale for licensing is simple: Home birth happens; it is a choice that is made by some families in Maine. The 21 certified professional midwives each do one to three births a month, that gives you an idea of the scale we are talking about. Homebirths happen in Maine and, as you will see in the handouts that have been coming from both sides of the aisle, both the Minority and Majority Report believe it is appropriate for the certified professional midwives to have access to five different tools of the trade. You will see that on one of the handouts, they include oxygen, oxytocin for use in postpartum treatment, Vitamin K, eye prophylactics, and local anesthetics and numbing agents for the repair of lacerations. Where the two reports differ is in licensing. I believe it is appropriate to have licensure if you are going to give people the ability to possess and administer these medications. It is a way to hold them accountable and a way to deal with issues that may arise. It is also important to note the certified professional midwives want to be licensed; they want the level of accountability that comes with licensure.

As a final point, I just need to respond to one point on one of the handouts that comes in support of the Minority Report. In opposition to the pending report, they say public confusion is a reason not to license. This came up from one of the doctors who testified in the public hearing. He said women would get confused if we licensed the certified professional midwives because it is too many titles and we won't really understand who it is we are hiring to help us with the birth of our children. I found that argument unbearably insulting then, I find it unbearably insulting now that women and their families don't have the aptitude as they are researching who to help them with their births, to do some research and find out the different options. There are valid options for within the hospital, I believe there are valid options for births that do not happen in the hospital. I

believe that birth is basically a natural process. There is a screening process the certified professional midwives use to determine if the woman is an appropriate candidate for a home birth. If they pass that criteria and continue to be as they are monitored through their pregnancies, then I think it is appropriate to have the licensed professional midwives to be there to service them. I encourage you, please, go with the pending motion and support the Majority Ought to Pass, or there will be baby stories happening soon here on the floor. Thank you, Ladies and Gentlemen.

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

Representative **PRESCOTT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I thought that you may want to hear my views, being a member of the Majority Report, concerning the licensure of certified professional midwives, not to be confused with alewives.

First and foremost, there has been discussion about the credentialing factor involved. NARM, you will here that term used, North American Registry of Midwives is the credentialing agency that oversees them. It is a federal oversight agency from the National Commission on Certifying Agencies, the NCCA, not to be confused with the NCAA and basketball, although I can assure you that delivering a baby is like delivering a basketball. This agency is the same agency that oversees credentialing for the certified nurse midwives, who are the ones that work in the hospital and in birthing centers. Although they do not have the same credentials, I just wanted to point that out, that this federal agency does oversee both groups.

I have some points to bring forth, in no particular order, but I hope that I can open your mind to a thought or two in favor of licensing. There needs to be a clear understanding about the philosophical differences between birth in a hospital or birthing center, and the choice to deliver in one's own home. This is medical versus natural. The medical community does not support home birth at all, that is their choice. But there has to be a choice out there for those that do not believe that way and want to deliver at home, and these people have been out there, they are practicing currently and they will continue to do so. Although I respect the Sunrise Review process, I have to disagree with one of the major reasons for not supporting licensure, that it had found no health or safety issue or no medical safety concern with home birth. I strongly and respectfully disagree.

I will spare you my own birthing stories, all three of them, because I am sure and somewhat confident that others will have their stories to share, but I will say that birth always presents a safety risk no matter where it takes place—whether it is in the hospital, a birth center, at home, or even in your car—and yet with home births, this method is natural and that is what the philosophy is all about: natural without drugs. The drugs that were discussed that are in both reports, both the Minority and the Majority, exactly the same, one of the big things that stood out for me was that these drugs, especially the one oxytocin for anti-hemorrhaging, may only be used once in an entire career for a midwife, so that will tell you how often these drugs are used. Some of the eye drops and some of the other drugs may be used on a more regular basis, but the oxytocin is not something that is used all the time, keep that in mind. They are used under the most extreme circumstances, when absolutely necessary.

Both reports grant the certified professional midwives with limited medications. The Majority Report allows for oversight and the vehicle for dealing with complaints and for risky practice by licensing; this will not be covered in the Minority Report. If we were to grant this medical access, we can't then afflict the ostrich and stick our head in the sand and send these practitioners along

their way. By licensing we are responsible, accountable, and proactive. Midwives and homebirths are not going away; their numbers are growing and we cannot ignore this fact. Home birth is a choice; it is a natural, non-medical experience at home, unless there are complications between a mother-child and CPM, certified professional midwife.

Lastly, one makes similar choices when seeing an acupuncturist or by getting a tattoo, both of whom are licensed professionals. I won't ask to see anyone's tattoos, don't worry. Is this for everyone? Absolutely not, but there are health risks involved with the use of needles in both of these professions that I just mentioned. People enter into these agreements knowing the risks and go for it anyway. This is the same for home birth: Those who choose this route know that there may be a risk; they know what home birth is all about. They develop a relationship with their CPM and are informed of the risks, and enter into a birth agreement for the experience of their childbirth. Licensing midwives is recognizing the practice of home birth and gives them the accountability and oversight to keep their practice and patients as safe as possible. Please follow my light and support the Majority Report. Thank you.

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

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't have any prepared speeches today. I would like to point out to the House, though, these are not medical people, they are not nurses, they are not doctors. There are nurses that are midwives, but we are looking to give legitimacy and a license to people who catch babies. I don't have any problems with lay midwives, but I have great concerns about giving them a license, because with all due respect to the Representative from Monmouth, it will create a tremendous amount of confusion because when the general public, who does not know the difference between a doctor and a dentist and a podiatrist, hears that there is a license now for this lay midwife, it is going to create a lot of confusion. So I would ask to vote against the pending motion and let the Minority Report flow forward. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: A mathematical relationship there, Mr. Speaker: The greater number of times one gets up to speak is inversely proportional to the number of people who would listen to him, but you were the exception, Mr. Speaker.

I would like to comment briefly on LD 2253, the amendment of licensed certified professional midwives to rule greater public safety and access. I do represent an area in northern Maine that, at best, is not wealthy. It is a rural area and that is why midwives do play and can play a very important role. As all of you are aware, I am sure, midwives have played a very important role in community life, both in Europe and America, from the earlier colonial days of New England to the westward movement of the pioneers, midwives were an integral and essential part of each settlement. Over the past 10 years, from 1997 to 2006 inclusive, approximately 140,000 babies were delivered in the State of Maine. Of that 140,000 babies, about 1 percent or 1,400 babies were delivered by midwives. According to the Sunrise Report, which I did plow through incidentally, no major problems were reported. In Maine, many parents want their child delivered in a home environment under the most natural conditions. This gives many of them a feeling of being closer to the family and natural birth, or the way things used to be.

Mr. Speaker, not to be ignored is a financial issue, when one considers the high cost of health care. A family may save, literally, thousands of dollars when comparing the cost of both

procedures. Birthing in a hospital may run anywhere from \$8,000 to \$12,000, whereas the average cost of a midwife delivering a child may be around \$2,500. That is a substantial savings for poor rural families. Incidentally, the use of midwives would remove the pressure on both hospitals and doctors to give them freedom either to do more complex tasks or concentrate on more pressing matters.

The major opponent of midwives licensing seems to come from the medical community, specifically gynecologists and pediatricians. Considering the above number, at one percent of all the births, the interference and their financial reimbursement would be relatively minor.

Mr. Speaker, today the midwives of Maine are asking that you, the Legislature, give them the ability to obtain a license. Your endorsement, as a legislative body, will give them legitimacy or will give legitimacy to their credentials, and confidence in performing their duties as midwives. It will also enable them to prescribe medication that will help them in carrying out their duties. I won't go over the names of these medications, but they are very important. By granting them this opportunity, they could practice with more professional dignity and respect. More importantly, by obtaining a license from the State of Maine, they would then have the ability to have access to a number of medicines, including oxygen, which is so necessary in helping them to perform safe deliveries. This would greatly facilitate their work and increase the safety factor; therefore, I am asking you, my fellow Representatives, to join with me in voting to support their cause. Thank you and thank you, Mr. Speaker.

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

Representative **PENDLETON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. To me, this is not an issue about home birth, actually. What it is, it is an issue about the qualifications, the education and the training that a person has to do these home births or any other birth. I am a registered nurse; I am a licensed registered nurse. I spent many years going to school. I took college courses, of course, because it is a college degree; I took internships and I had to participate in job shadowing, and certain abilities I had to be supervised in any kind of procedure; I had to take pharmacology classes, and in order for me to become a licensed certified nurse midwife, I would have to get my master's degree. Now have I delivered babies? Yes, I have, because I work in obstetrics as a nurse in obstetrics, taking the extra courses, the pharmacology, and all the other things that I had to take in order to have that position. Now, I would say to you that I feel myself rather upset about this, because now the Legislature is saying well, licensed, registered nurse, you went through all that, you went through all that experience, you have delivered babies, but now we have lay people. They have had experience, they have had education. They are not required to have a high school diploma; I was. They are not required to have a college degree; we were. They are not required to have a graduate degree to be a certified nurse midwife with a license; we are. And do we take course in pharmacology, yes we do. Do lay nurse midwives? It says not required.

It was mentioned that there was a national exam for certified lay midwives, not to be confused with a certified nurse midwife. That agency, the North American Registry of Midwives, is a private organization not affiliated with any institution of higher learning. When I took my state boards for the State of Maine to be licensed in the State of Maine, I studied for months and months and months, just to sit for those boards. So it seems to me that if we want to have births at home, we need to have people who are qualified and not just given a license because the Legislature decides they ought to be licensed. Thank you, Mr.

Speaker, and thank you for your time in listening to me everyone.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do have concerns about licensure and a part of this is called sanction. People have the ability to have their babies at home. Licensure is not going to allow that to happen, to prevent it from happening. My concern about licensure is that we are going to sanction something that needs to be well thought-out and researched by the people who choose to do this.

Representative Ayotte mentioned that this would be good for the poor people who are in his area, and my big concern is that then it becomes a health risk, because many times our poor have more problems with health and also health at pregnancy than any other economic social group. This isn't a solution. My concern is with licensure, we actually may create a safety situation where the research is not going to be as carefully done, where people are not going to carefully research the risks that they are taking by having a home birth.

Another indication is that all hospital births are medicated births. That is not the case either. As a matter of fact, most of the hospitals now offer a family birth and a birthing-center-like area, no medication needed unless that is exactly what the patient wants. Childbirth is transition. You know, if it was normal, natural and not unsafe in certain circumstances, then they wouldn't be asking for the oxygen, they wouldn't be asking for the oxytocin. I just want to make sure the people who choose this make those safe, thoughtful choices. They are not prevented from getting it today, they won't be tomorrow. I just question whether a licensure is appropriate now, and my concerns are that it may actually create more of a safety issue than we are dealing with now. Thank you.

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

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was on the Majority Report and I do urge that you support the Majority Report when you press your light. You had to have sat in the committee to have experienced the kind of neverworldness of listening to our own agency tell us that there was no safety concern whatsoever with midwifery at home; therefore, we did not need to license it, so I think that goes against some of the words you have heard here today. Our agency told us there was no safety concern, and then we have the Maine Medical Association coming in front of us and telling us that this shouldn't be happening because it is too risky. I submit to you that there is a good, reasonable middle ground that we ought to occupy and that reasonable middle ground is licensure, which allows us to understand what is going on and allows us to create a disciplinary body which can take care of problems if they do occur. Otherwise, as people have said, midwifery is going to be going on, birthing at home is going to be going on in the State of Maine. The state will have less knowledge and less ability to be able to deal with any problems that might come up with it, and I think that licensure, my focus on licensure, is not that it provides any sanction for anybody or any degree of answering for their work, rather it provides a control mechanism that the state can have over what goes on in this whole sphere.

With regard to safety, one of the nations in the world that has the highest rate of births at home, Holland, the Netherlands has about 40 percent of its births occur at home, 40 percent; in Maine it is only one percent. But in Holland, where 40 percent of the births occur at home, they have the lowest rate of perinatal mortalities in the world, so you can't tell me that home birthing is

unsafe. I don't believe that it is unsafe, but I don't believe it is totally a risk free environment. That is why I think we need some licensure over it and if we are going to be providing, allowing people to go into people's homes and help them with home births and allow them to have medicine, I think it makes all the sense in the world to license them and have a degree of control over it that the licensure would bring. So in order to bring that kind of rationality to this practice, I hope you will support licensure and go with the Majority Report when you take your vote. Thank you, Mr. Chair.

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

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

The SPEAKER: The Representative may pose his question.

Representative **KNIGHT**: Thank you, Mr. Speaker. Listening to Representative MacDonald, a question occurred to me about the potential risk. If there is a problem and I was heavily lobbied out in the hallways, and one of the questions I forgot to ask is do these midwives carry insurance. Can someone answer that question for me? Thank you.

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

Representative **SMITH**: Thank you, Mr. Speaker. This came up earlier, and I actually looked into it and found they cannot get liability insurance right now; one of the first steps to liability insurance is licensure. You cannot get insurance without licensure. What they currently have is informed consent documents that state their level of experience and the fact that they do not have liability insurance. If you believe liability insurance is an important issue, licensure is the first step to get there. Thank you.

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

Representative **PRATT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will try to be brief, you know me though. I rise in support of the Majority Report for a lot of reasons, and one of the things that frustrates me the most that I have been hearing today, hearing throughout this argument, is it is kind of an us versus them mentality. Oh, it is the doctors on one side and it is these nurse midwives on the other, and that is one of the issues that we deal with.

I am currently an EMT Intermediate. That allows me use of certain drugs, under a standard scope of practice, that I am allowed to use. I took a one-semester course covering not only pharmacology and other aspects of cardiovascular and respiratory emergencies and such, for a paramedic in this state, a paramedic—which I am in paramedic's school and if we ever get out of here this year, I hopefully will graduate from paramedic's school within a year—you take a one semester class on pharmacology. I have, in my drug box as a paramedic, over 13 drugs; different doses, different concentrations. I could do far, far more harm with those 13 drugs than what these folks are asking for, and I am licensed and I should be licensed, because do you know what happens when I mess up, when I give the wrong drug, or I do something wrong? They take my license and say you can't do this anymore. That, to me, is one of the biggest reasons for doing this. I agree with the good Representative, Representative MacDonald from Boothbay. We are hearing two sides. We are saying they are too safe to need licensing because it is not an issue, or we are hearing it is so unsafe that we don't even think it is a good idea and people shouldn't be doing it so we are going to ignore it. That doesn't make any

sense to me, it doesn't make any sense to me. We are not talking about a bunch of rubes running around birthing babies, and I take a little bit of offense when I hear these terms like "lay people" thrown around like some type of horrible term. These are trained people. I have worked with these folks now for almost two years, throughout this entire process. No one cares more about their clients than these folks here, and that is why they go and they get this training. I love this little piece that the MMA put on here about no high school diploma required, no college degree required, no graduate degree required.

First off—which is also an example of a paramedic, because you don't have to have any of those things either and they give us 13 drugs and license us, so I don't understand that—the majority of these certified professional midwives are going through at no less than a three year, accredited college class activities. We are lucky here in the State of Maine. We have one of the very few of these institutions of learning in the country out in Bridgton. If you were to look and I wish I was able to hand out to you the semester-by-semester breakthrough of what these people are doing, I think you would be impressed. You wouldn't say wow, these people, they don't know what they are doing; they catch a couple of babies and take a class and that is it, as I have overheard in the halls, which is just frustrating to me. The minimum documentation and supervision, you've got 20 births as a primary, 20 births as a participant, 75 prenatal appointments as a primary midwife, 25 postpartum appointments, 25 newborn exams. The education and the training is there. I don't believe that is a worthy argument against this, I really don't. If I thought for an instant that we were putting our citizens at risk by licensing these people, would I be standing here? Absolutely not. If anything, we would be doing a benefit to our citizens by licensing these people. They came to us looking to be regulated. How often does that happen? How often do we hear we over regulate, we are overregulated? Fewer people that have the lives of two people in their care, who care deeply about what they do, and all they are asking is to be able to legally obtain and get the drugs that they need to do their job in the State of Maine, and to be recognized as 23 other states do, that this is a legitimate job and that they do a good job. I urge you, I urge all of you to really think about this and realize that your personal beliefs and personal feelings about whether a birth should happen in a hospital or a birth should happen at a home, or a birth should happen in the back of my ambulance driving 95 miles per hour down to the hospital, realize that people have different belief structures and they come from different backgrounds. I respect the fact, I respect the doctors that say they believe this should happen in the hospital—I respect that. All we are asking is that they respect the choices of others and allow them to choose who they feel best aligns with their philosophies.

In conclusion, if you have licensing, you have control over what training requirements are; if you feel that there is somehow substandard training, you can fix that. There are lots of things you can do when you have licensure. If you don't have licensure, you don't have anything and you have the status quo, and if you are alright with the status quo then that is fine. I personally believe it is time for us to do the right thing, let these folks have their licenses, let them do the great job that they do, and I encourage you all to support the Majority Report. Thank you for your time.

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

Representative **AUSTIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House of past and present childbearing age. There are few experiences that stand out in one's memory like birthing and bringing new life into this

world. Today, I am speaking on methods of achieving that precious moment in time. Birth can be accomplished within a hospital, within a home and just about anywhere else, with or without assistance, in the best of delivery experiences. It can be just that natural.

Maine has a long tradition of midwife-attended births and, due to many factors; the choice of birthing at home has maintained a presence over the years. Some of that interest, I would credit to the return of the art of breastfeeding as the method of nourishing our newborn young. There is a significant percentage of home birthing mothers choosing breastfeeding in tandem with staying at home to deliver. Today, I do not stand to interfere with this birthing option. I firmly acknowledge that home birth plays an important role in the decision process of many parents to-be. Parents want to have a birth that reflects their goals, goals for their child's very first moment of life outside the room. I do stand, however, in opposition to the licensing of this group of certified professional midwives.

Our committee, as you have heard, subscribed to a Sunrise Review. It was the conclusion of the review by the director head, that their practice did not warrant licensing. They have been successful. They have been successful in delivering their services in both urban and rural Maine. They have not been regulated to date, and there has been no evidence of negative events documented. The Sunrise Review stated that they present no threat to the citizens of Maine. This group desires to be able to access and administer five very specific medications. Through language that has been drafted, this prescriptive access can be accomplished without licensing. Lack of licensure does not preclude access to these medications. There has been mention of concern that bestowing licensure can give an extended seal of endorsement from the State of Maine that may possibly be misinterpreted by those mothers choosing from amongst the many different paths of midwifery, to accomplish a very personal home birth. There is a critical piece of this home birth experience that granting licensure does not assure. That is the transfer of a mother who faces unexpectedly difficulty in delivering her newborn at home. It is for those incidents that attention is warranted for safety and for comfort. Combined knowledge and collaborative attention from the receiving medical facility and the attending midwife to the mother and baby is most critical to the births that require resuscitative efforts. Granting licensure does not address or guarantee that this transfer of mother will be accomplished in a blended, teamwork fashion from midwife to hospital. I sense that the issue of licensure is perceived by this group of midwives as a necessary step in gaining respect from the medical community for the very good, valuable, and worthy work that they do. However, this is not the role of licensure. As a mother of four, who labored through birthing, and as a Grammy of three new granddaughters, who has now watched this beautiful process from a very special vantage point, I believe we can continue to value the options we have for our new parents to choose from. In doing so, we should encourage and set the tone for more collaboration of valued services in all locations: for the birth, for the welfare, of the safety, and the reasonable allowed protocols of care.

In closing, Mr. Speaker and Ladies and Gentlemen, I respectfully support the continuance of homebirth with the legal limited medication access that will ensure safe deliveries when the individual case warrants. I ask each of you—man, woman, and all of us at one time child—to think about this bill to extend licensure. Will this present group of providers give any better service in care than they do today with their current certification by being granted licensure? Thank you very much, Ladies and Gentlemen of the House, I ask you to follow my light.

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

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

The SPEAKER: The Representative may pose his question.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I truly rise undecided on the pending Committee Report, but do want to pose a question through the Chair.

My question to anyone who may wish to answer. I look at the language of the bill and I see that it outlines the process for this licensing, as well as the medication aspect that has been discussed on the floor today, in both Committee Reports. My question is what mechanism is going to be present to help the public in their decision and their understanding concerning all of the licensed medical professionals in this category? I do understand what the Representative from Monmouth said before about not taking for granted the intelligence of our public, but would like to know what our government is going to do in explaining what these licenses mean for their wellbeing and that of the children that are being delivered. Thank you, Mr. Speaker.

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

Representative **SMITH**: Well, I am trying to understand the question how the state is going to differentiate between the different licenses, and at this particular point my new computer has gone black on me so we are going to wing it, so I don't have a copy of the bill in front of me.

The way that licensure works is, it is kind of an oxymoron of a question; there are 40 professions that are licensed. Hidden within my computer is the list of them, but they include things like dieticians—I am trying to think of just the medical related—massage therapists, all the lineups of doctors, naturopaths, nurse practitioners, chiropractors, pharmacy technicians, audiologists, acupuncturists, podiatrists, radiology technicians, veterinarians just or variety. The sense is it comes back to the issue of women being confused and it isn't, and it certainly is in no disrespect to the nurse midwives who practice in hospitals. This is a different art, it is a different delivery system. Women are not confused. There was testimony telling us that people were confused by the different kinds, there are actually three kinds. Earlier, someone in opposition to the pending motion referred to the group we are talking about as lay midwives. That is not true. There is a third group that is not even part of the discussion; this has not been an issue.

The issue of safety has come up on both sides that the Sunrise Review showed that this is so safe we don't need to be licensed and that licensing is an endorsement of an intrinsically unsafe practice of home birth, so I struggle with that one as well. I hope that has addressed the good Representative's questions.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To paraphrase a favorite line of mine from an old movie, I don't know nothing about birthing no babies. But I do have a question to pose through the Chair.

The SPEAKER: The Representative may pose his question.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have reviewed this bill, the Majority Report, and I note that granting this license allows a midwife to call herself a licensed midwife, but I wonder if there was any consideration given to controlling the practice of

midwifery without a license. What is the distinction other than just the L.M. after the name?

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. You all are getting to learn how we spend our days in the BRED Committee. There are two types of licensure: practice and title. Title licensure, which is what this is, says in order to call yourself this, you have to be licensed. This is title licensure, and in order to call yourself a licensed midwife you have to be licensed. Practice says in order to do this scope of practice, you must be licensed. As an example, I am a licensed forester. In order to accept payment for creating a forest management plan for a landowner, you must be a licensed forester. Landscape architecture is another example of title practice, where in order to call yourself a landscape architect, you must be licensed, the scope of practice is not involved. This issue comes up because I believe there are two elderly women who work in religious, Mennonite, I believe, is the sector. It is against their basic faith to be licensed by the state. We don't want to intrude on that practice in a very small, special population in this state. What we are dealing with here in title licensure to call yourself a midwife. Thank you.

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

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The opponents to this bill will tell you that professional midwives do not have enough training, there is concern for public people's safety and health, and the only really safe treatment is with a medical doctor. I would like to give you some dates and some information to look up in the Law Library downstairs, because these are the exact arguments that the medical community has made against osteopathic doctors when they came in front of us to be licensed; acupuncturists, when they came in front of us to be licensed. Nurse practitioners, when they came in front of us to be licensed, the date for that debate on the floor of the House was June 26, 1995, and on that day the opponents to licensing nurse practitioners, they will tell you that advanced nurse practitioners do not have the appropriate medical training. So I urge you to go look at this testimony, because I find it fascinating that in a state where we have such an enormous variety of good opportunities for safe delivery of our children and the organizations that went for licensing within the last 10 and 15 years, that was the same language that was used against them and now that is being used against the professional midwives. Right now, we are having babies at home. It is a family choice. Please support the Majority Ought to Pass as Amended Report.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do have a concern about a licensed midwife. One licensed midwife is a regulated midwife with requirements for education set by the state, and then another licensed midwife that is title only; do you think this is not going to be confusing? Do you think this is not going to add a state sanction to this, and that those choices might be less carefully made as a result of that? I want you to think about that. Thank you.

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

Representative **SAMSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was a swing

vote in this and what tipped the scales in my favor was all of the questions that have come up today. Licensing gives us oversight, we will know what is going on, we do not know it now. This is a choice that people make, to seek out a midwife; it is not our choice to make and we are not changing that by doing this. It just gives the state a mechanism to oversee this group and to add education late, if that is what the board decides, because this is going to an existing board, there will be oversight, that is what tipped it in my favor. I wanted the oversight rather than just letting it out there on its own. If that makes any difference to any of you, I appreciate you voting in favor of Passage. Thank you.

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

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

The **SPEAKER**: The Representative may pose his question.

Representative **SAVAGE**: Thank you, Mr. Speaker. Licensure, to me, people think of certain amount of training, usually formal training, and I think that is what the public will perceive. I see here where midwives can give oxygen, oxytocin, eye prophylactics, and so forth. What assurance do we have that these people are qualified to administer this? I certainly wouldn't want to try it. What assurances do we have on that? Thank you.

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

Representative **SMITH**: Thank you, Mr. Speaker. The question validates the need for licensure.

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

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to quickly rise. I was not going to rise, but I am going to stand up and just say that I was on the Minority Report on this particular bill, and I will be voting against the pending motion and I just want to tell you, really quickly, for two major reasons.

First is, this body passed the Sunrise Review process. This body, in previous legislation, said that we are going to identify several factors that a body coming forward and interested in licensure needs to pass in order to actually be granted licensure. There are 13 different factors that need to be met, or the threshold needs to be met, in order to grant licensure or move forward with licensure. Those factors were not met, and I respect my good Chair from Monmouth that it is our opportunity to say either yea or nay to that report, but what is the point of having a Sunrise Review if we are not going to consider what the independent person believes after extensive research, after extensive input. So I guess I am just wondering why we would have a Sunrise Review process if we are going to ignore the findings.

Second, I just want to point out that I do think there is a disparity in education and I think we cannot ignore the disparity in education, formalized education here. So that was the second reason why I voted that way, and with all due respect to my fellow colleagues on the Majority Report, I encourage you to support the Minority Report that will be coming, hopefully after we reject this piece. Thank you.

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

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to try to answer Representative Savage's question. The certified professional midwife has a credential that is offered by the North American Registry of Midwives, and that group, the North

American Registry of Midwives, is certified by a federal agency, and that federal agency who certifies them is the same federal agency that certifies the education for the nurse midwife in the hospital. So it is a well-established registration process and certification process that, I think, one can have confidence in. Thank you, Mr. Speaker.

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

Representative PERCY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to address a couple of things. First of all, this Legislature is not held by anything that is done by a previous Legislature, and so I trust the work of the committee, both the Majority and Minority Reports, the committee did an excellent job with a difficult subject.

The other thing is I would like to say that in the testimony back in 1995, when the medical associations tried to prevent nurse practitioners from being licensed, the argument said that training does not give nurse practitioners the skills needed to diagnosis and treat medical problems. This is a real concern to me that we have that kind of double standard, and so I would ask you to please consider voting to support the Majority Ought to Pass as Amended Report.

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

ROLL CALL NO. 358

YEA - Adams, Ayotte, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Cleary, Conover, Craven, Cray, Curtis, Driscoll, Duchesne, Eaton, Edgcomb, Emery, Faircloth, Farrington, Fisher, Fitts, Fletcher, Gerzofsky, Gifford, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Kaenrath, Koffman, MacDonald, Marley, Mazurek, McFadden, McLeod, Miller, Millett, Miramant, Patrick, Peoples, Percy, Pilon, Pingree, Piotti, Pratt, Prescott, Richardson W, Rines, Robinson, Samson, Sarty, Saviello, Schatz, Sirois, Smith N, Sutherland, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Valentino, Wagner, Watson, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Beaudette, Beaulieu, Berube, Brautigam, Chase, Clark, Cotta, Crockett, Crosthwaite, Dunn, Duprey, Eberle, Finch, Finley, Fischer, Flood, Giles, Gould, Greeley, Hamper, Hanley S, Jacobsen, Jones, Joy, Knight, Lansley, Lewin, Lundeen, Marean, McDonough, McKane, Mills, Nass, Pendleton, Perry, Pieh, Pinkham, Plummer, Priest, Rector, Richardson D, Rosen, Savage, Silsby, Simpson, Strang Burgess, Sykes, Tardy, Trinward, Tuttle, Vaughan, Walker, Woodbury.

ABSENT - Connor, Dill, Grose, Hill, Johnson, Makas, Moore, Muse, Norton, Pineau, Rand.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-935) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-935)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-633)** - Minority (4) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Recouple Maine Estate Tax with Federal Estate Tax"

(H.P. 1081) (L.D. 1556)

TABLED - January 3, 2008 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I speak in support of the pending motion. I do so, fully cognoscente that this bill will not be passed into law, not with a \$26 million Fiscal Note. So I am rising not to persuade anyone of anything, but rather to use this opportunity to share some views about the estate tax.

First, I want to be clear, unlike many of the people who will most likely join me in voting of this motion, I am a fan of the estate tax. I think it is legitimate, appropriate, maybe even necessary for our society to tax wealth before it is transferred to the next generation. The problem is that our federal estate tax system, in its current form, is, in my opinion, broken. The older, better version, in most states for most taxpayers, the estate tax burden was the same: set by the feds, with the states getting their share. Then the feds started to play with the system, slashing the estate tax, and states like Maine were no longer in conformity and, as a result, some Maine residents made conscious and appropriate decisions for them to change their residency. In Maine, losers: we lose residents and we lose revenue. It is another situation where one state is pitted against another competing for residency.

This is a bill about conformity, and I believe in conformity so that state competition, this race to the bottom, won't occur. Now if I had my way, we would fix the federal system, but we don't have that power here. My simple message is this; it is more of an educational message than anything: The estate tax that is not in conformance hurts Maine economy, it is as simple as that.

Now if I have \$26 million right now to help lower Maine's tax burden in some way, I would not spend it on this bill. I see far greater priorities, most notably the lowering of our income tax which any economist, I think, would tell you has a greater determent on residency and a greater drain on our economy, but that is a conversation that I hope to have some other day. As for today, the argument is really academic since we do not have the money, and I fully respect people who will vote against this motion recognizing that reality. As for me, I simply wanted to deepen your understanding on the subject, and I thank you for your time.

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

Representative KNIGHT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of 1556, and I agree with my fellow Representative Piotti on all of the points he made, quite frankly. This is not probably as exciting a topic as midwifery and I won't try to make you believe it is, but nevertheless, it is an important subject. Last year, the Tax Committee, in which I am a member, worked very, very hard, put in countless hours attempting to re-codify a broken, if you will, tax code in this state. We talked about the income tax. I agree it is no more important, the tax that needs to be lowered, than the state income tax. We talked about the sales tax and the property tax, three legs of a stool. We also talked a little bit about excise taxes. The fourth and equally important leg of that tax stool, in

my opinion, is the estate tax. I thought about giving you a primer on estate tax and telling you what a sponge tax was and gap estates and so forth, but I thought, perhaps, that might be a little bit boring to this last hour in the afternoon, late in the session.

According to an article written in 2006 by Jeffrey Cooper, a visiting lecturer at Yale Law School, points out there is a developing interstate competition swirling around the state estate tax, and he lays the blame, as well as Representative Piotti has done just moments ago, on the action of Congress. When that body enacted the Economic and Growth and Tax Relief Reconciliation Act of 2001, EGTRRA for short, as Cooper states, EGTRRA repealed the state estate tax credit. That elimination took place in stages over a four-year period, from 2001 to 2004. As of January 1, 2005, some 80 years after its birth, the state estate tax credit was repealed under EGTRRA. That said repeal the state estate tax credit, it also repealed the pickup state estate tax calculated by reference in this measure. This process became known as decoupling. Prior to the federal legislation, Congress provided, in 1924, a tax credit that created uniformity in the states, using this credit as a de facto state estate tax. Following the imposition of EGTRRA and the loss of the credit, states lose their easy calculated tax. What to do?

Maine was one of 24 states that had imposed some form of new state estate tax; Florida and 26 others did not; hence, those that did not create a tax haven, which has caused havoc for those that have the tax such as we do here in the State of Maine. I want to re-couple to the extent possible so we do not create an atmosphere, an environment that helps persuade some of our wealthier citizens to depart Maine to avoid that tax, and it is not just about wealthy. A lot of people have said, Gary, you are concerned about the wealthy folks. That is not the issue at all. This is just as much about the least wealthy of our citizens. As these folks choose to leave this state, they take with them their income and their income taxes. Best studies show that we are losing somewhere between 300 to 400 such individuals net, every year in this state.

As you know, most of you know at any rate, I have spent 44 years in the banking business and served many, many years as a senior trust executive. I can only speak anecdotally, but I can tell you I have seen, since this decoupling occurred, a steady erosion of clientele from the state, people leaving for greener pastures as their attorneys, their accountants and financial advisors have frankly advised them to do. While folks might have numerous loyalties to our good state, when it comes to leaving the fruit of their labors to their heirs, usually children or other family members, they recognize the advantages of assuming a residency in one of these havens. This move enables them to leave more to their heirs. I am sure I am not telling you anything you don't already know, but people do not plan their estates on their deathbed. They plan it when they are in their 40's, their 50's, 60's, 70's, and the moment they make that decision to leave the state, that ends their income tax.

A few weeks ago, we named a highway after a gentleman who has been a tremendous philanthropist in this state, Mr. Alfond. Mr. Alfond, perhaps some of you do not know, was not a resident of the State of Maine—smart man—he was a resident of Florida. Stephen King isn't a resident of this state; George Mitchell, Bill Cohen, and I could go on and on and on. When people do their estate planning and they realize that they are going to leave a lot more money to the government than to their families, they make those choices.

Maine does not lose just the estate tax when we lose this; we also lose many other things as well. Let me just enumerate a couple: Maine loses the citizens' personal income tax, from a date of change in residence to his or her death. Maine loses

substantial sales tax revenue as these citizens spend less time, certainly six months less a day, we all know about that little trick. Maine loses when these citizens make charitable contributions to nonprofits in their new home state, not Maine. Maine loses when these citizens must move their business to professionals in a new state, their attorneys, their accountants, etcetera. Maine loses when these potential investors, in support of community citizens, now invest in businesses, schools and the like in their new state. You get the picture. We lose providers of capital. Maine is a very poor capital state and when you lose capital—everybody should focus on this—you lose jobs. You lose jobs and all of the related economic benefits, those important contributors to our coffers, and it is just so very, very easy to leave our residency.

There are now 28 states that have neither an estate tax nor gift tax, including our neighboring state of New Hampshire, and attractive retirement states, not to me but to many, Florida, Arizona, California, Texas, Nevada, just to name a few. This past year in Oklahoma, their estate tax conformity bill was pushed by their Democratic Governor. We need to do the same, we need to be competitive.

A recent study was just put together and I haven't totally digested it, by the State of Connecticut's Bureau of Taxation, and among the things that they concluded: data from their studies suggest a growth in states from an estate tax lagged behind those that did not and were also lower than the national average. Annual employment growth in those states from an estate tax was less than the growth experienced by states with an estate tax. Annual personal income growth from those states with an estate tax was also lagging behind the growth of those states with no estate tax by over one percent. In terms of real growth state product, again, those states with an estate tax did not perform as well as those without one.

Representative Piotti made it very clear and I concur: This bill has no chance of passing, there is over a \$26 million Fiscal Note. Indeed, if we had a dynamic fiscal note, you would understand very quickly that this sufficient income to more of an offset, but we don't. But I do think we should, on principle, support this good public policy. And Mr. Speaker, when we vote, I request the yeas and nays.

Representative KNIGHT of Livermore Falls **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is always scary when a member of the Appropriations Committee has to speak as the conscience of this body after the budget that we just put out, but I feel compelled to not only speak to the members here in this chamber, but to speak beyond this chamber here this afternoon, and I hope that Vicki Wallick, Susan Cover and A.J. Higgins, I hope they are listening, because when you put your vote up on this board, I want their headline tomorrow morning to be the Legislature cuts \$190 million out of healthcare for senior citizens and the mentally retarded, the developmentally disabled, out of mental health program, out of education, but ten days later they vote for a \$26 million tax cut, who have estates over \$1 million. That is what this vote, Ladies and Gentlemen, and I hope my friends in the press, if this bill passes in this chamber which I hope it does not, I hope that that will be the headline in tomorrow's paper, and I hope that the constituents will call us and say, what is wrong with you people in Augusta; what is wrong if you can vote for a budget that tough talking about responsibility

in your fiscal affairs and then you pass a \$26 million tax cut for millionaires, what is wrong with you? Thank you, Mr. Speaker.

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

Representative **SAMSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I understand the argument from Representative Fischer; however, the Fiscal Note does not address the fact that my father, my father-in-law, uncle all are moving out of the state, and we are losing those dollars. We have no way to capture the cost of those people leaving. There is a big list of celebrities with lots of money that have left this state and that kind of hits us, but when it is three people in my family—and I have a small family—that are leaving so they can leave money to their kids and they are not staying in Maine, they are not spending money here, they are not paying taxes here, we are not getting their income tax anymore, that is a fiscal reality, too. Until there comes a time when we can figure what its costs to run those people out of the State of Maine, I am going to vote yes in favor of this, and it is not against those groups that were just referenced, it is in favor of keeping the people in the State of Maine that are successful, in the State of Maine. 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 know it is late and will try to speak very shortly. I have sympathy for everybody who was on the Taxation Committee last year. They worked very hard, they came up with what I thought was a very good bill, and I supported it, everybody in this House supported it. The unfortunate thing is a lot of the people that Representative Knight was talking about, they put arguments for this as to why we should be passing this with the same people that came into this building and destroyed it. This is part of an overall package. In itself, it is worthless. If we could have the overall package that these people worked so hard on last year, that would be great. As it stands alone, itself, it is not palatable. Thank you.

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

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had not really planned to speak on this, but, to me, this is a typical example of short-term thinking. We are going to lose \$26 million is the thinking, but there is no consideration of how much money we are losing. All I hear over and over again is how people are going to Florida and other places 51 percent of the year and we are losing all that tax money, all that income, all that business money and so forth. So I think, if we were thinking long-term, we might actually override that \$26 million, but nobody wants to think long-term. They want to think short-term: this budget, what is good for us now. Thank you.

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. The facts are is that Maine is currently facing several economic demographic red flags created, in part, by this punitive estate tax. Just a couple of points.

Capital flight: Maine's capital income tax, per taxpayer—dividends, interest and capital gains—has fallen relative to the national average, and according to data from the Internal Revenue Service, Maine has fallen to 71 percent of the national average in 2005; in 2002, we were 86 percent, a decline of 18 percent. In contrast, Florida, relative in standings improved by 21 percent.

Fact two: Taxpayer Flight. According to the U.S. Census Bureau, Maine is now a net out-migrant state with 717 people leaving the state between July 1, 2006 and July 1, 2007. More ominously, Cumberland and York have been net out-migrate counties for two consecutive years, losing almost 2,000 residents, and that is after being major in in-migrant counties during the earlier decade. And I do hope that something that we do here in this House is to make sure we are looking out for the people. It does not take a whole lot of assets and money these days, with 401ks, to be put into this over \$1 million, \$2 million mark where they get punished, and they do get punished severely for it. I do question the \$26 million price tag on the Fiscal Note, but that is an argument for another day, and I hope that you vote with the Majority Ought to Pass. Thank you, Mr. Speaker.

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

ROLL CALL NO. 359

YEA - Austin, Ayotte, Babbidge, Beaudette, Beaudoin, Beaulieu, Berube, Browne W, Campbell, Carey, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crockett, Crosthwaite, Curtis, Duchesne, Duprey, Edgcomb, Emery, Finley, Fitts, Fletcher, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hinck, Jackson, Jacobsen, Jones, Joy, Kaenrath, Knight, Lansley, Lewin, MacDonald, Marean, Marley, McDonough, McFadden, McKane, McLeod, Mills, Miramant, Nass, Perry, Pilon, Pinkham, Piotti, Plummer, Prescott, Rector, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Tuttle, Vaughan, Wagner, Walker, Weaver, Woodbury.

NAY - Adams, Annis, Barstow, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carter, Casavant, Conover, Craven, Driscoll, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Harlow, Hayes, Hogan, Koffman, Lundeen, Mazurek, Miller, Millett, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pingree, Pratt, Priest, Richardson D, Sutherland, Theriault, Treat, Trinward, Valentino, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

ABSENT - Connor, Dill, Grose, Haskell, Hill, Johnson, Makas, Moore, Muse, Pineau, Rand.

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

83 having voted in the affirmative and 57 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-633) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-633)** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-522)** - Minority (5) **Ought Not to Pass** - Committee on **TAXATION** on Resolve, To Provide a Rebate of Diesel Fuel Taxes Paid by Maine's Forest Products Industry (EMERGENCY)

(S.P. 860) (L.D. 2228)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-522)**.

TABLED - April 7, 2008 (Till Later Today) by Representative WATSON of Bath.

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

On motion of Representative PIOTTI of Unity, **TABLED** pending the motion of Representative WATSON of Bath to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-961)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-962)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance"

(H.P. 1597) (L.D. 2236)

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Gardiner, Representative Hanley.

Representative **HANLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Before we have this roll call vote, let me talk a little bit about the majority issue. It states that all clubs will have to be members of a statewide nonprofit organization. Not all statewide nonprofit organizations cover all clubs. An example is the Maine Snowmobile Association: Not all Maine snowmobilers belong to the Maine Snowmobile Association. There are many clubs, groups, and organizations which are independent of any statewide organization. What would happen to them if you passed this Majority Report? Would they have to go through a full licensing process, or would they even be eligible to get a license or a permit to conduct events. Many clubs or organizations that are not members of these statewide organizations, like all of the Maine sportsman's clubs, women's clubs in Maine, do not belong to any statewide organization because there simply is no statewide organization for them. Many of the conservation groups, also, do not belong to any statewide organization because there is no statewide organization for them to belong to. Most of these clubs and organization names are independent, standalone clubs. How would they be affected by this? Again, would they be able to even get a permit to have an event. The Minority Report does not require this. Many clubs in Maine and many organizations belong, not to a statewide organization, but to a national organization. There is no mention of how that would be handled. Would they be able to get a permit to have an event? The National Cribbage Congress, a lot of cribbage clubs in Maine belong to the National Cribbage Congress. They don't have a statewide affiliated congress of cribbage players. Others are Trout Unlimited, Ducks Unlimited, and, again, many conservation clubs.

Also, the Majority Report would require their chapters to

forward all this to a statewide organization that bylaws and the club offices. This creates another line of bureaucracy. The statewide organizations do not want this responsibility. Many of the statewide organizations are volunteers; they work off their kitchen tables. They don't have the facilities to handle all of this, and they don't want the responsibility to have to take and keep track of all of this. What happens if they don't get an accurate, up-to-date copy of bylaws or a membership list? Would they be responsible? To have an event, if you pass this Majority Report which I encourage you not to do, you would have to have a statewide chapter license in 60 days of an event—60 days before an event to get your license. Can you imagine trying to schedule something outdoors in Maine 60 days ahead of time? It is nearly impossible if it is an ice fishing derby or any type of an outdoor event. The Minority Report only requires five days.

You have to take and list the chapter office in the Majority Report. Again, why do you have to list the chapter offices? The Minority Report doesn't require this. The Majority Report, you have to take and list the members who are conducting the event. Why would you have to list the members who are conducting an event? What happens is those members are unable to be there on the day of the event. Can they be replaced? I don't think they can, because in the Majority Report they cannot be. The Minority Report allows all members of a club or organization to pitch in and help. I would ask you not to pass this Majority Report and move to Accept the Minority Report, it is much clearer, much simpler, it is much easier and it is much fairer. Thank you, Mr. Speaker.

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. This bill, in its current form as amended, was basically a result of the issue of not being able to have poker runs in a snowmobile organization. What we tried to do and what we are trying to do is address a specific problem. This issue would actually help the majority of the snowmobile organizations because what the requirements are right now is if you want to be licensed, yes you do have to send your entire membership list, a list of your officers, your bylaws, your date of incorporation and you have to contact the municipality now once—you only have to do this once, you don't have to do this for every single event—but the Snowmobile Association thought this was extremely onerous, and I agree with them. The vast majority of clubs within the State of Maine are members of the Maine Snowmobile Association, so because the Snowmobile Association is a state organization and it is the parent, basically, of everyone, all the underlings of the small clubs would have to have reduced requirements. So what would the Rumford Polar Bears have to do if they really wanted to have a poker event? They would have to get the form; they would have to say they are a member of the Maine Snowmobile Association and that is pretty tough; they would have to say they are the club's name, which is the Rumford Polar Bears Association; then they would have to write down their officers, and most generally you have a president, vice president, secretary, treasurer and three to five trustees, so that is nine things you have to do; and then you have to have some of the members who are going to run your event. So that is one page of probably about fifteen things you have to put down. You don't have to have the onerous, send all your whole list and I have asked some snowmobile organizations why they didn't do it and the reason was it was too onerous the way the original law was written, and that does not seem overly onerous to them. Dealing with public safety over the last eight years, I find them hard to bend on issues like this and, this time, because of the issues that

were brought forward; they came an awful long ways. I do not think this issue is onerous, and if the Rumford Fire Association, which may not be a member of the Maine Firemen's Association, if they have to send in their entire membership, the list is 14 people, or if they have 14 volunteers that is 28 people, then they would have to send in their list officers, they would have to send in bylaws and date of incorporation once. They don't have to do it every time, we are asking them once. Is this really too onerous? I don't even think the original law is too onerous on them, but hearing their complaints and having listen to the testimony, find out what we are offering them, I think it is extremely fair. This committee has given more this year than they have in the past eight years. We have tried to take into account each one of the issues that were brought forward to us, and as someone who has been involved with nonprofits for 35 years, Ladies and Gentlemen. I will say that again: I have been involved with nonprofits for 35 years. I have been a member of the La Patasuers Snowshoe Club, I am a member of the Elks, I am a member of the Eagles Club for 35 years and half a dozen other organizations throughout my adult life, and my number one priority was making sure that the bills that we pass are fair and I think we did that with the original tournament bill, the way it was structured is a fair bill. It wasn't very fair when we passed it, but we made changes this time that make it fair. There are those here that think there should be no regulation whatsoever and I disagree with that, but I think what this amendment does is fairly benign. If you are in favor of having no regulations on anything, well, I guess this is very onerous, but I really don't think this is extremely onerous. I think it is a fair compromise for each and every nonprofit that is in here, whether you are under the umbrella of a state organization, or whether you are not. We are just asking for a little oversight and I would ask you to support the Majority Ought to Pass Amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I hate to disagree with my good, Lithuanian colleague on the other side, but I am in opposition the Majority Report, not because what it does but what it does not do. It does not allow clubs to conduct games of chance without a license if they do not collect \$30,000. It does not allow clubs and organizations to run games of chance without a license by merely registering their name, their tax number, the time and date of location, and the event, and pay a \$30 registration fee. For these reasons, I oppose the Majority Report.

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

Representative **CAREY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to agree with what the Chair of our committee has said, and I want to focus on a couple of specific points that have been brought out in the debate.

First of all, about the cost of registration: The Minority would have \$30 per event; the Majority Report that we are discussing goes with current law, and it is \$15 for a week and you can have as many events as you want in that week.

The second point that was raised is a point of concern that you need 60 days before the date of the event to register with the State Police. The is a 60-day registration period is for whatever period you are doing, so if you are registering for the month of February, you need to register by the end of November. You don't have to know which days you are going to do it in February, you just need to do it by the end of November and say I am holding out this month. You have to let the State Police know within five days, so if you schedule something on Sunday night at

a meeting, you have to let the State Police know on Monday; you can run it on Saturday, no problem, so it is five days and not 60 days before the event.

There was a question raised, what happens if the people conducting the event change. Again, on Monday before the Saturday event, if there is some question about if someone is sick or coming down with something, just put in a couple extra names of people. Not a big deal. You can put up to the whole club membership if you'd like, but we are respecting the concerns of the privacy of the small clubs and they can restrict to as tight of a group as they want. It can be the directors who have already been put in; it is really not an onerous burden.

Finally, there was a question that was raised about the small cribbage clubs, which may be a member of the National Cribbage Congress. Cribbage is a game of cards that is covered under the other bills that we have been talking about: one that we did this morning and two others, I believe, that we have passed earlier in this session. So those are a few of the specific points I want to respond to. Thank you very much, Mr. Speaker.

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

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I won't debate the Minority Report because we will, if this motion passed, have an opportunity to debate that in another way. But, Mr. Speaker, what this Majority Report does is nothing to address what brought the bill forward. It is a token gesture towards the Snowmobile Association, which they have rejected. They don't want this to happen; they see no value in it. The reality is, today, as things stand, a small snowmobile club that wants to hold a poker run—and I want to stress that this bill wasn't about snowmobile clubs when it was brought forward—but if a small snowmobile club wants to hold a poker run, and this example was brought forward to the committee during the public hearing, that there is somewhere near 66 pages of a fax that was necessary for this club to apply for their license. Then, the person that was applying had to go through a deposition over the telephone, which nearly brought her to tears because it was very accusatory, all for a poker run that five people showed up to that raised \$50. There is something wrong with how we are licensing these events, so this bill was brought forward, actually as it was presented, in a bit of extreme manner because it was just going to be a straight exemption, which I don't think anybody on the committee thought it was an appropriate thing to do. The Minority Report does address that issue and, as I said, we will get an opportunity to discuss that if this motion prevails. I would encourage you to vote against this Ought to Pass as Amended Report from the Majority, so that we can move on the to Minority Report. Thank you, Mr. Speaker.

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

Representative **TRINWARD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I speak very briefly in favor of the Majority Report to remind people that the Minority Report would be a complete removal of all the regulations that now exist for games of chance for up to \$30,000. It would be a huge proliferation of gambling in the State of Maine. Thank you very much.

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

ROLL CALL NO. 360

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain,

Canavan, Carey, Carter, Craven, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Gerzofsky, Harlow, Hayes, Hinck, Jackson, Kaenrath, MacDonald, Marley, Miller, Miramant, Norton, Patrick, Pendleton, Percy, Perry, Pieh, Pingree, Piotti, Priest, Samson, Simpson, Sirois, Smith N, Trinward, Tuttle, Valentino, Webster, Weddell, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Blanchard, Browne W, Burns, Casavant, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Edgcomb, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hogan, Jacobsen, Jones, Joy, Knight, Lansley, Lewin, Lundeen, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Millett, Mills, Nass, Peoples, Pilon, Pinkham, Plummer, Pratt, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Vaughan, Wagner, Walker, Watson, Weaver, Wheeler, Woodbury.

ABSENT - Campbell, Connor, Conover, Dill, Duprey, Emery, Grose, Haskell, Hill, Johnson, Koffman, Makas, Moore, Muse, Pineau, Rand, Rines.

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

52 having voted in the affirmative and 82 voted in the negative, with 17 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

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

Representative PATRICK of Rumford **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. What does this amendment do? This amendment is a total gutting of the games of chance laws, as far as I am concerned. This is a huge policy shift. What this bill does is exempt eligible organizations that may conduct or operate games of chance without a license, when the total amount of money collected in entry fees, chances or wages in any event is less than \$10,000, and the organization has collected no more than \$30,000 in entry fees, chances, or wages in the calendar year. Now you say to yourself, what is the harm on that? What this does is say that all nonprofits through the whole state, every single nonprofit throughout the whole state, many of which are already licensed and have been licensed for years and have worked underneath the rules and regulations and laws of the State of Maine, now do not have to be licensed, so if you are running a games of chance event without a license, the rules and regulations on the books don't matter. So are we going to allow casino nights, poker runs for \$100, any amount we want to and just let it rip, throw caution to the wind.

Ladies and Gentlemen, games of chance laws covered under the nonprofits cover a \$57 million industry, and I think, as far as I know, the for profit gaming industry, which is probably even less than that at this point, is extremely highly regulated. Every minute thing is regulated. So what we are asking now is, okay, let's get rid of all regulation licensure in nonprofits; boy that's not going to lead to any crime or problematic situations. I can imagine small nonprofits now being able to mess with the amount, the \$30,000; they will never hit that \$30,000. Just the Fiscal Note is a problem to me, but just saying to myself, wow, I know many, many legitimate nonprofits that are licking their chops saying wow; we might not have to have a license for three

months, five months, six months down the road. What this compares to me is, from the huge policy shift that we are looking at, well why don't we now say to all of our industry in the State of Maine from now on you are not going to be licensed, you can discharge 5,000 pounds of chemicals and until you reach that quota, you won't have to be licensed. That is what we are saying here, Ladies and Gentlemen. Are we that crazy that we are going to throw the baby out with the bathwater? What if you are going to build a new house? Are you going to build a new house and once you hit \$75,000 or \$150,000, then you decide to use building codes. They are my friends, my neighbors; I have worked with people all my life. Most of the people are good, but I will tell you, Ladies and Gentlemen, if you look at what has happened with nonprofits over the years, many of them have taken advantage, as a matter of fact, some of them, I think it was either Biddeford or Portland, someone went to jail because the rules and regulations that we have on the books, they broke them. My goodness, the Fraternal Order of Eagles in Portland has probably given \$3 or \$4 million to charity over the years, but for some reason someone must have tweaked with the law. I have seen small organizations, I have seen large organizations. The public safety testified that 90 percent of them are good, and I believe that, maybe even it is higher than that, but the 5 percent bad apples are what is going to spoil this, Ladies and Gentlemen, because if that 5 percent can proliferate to 95 percent, well then we have a heck of a problem in the State of Maine. The benefit we have given nonprofits, the ability to use games of chance issues to raise their funds, is something that should be taken into consideration. If we go beyond the point where are not going to license them, we shouldn't have nonprofit gaming. It is the privilege that we have to give to them; this issue is totally frivolous.

Ladies and Gentlemen, this is probably the worst idea I have ever heard in my eight years on the Legislature, to deregulate something partially. Why don't we just get rid of all regulations and licensure with nonprofits? Why don't we just go \$10,000 or \$30,000? What we have done, from the standpoint of the committee over the years, we did allow any nonprofit to run a raffle up to \$10,000 without any real regulation, because that is probably the most benign form that you can do to raise money. I can't believe, for the life of me, that I lost the last vote, that this bill has a chance because each and every one of your committees, you have to take a look at are you willing to deregulate at least a small part of that and let it let anyone under your jurisdiction have free reign for a certain quality or quantity. I would ask you, Ladies and Gentlemen, don't fall under the disguise that, oh it's my brothers and sisters, it is the Knights of Columbus, none of those guys would be crooks, I'm sure, or the Legion or the Elks, or any association, but look at the quality and content of what we are trying to do. I find this totally ridiculous and apprehensible and when this bill came forward, the one thing I did was went down to the second floor and asked Public Safety and the Chief Executive to meet with me and ask them if they would even consider anything this preposterous. There is no way can they do this because it is totally unmanageable. How on earth would Public Safety handle anything like this, because now they may have to pay a \$30 registration fee, but how on earth are they even going to be able to have any oversight over this whatsoever. Ladies and Gentlemen, I would ask you're following my light and vote Ought Not to Pass on this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Hanley.

Representative **HANLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Believe me; I am

actually going to be brief. My good friend, I hope he is still my good friend, the Representative from Rumford, Representative Patrick, made a couple of points. I want to just comment on them quickly. One was that this was \$57 million a year, isn't that wonderful? It's \$57 million that came out of the Maine people's pockets to help other people in Maine.

The second point is see if you see any public safety threat in the groups or organizations that are impacted by this. Any bonafide nonprofit, charitable, educational, political, civic, recreational, fraternal, patriotic, or religious organization, or to a volunteer fire department or any auxiliaries of those, if they sound like groups we need to fear, please take it and join me in voting Passage of this Minority Report. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I voted against the previous measure because I want to do the least harm to nonprofits and the mechanisms that they use for fundraisers. The question that I have is, if I vote this measure down as well, does that preserve the status quo and my desire to protect nonprofits the mechanisms they use to fundraise?

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

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Everybody in this body has the opportunity to vote in any way they see fit, but the reality is the status quo does not work. So I would say I think the last vote was fairly clear on how people felt, the status quo isn't working, and this is an opportunity to make a correction that is not the world falling apart, it is not the sky falling, it is simply allowing small nonprofits, who run very small operations, to not have to go through an exorbitant and extensive licensing process, but simply register with the Department of Public Safety and pay their \$30 when they are going to have their event. That \$30 covers the loss that was expressed in committee related to the loss in licensing fees, because the original bill did not have anything to recover those costs. Thank you, Mr. Speaker.

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

ROLL CALL NO. 361

YEA - Annis, Austin, Ayotte, Beaulieu, Berry, Berube, Browne W, Burns, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Edgecomb, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Harlow, Jacobsen, Jones, Knight, Lansley, Lewin, Lundeen, Marean, McDonough, McFadden, McKane, McLeod, Miller, Millett, Nass, Pendleton, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Walker, Watson, Weaver, Wheeler, Woodbury.

NAY - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Canavan, Carey, Carter, Casavant, Craven, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Gerzofsky, Hayes, Hinck, Hogan, Jackson, Kaenrath, Koffman, MacDonald, Marley,

Mazurek, Mills, Miramant, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pingree, Piotti, Pratt, Priest, Rines, Samson, Simpson, Smith N, Trinward, Tuttle, Valentino, Wagner, Webster, Weddell, Mr. Speaker.

ABSENT - Campbell, Connor, Conover, Dill, Duprey, Emery, Grose, Haskell, Hill, Johnson, Joy, Makas, Moore, Muse, Pineau, Rand, Vaughan.

Yes, 77; No, 57; Absent, 17; Excused, 0.

77 having voted in the affirmative and 57 voted in the negative, with 17 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "B" (H-962) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-962)** and sent for concurrence.

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

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-522)** - Minority (5) **Ought Not to Pass** - Committee on **TAXATION** on Resolve, To Provide a Rebate of Diesel Fuel Taxes Paid by Maine's Forest Products Industry (EMERGENCY)

(S.P. 860) (L.D. 2228)

Which was **TABLED** by Representative PIOTTI of Unity pending the motion of Representative WATSON of Bath to **ACCEPT** the Majority **Ought to Pass as Amended Report.**

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

The Resolve was **READ ONCE. Committee Amendment "A" (S-522) was READ** by the Clerk.

Representative PIOTTI of Unity **PRESENTED House Amendment "A" (H-981) to Committee Amendment "A" (S-522)**, which was **READ** by the Clerk.

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. This amendment, which is being offered at the request of the bill's sponsor, does two simple things: First, it strips off the Emergency Preamble, and second, it changes the source of funds from the Highway Fund to the General Fund. This is done for the benefit of the Representative from Presque Isle, Representative Fischer. Thank you, Mr. Speaker.

House Amendment "A" (H-981) to Committee Amendment "A" (S-522) was ADOPTED.

Committee Amendment "A" (S-522) as Amended by House Amendment "A" (H-981) thereto was ADOPTED.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-522) as Amended by House Amendment "A" (H-981) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-965) - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act To Amend the Animal Welfare Laws" (EMERGENCY) (H.P. 1545) (L.D. 2171)

Which was **TABLED** by Representative PIEH of Bremen pending **ACCEPTANCE** of the Committee Report.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-965)** was **READ** by the Clerk.

Representative PIEH of Bremen **PRESENTED House Amendment "A" (H-982) to Committee Amendment "A" (H-965)**, which was **READ** by the Clerk.

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

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is an amendment to assist the Animal Welfare account. I think, as you know, we had over the year several seizures that were very expensive, and that account has become depleted. It will be replenished through the course of the year, and the Department of Agriculture is requesting, within their existing funds within the department, that they would be permitted to advance an amount of \$500,000 from the Board of Pesticides Control account, which does have large balance of dedicated funds, so I appreciate and urge your support. Thank you very much.

House Amendment "A" (H-982) to Committee Amendment "A" (H-965) ADOPTED.

Committee Amendment "A" (H-965) as Amended by House Amendment "A" (H-982) thereto was ADOPTED.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-965) as Amended by House Amendment "A" (H-982) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Report "A" (6) Ought Not to Pass - Report "B" (5) Ought to Pass - Report "C" (2) Ought to Pass as Amended by Committee Amendment "A" (H-815) - Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act To Amend the Laws Governing the Reorganization of School Administrative Units"

(H.P. 1646) (L.D. 2281)

TABLED - March 28, 2008 (Till Later Today) by Representative NORTON of Bangor.

PENDING - ACCEPTANCE OF ANY REPORT.

On motion of Representative NORTON of Bangor, Report "B" **Ought to Pass** was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative **EATON** of Sullivan **PRESENTED House Amendment "A" (H-985)**, which was **READ** by the Clerk.

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

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to talk a little bit tonight about fairness in government. Fairness from government comes from a process, sometimes a frustrating one, but a process that many of us here in this room, I would like to think all of us, truly believe in. We have witnessed a fairness process just recently in another consolidation effort, when stakeholders, people involved in the issue, were brought together from completely opposite sides of a table, yet sat down together and hammered out something that worked for everybody, maybe not perfect, but something that everybody could live with. It is an effort to craft good, sound public policy. The reorganization of school administration sprung from the recognition that we could not sustain our current method of funding our schools, with a goal of finding excellence in education for our children. I have no issue with the reasoning behind its creation. From that point on, I have many issues and, I believe, I share those with many other people within this body and with many people in our communities.

The bill I seek to repeal denied us the process that so many of us know could have achieved a good result for our communities, to achieve a common goal of finding administrative consolidations, finding efficiencies in our government, and going on to the very important task of insuring that we are concerned, first and foremost, about excellence in education for the kids that are so deserving here in the State of Maine.

The closing hours of last session are forever etched in my mind: The late night discussions; the thought that maybe we got this solved—oh we got this, we got that; well maybe we did, maybe we didn't—those last minute decisions led many of us here on this floor to cast a green light, and maybe under false perceptions in many cases. We wanted to support a budget that we felt was fairly worked out by our very intelligent friends in Appropriations and people on both sides of the aisle, but where did it get us when it came to school consolidation. The result was monumental unfairness to many of our communities. People who got together in fairness and tried, whether they agreed with the law or not, to get together and try to hammer it out, but we left them far too few options, far too short timelines, and just threats of punishment if they didn't comply with those timelines, and never once were we willing to relent in an effort to try to help them to make it a little bit easier. These communities were willing to comply, but found it impossible under the circumstances that we gave them. The reality is we should have involved those stakeholders when we crafted this policy. When things come down from the ivory tower and they are dictated, it does not settle well with our citizens, nor should it. I absolutely believe in this amazing process. We can do better, and we should have.

I, in supporting repeal, absolutely am under no misconception that we can return to where we have been; that would be ridiculous. However, we could do it the right way, the way that you and I do process here in Augusta, day after day after day. Bring our stakeholders into the process, they are very intelligent folks, and they could help us to find the alternatives, to in fact find the efficiencies, to create a plan that they have helped craft with us, bring them on board so that we in fact this time might be able to get it right. We shouldn't be forced into ridiculous timelines

that can't be achieved. We need to take the time that this deserves; our children rely on it and our communities rely on it. I have communities; I have a school union that is actually talking about trying to split their school union because they want to go in two different directions, because we forced them to have to make decisions in an unfair way.

My friends and fellow colleagues, I want to thank the good Representative from Caribou, Representative Edgecomb, for this tireless effort to try to bring something right and something fair to this flawed bill. I want to thank all of those people here who have tried in good faith, from our Education Committee and others, at trying to fix it and make it fair. Unfortunately, the efforts have failed and regardless of the efforts of the people's house, other voices have spoken loudly and silenced our efforts. I ask those of you for whom consolidation is working well, to please consider that a vote for repeal here today doesn't hurt your communities' efforts to continue ahead. If it works for you, I encourage you to move ahead full speed, find those efficiencies, and I will congratulate you and your communities for your efforts. But for those of us who are struggling in all corners and all areas of this state, I ask you my friends to join with us, not in support of just your own constituents but of the citizens of this great State of Maine, help us send an appropriate and proper message to our citizens and to other bodies within this great building that we are the people's house and we will speak for our citizens. I encourage you to please help us and vote for this repeal on this House floor this evening. Thank you very much, Ladies and Gentlemen.

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

Representative **EDGECOMB**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you, Representative Eaton, for your kind words. I have always felt that we could do better for the children of the State of Maine. Then, this past summer, I was on a fact-finding mission to the State of Arkansas and, even more so today, I believe we can and should do better with our consolidation efforts. On that trip—by the way that was paid for entirely by the Bill Gates Foundation; we are going to make that clear that we did not use any state dollars for that trip. When in Arkansas, I had an opportunity to speak with the Commissioner of Education, with school officials, school administrators, and even into the classrooms to speak with teachers and students, and legislators, Senators and Representatives, took time to speak to this group of about 14 people that were on this fact-finding trip. And the legislators there were real pleased because they passed legislation and they did it in only three years. When I told them we did it in six months, they couldn't figure out how you could possibly do that, and they said they were actually able to do it and sell it to the people by the reform, the improvements and changes that they were making in education. They also put a lot of additional money in funding into their consolidation, but with that they improved preschool by going down to age three for preschool for their students, they put in advanced placement courses that every school in the state had advanced placements and, I believe, every student is required to take an advanced placement course. They have professional development for their teachers that was absolutely outstanding, and speaking to teachers that were required every five years to get recertified, must have participated in a summer program that were certified at one of their state universities, and actually some even into the State of Texas where they participated. They also looked at increasing the length of their school day, and I think you are fortunate tonight, I am going to have to cut out the last half hour of my speech here because I think this is all of the voice I have left for

today, so let's please try to do better, I think we can do better, and I think if we have another opportunity, I am sure that we will be better for the students in our state. Thank you.

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

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was hoping there would be a lot of people jumping up to oppose this, but maybe this is just an opportunity for those of us who have been concerned about it to have our little day in the shade here. So with that, the other night, being sequestered in my motel like a lot of you have been, I was in the bathtub with my nontoxic rubber ducky and thinking about the history of this legislation, in going back a year, remembering the night when 29 of us voted against this piece of legislation. Some, in my case, because the school consolidation was there, and then some of you also voted for it thinking some of the fixes were in that would make it more palatable, easier and more appropriate for your communities, and you later found out that that wasn't the case, and then there were some who felt that it was the ideal approach to education in this state. Then many of us found, after we participated on our planning communities, that it wasn't working, and whether that is half the state or two-thirds, it doesn't matter. There was a significant number of us who suffered through working with our constituents, them trying to do the right thing and unable to make any sense out of it. It was frustrating; it was punitive, just the process itself. So we came back in December and a number of us presented fixed bills that would help our communities work through this whole piece of legislation, and some of those bills were concerned repeal, others talked about sizes of units and what have you, but it was apparent, given the number, that this was a flawed piece of legislation.

Somebody made the comment the other day about having so many bandages on, it looked like a mummy, and I think this is true, the wheels off the wagon. We have had all of these similes and what have you—I hope that is the right word, simile; maybe it is an allegory—but anyway, what we found is that we have all articulated, one time or another, how frustrating it has been and as we walk through this whole process, it is apparent that one thing this legislation has done is it has taken the perception of two Maines and turned it into a reality, and that is a really sad commentary on any piece of legislation. So it is, our opportunity tonight, all of us, to look across the aisle and back behind us, in front of us, and recognize the suffering and the pain that some of us have gone through during this process and vote to repeal it. And as the good Representative from Sullivan, Representative Eaton, who pointed out it is very likely that all of you who would do that and who are comfortable with the legislation as it now exists, will still get the kind of appropriation you have been getting; you will have the opportunity, through collaboration, to continue the process of economizing and building, reducing and working together, as you have been, so there is really nothing in the repeal that damages the process; in fact, I think it would enrich the process. For those of us who have been suffering through the planning approach that has been laid out before us, we, too, can get to the business and start focusing on what is most important and that is the education of our children. We have the largest consulting firm for education across the mall here, and they are spending their time on trying to make sense out of this by hiring facilitators, public relations people with our tax dollars to further confuse our constituents. I would rather have them out there enriching our teachers, enhancing the education that takes place in the schools. So I think the first step towards that would be a vote towards repeal, and I hope you all support that. Thank you, Mr. Speaker.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that we need to do administrative consolidation, and I don't argue with the fact that there has to be a way to do this. As a matter of fact, I think we should have county school districts, it makes sense to me, but that is not the way we have chosen to go. We have chosen to go a way that is defined as an RSU, and doing the bill, of course, like everything we do, we figure we know what is going to happen, and we can handle the kinks. That is not what is happening in some areas. As a matter of fact, in some areas, to make an organizational change to an RSU is going to take a great deal more work, and the time required to do that is much too short. As a result, not only are we going to have trouble doing the money savings, it is going to affect education, it is going to cost the local towns more because of what they are going to have to make up, because of the penalties, because they can't physically and organizationally make those changes.

I am asking you to vote for the repeal, not because I don't think that administrative consolidation is a good idea, I do think it is a good idea, but I think the flaws that we are dealing with in some areas are so significant that this is unworkable, and I would like to take us back and take another look, and take a hard look at how we can do this and achieve this in a way that does as little harm as possible. Thank you.

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

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think the school consolidation effort started with the very best of intentions. I think there was a look at how much education was costing, how unwieldy it was, and how we couldn't sustain it. It started in the Department of Education, and they spent months working on it. They presented something to the Committee on Education; they spent ages, as long as they could, working on it; and it moved into Appropriations and they kept working on it, and yet it was not something that many of us felt would be able to go forward very well, partly I think because, as the Representative from Sullivan so eloquently stated, it didn't involve the stakeholders.

I know that as a member of the Rural Caucus, we got very involved and we almost become the forum for the people from the public that wanted to be able to speak and be heard, and we negotiated very hard and I will include myself in that, into the wee hours of the morning trying to slow down the timeline, change the numbers, look at penalties in a way that would allow us to come back this year and see what had happened and make changes from that, and I think the amended LD 1932 that was recently lost included many of the things that we thought would at least help us move forward, and for that reason I am supporting the repeal and I encourage you all to do so.

I think that what it would hopefully do is slow down, look at what we have learned. The RSU, the regional planning committees have learned a tremendous amount. We could build on that and move forward. The only thing that is really bothering me about this right now is that there are several legislators who have been offered special and private laws to accommodate their need for a difference. And I would invite us to do a repeal, and offer those private and special laws so those people for whom consolidation is working, so they could move forward and the rest of us could be a part of planning something that could be successful. Thank you very much.

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 understand this amendment has a Fiscal Note on it. There have been fiscal notes that have driven much of this legislation. When people want what is there, they put a positive; when they don't want what is there, they try to put a negative. My good seatmate here, the Representative from Berwick, told me when I first came in here, he said to watch out for fiscal notes, that is a good way to kill a bill and we have to find out about them before they wind up on the table and we don't have any chance to defend it. Well there is an old adage: figures don't lie, but lies figure.

Anyway, I worked at USDA, and I was on the same fifth floor, the same place the economists were in. One day I made friends with Larry Walker, who was the Chief of Commerce, and I went down to him and said, Larry, you are an economist and you are running numbers for the administrator and the secretary and for the farm service agency here, and you have to interpret what the numbers says. He said yes Tim, but I will tell you, you know what the administrator wants, you know what the secretary wants, you learn how to ask the right questions to get the answers you want. Unfortunately, I think a lot of numbers that have been put into this education bill have been put there because that is what somebody wanted, and I am very afraid that we are going to pay it in the next two or three years. So I don't know if I really believe this fiscal note that is on this, or any of the others that are involved in this.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise not to talk about school districts at all, but to talk about public safety answering points, the places that answer your E911 calls. The City of Los Angeles, with 7 million citizens, has one PSAP. The island of Manhattan, with 9 million citizens, has one PSAP. Three years ago, the State of Maine, with 1.2 million people, had 49 PSAPs, because any community that decided they wanted to have one got one.

The Utilities and Energy Committee understood three years ago that regionalization made sense, that if we got municipalities to work together, everybody would win. We talked about this for a long time, and under the leadership of my good friend, the Representative from Wiscasset, Representative Rines, the committee put together a bill that was unanimously approved, then endorsed by this body, that asked the Public Utilities Commission to go away and talk to the municipalities and come back to us in 18 months with a plan that would reduce the number of PSAPs from 49, to not less than 16 but not more than 24. It was a reasonable approach that included the stakeholders and gave the people time to wrap their minds around what was going to happen. The PUC did come back. They couldn't quite get to 24, but they came pretty close, and over time we are now well below 24. The state has saved a lot of money, most of the municipalities have saved a lot of money, but it was because nobody said guess what, tomorrow we are going to shrink the number and everybody is going to have to buy in. There is a lesson to be learned here. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of repeal to the school regionalization law and Representative Eaton's amendment. There are hundreds and thousands of Maine citizens out there this very minute that are dissatisfied with this top to bottom approach. Many of the taxpayers may not be against regionalization, but are not happy with the severe cost shifting and huge penalties attached if they

cannot afford to support regionalization.

When this regionalization law was first debated, it was said to save the taxpayers millions of dollars. Later on, it was said to save money in two or three years. A little later, it was said to save money in five years, but now there is a question if it is going to save money at all, or if it is going to cost more money in the end. The Sinclair Act of 1957 gave school districts incentives to join unions. That is why the Sinclair Act worked because there were incentives; penalties were not mentioned back then. It was a positive piece of legislation, not a negative piece as the regionalization score in LD 499 is today. The State of Arkansas went through this and there is nowhere in the Arkansas legislation where it mentions penalties, they are all incentives. This probably goes back to the school funding formula, which is an urban formula for a rural state that doesn't work. It is a reverse Robin Hood, while they steal from the poor and give to the rich. Look at the present coastal school units, from Eastport to Boothbay Harbor, that are all losing dollars, losing much money in GPA. The property rich municipalities receive much more GPA and become wealthier, while they will be raising much less locally to aid education. Stripping the labor market would be a good start.

Now the Education Committee has worked diligently in trying to fix the flaws. We have worked and worked on this, which is an ongoing process. In LD 1932, we tried to fix four flaws; LD 2080 attempted to fix nine more flaws; and LD 2281 attempts to fix three more; and we just fixed two more in the last few days, I don't remember the number of the bill, but we just fixed the closings of a school and a SAD, and also the Adult Ed; we just had some legislation going through on that.

Mr. Speaker, this legislation or this regionalization reminds me of the Speaker going down the Whitey River in his kayak and going down towards Dennysville and Pembroke and seeing this great beaver dam sitting out there, and oh it looks nice on the front, it is a beautiful piece of architecture, and this is like the school consolidation law from the outside, but once you go in, first of all you see the beaver dam has a leak here and they put a patch on it, and all of the sudden it has a leak over here and you put another patch on it, then there is a leak here and there is a third patch, and then back here they are putting another patch on the patch, and then you are patching the patch and the patch, and this is what is happening in this law. So what needs to happen, we need to start and build a new beaver dam from the bottom up, and I believe there will be much more support from the local citizens if we start at the bottom and come up, start at the grassroots, this is what we need to do. After all, the property owners are paying for the cost of education, so don't you think they should give them a voice in what happens, how it starts, how it goes? So please vote in support of Representative Eaton's repeal bill. I am sure there are many, many, many citizens in your district who will really thank you for doing so. Thank you, Mr. Speaker.

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

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of Representative Eaton's amendment as well. I would like to take you back to June 7 of last year, when we had a chance, the last chance we had, to vote up or down on the school issue itself before it got tucked back into the total budget, and we passed that Amendment "K", as I remember it was called, to the budget: 117 in favor and 23 or so opposed. So that was the school consolidation plan, it won an overwhelming vote, it went into the budget. I voted against it along with 23 or 24 other people, then it got put back into the budget in the next hour.

The next day we had a chance to vote on the whole budget and I stood up and said, at the time, I am going to vote for the budget even though I was against school consolidation, and I said, at the time, I saw it as my duty, given that kind of vote, to go out there and try to help and try to work with the planning committees that were about to be formed at that time to try to make this thing work. Well, I did that and I have seen nothing but problems ever since we started to work on this with the financial penalties, with the loss of local school committees, with the loss of local school property, the loss of local school-teacher contracts. So I think, as I have seen, I tried to make the best effort, as I think we all probably intend to do: We make our best effort despite whether we have lost something. If we know it is going to be law, we have to get out there and uphold the law and try to make it work. This has not worked for many, many communities, mine included, and I urge you to take this chance, which is our first chance since last June 7 when we had Amendment "K" in front of us on the budget. This is our chance to take a clear and clean vote on this thing, and I think the evidence shows us that it is time to repeal it and start over again.

A quick anecdote: I went to a little school concert last night. The Junior High School band started up in front of a big audience, they got it wrong, the conductor stopped them, she turned over said they were going to try that over again and started up the band again, and they did okay, they did just fine after they took a second chance at it. I say, let's take another chance of working together on this and repeal this, start over again. That is the only thing that we have a chance to do, especially after the veto we had on 1932 last week. I urge you to support Representative Eaton's amendment. Thank you, Mr. Speaker.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would be remiss if I didn't speak today. I have heard so much rhetoric that I am beginning to get ill. I hear all of this talk about saved tax money, and now we are not going to save, we want to repeal this bill. It is the only effort of saving tax money so far.

I have heard that the stakeholders have not had an opportunity to take part in this bill. We had 64 legislators come before our committee with over 120 bills to try to improve this thing. If that is not stakeholders taking advantage of, and we listened to everybody and were very serious about everybody on the committee. We do not know at this point how much money will be saved, I agree with that, until we really do this bill. I think, in a state as large as ours, not to consolidate is almost criminal. We have to do something to take care of the cost of education. We have a state like Hawaii that has only one superintendent, and we have, whatever it is, 120 or how ever many we have. We have to cut that number down and that is what we are trying to do. We are not making schools; we are not shutting schools down and the bill itself, it says no school will be shut down unless the community itself wants to shut it down. And when we got to 2280, many of the corrections that people have been worried about are going to be in there. Thank you very much, Mr. Speaker and Ladies and Gentlemen.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to apologize and interrupting this debate just for a moment. I recognize everybody here wants to get up and say something wonderful about repealing this bill; they want their words to be echoed, maybe appear in headlines in their hometowns that they

went and fought for the repeal of this measure, but let me just interject a little bit of reality: LD 499 booked \$36 million worth of savings. Call it ephemeral, call it a dream if you want, but that is what was booked.

The Fiscal Note on House Amendment "A" is about \$36 million, so I suggest that if we are going to continue to debate this issue for another few hours, that we shift the debate to where we are going to find \$36 million to replace in this budget. What programs do you want to cut? Do you want to go back and re-fight the fight that we had for six weeks here trying to come up with the last budget measure? It feels really good, \$36 million.

Now if Representative Eaton were to stand up and say let's repeal this and start over and bring all of the stakeholders together and all of that other sort of stuff, I felt wonderful listening to it, but I keep coming back to thinking how are we going to pay for it, \$36 million is missing. If we can find that in the next three hours, then I will support this amendment; otherwise, we are just talking. Thank you, Mr. Speaker.

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

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion, opposition to this amendment. The context in which we passed—we the Legislature passed—the Biennial Budget, which included school district consolidation, has not changed. The alligator's mouth, the proverbial alligator's mouth, is still opening: Our expenses are still rising, our revenues are still falling; we have just come through a very painful supplemental budget process that took a lot out of all of us; the school population around the state is still floundering, especially in rural areas; and we are still seeing administrative expenses rise at rates higher than we really can afford. But I am happy we are having this debate tonight—I am very happy we are having this debate; in fact, I think it is probably a little therapeutic for all of us. Honestly, I wish we had this debate in January, because I think waiting to have this debate has only made it harder, because now we have stalled the process even longer around the state and in the many places where progress was being made, things have stopped.

I am under no sort of false pretenses that this vote tonight is not mostly symbolic, I think it is, and I think symbols are important, I value them, but I think, also in this case, to have the potential to provide a false hope and false option for many communities in Maine. The honest choice and the honest option is to keep working and that is what I am going to do. That is my pledge to all of you and to all of the people in the State of Maine, but the work that lies ahead of us is not going to get any easier because we took this vote tonight. The work that lies ahead of us in this body, and even more so for our communities, will not be easy to undertake; our financial challenges at the state level and at the national level are going to get worse; our demographic challenges are going to get more challenging, but if we work together, we are going to be able to address them. I believe that. I am an optimist and the glass, for me, is always half full. But doing nothing, not working, for me, is not an option, and taking a vote to make ourselves feel a lot better, or not in my case, is not going to help anything at all.

This law was negotiated in good faith. It continues to be negotiated in good faith by the wonderful, hardworking members of the Education and Cultural Affairs Committee, by members of leadership and by the Chief Executive, in good faith. Even if we have disagreements on what things should look like, we are supposed to have those disagreements, that is why we are here. I personally have listened, learned, and responded. I have continued to listen, to learn, and to respond, and once we get

through this vote tonight, in the next few days, I am going to continue to listen, to learn and respond, and to negotiate in good faith. That is what I do, that is what I came here for, and that is what I expect of all of you, that is what I expect of leadership, it is what I expect of the Chief Executive, it is what I expect of all of my colleagues in this body, that we will continue to work together around the challenges we cannot deny in good faith, and most of all, I think that is what the people of Maine expect us to do. Addressing Maine's challenges is a tough job. I think sometimes admitting that we have them is even harder, but that is why we are here, that is why I ran for office, and no matter what happens with this vote tonight—no matter what happens with this vote tonight—tomorrow, I plan to get back to work. Thank you, Mr. Speaker.

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

Representative **SUTHERLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was a little late getting in, so I certainly missed Representative Eaton's comments, and I caught the very end of my colleague from Caribou, Representative Edgecomb. I serve on the Education Committee and I can attest that we spent many, many hours last year and this year and, as I said a week or two ago, we were down here the week before Christmas, which was a hardship for this person who loves Christmas and had much to do at home, working.

If I could will school administration, reorganization to come together, I would. I have been a supporter, for those of you who know me, I have been a supporter from the beginning, and something has to happen. The alligator's mouth is getting wider, we don't have the resources, we have wonderful public schools and somehow we have to blend this all together. I served on the so-called Prosperity Committee last fall and had a conversation about who believed in one Maine, two Maines, and I have never subscribed to the two Maines; however, one of my colleagues on the committee said there are probably 17 Maines. And you know it really wasn't into we got into the nitty-gritty of this school consolidation, administration reorganization plan that I realized what some of the issues were out there, not just necessarily in the rural counties, or the rim counties, but in, where some of you folks live, in the big-time cities. The issues were different.

I really thought, with 1932, we had taken a giant step forward. A lot of people have spent a lot of time back in their hometowns trying to pull this together and some have done remarkably well, and I am very appreciative and I admire that work that they have done. But there were others, I know quite a few communities in my part of the state, who tried, and they felt as if they were spinning their wheels because they didn't have all the tools that they needed to work with and we tried to give it them. A number of the amendments that were put on 1932 helped to meet some of that. I guess I lost heart when 1932 did not go anywhere, because it just didn't help the people that I had been saving.

The SPEAKER: The Chair would interrupt. The motion before us is Adoption of House Amendment "A." It would be inappropriate to discuss LD 1932.

The Chair reminded Representative **SUTHERLAND** of Chapman to confine her debate to the question before the House.

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

Representative **SUTHERLAND**: I am sorry, I apologize. It brought me to where I am now, and I guess I will support this concept, I will do all I can with the Education Committee and God willing if I am back next year and I am on that committee, will do all I can to meet the needs of the state, but with very great

reluctance, I am going to vote for the motion.

Representative BARSTOW of Gorham **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-985)**.

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 Crystal, Representative Joy.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would be remiss if I did not stand and speak on this. The good Representative from Bath, Representative Watson, wondered where we could get the \$36 million. I would like to remind him that there are \$355 million hanging out there that are not counted as an education expense. It would be very easy to transfer \$36 million from that pile of money and count it as an education expense and take care of the Fiscal Note that he was so worried about on this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Mars Hill, Representative Lundeen.

Representative **LUNDEEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be voting for repeal. The reorganization of school administrative units was put in the budget and passed last year, and I was one that voted against the budget and I have stood firm against it, and I would like to see us take the time and work this out, do it right the first time and give our children the best education that we possibly can. Thank you.

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

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this amendment. I have supported the Chief Executive's theory and his attempt from the start, and let me tell you a little story about my community: About five years ago to seven years ago, we were 1,300 to 1,400 students. We are down to 870 students. And if you think we are going to continue on in this vain, in this atmosphere losing students every single year without trying to do something about, it is not going to happen. There are many in my community that agree with a lot of you people that they don't want to consolidate, but they are finally getting it. They are understanding we can't go back, you don't want to go back. Please vote in opposition to this amendment. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-985). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 362

YEA - Annis, Austin, Ayotte, Babbidge, Berry, Berube, Boland, Browne W, Burns, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fletcher, Gifford, Gould, Greeley, Hamper, Hanley S, Jackson, Jacobsen, Joy, Koffman, Lansley, Lewin, Lundeen, MacDonald, McFadden, McKane, McLeod, Nass, Patrick, Pendleton, Perry, Pieh, Pingree, Pinkham, Pratt, Prescott, Richardson D, Richardson W, Rines, Sarty, Saviello, Schatz, Silsby, Smith N, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Walker, Weaver, Weddell.

NAY - Adams, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Bryant, Cain, Campbell, Carey, Craven, Crockett, Driscoll, Duchesne, Dunn, Eberle, Fischer, Flood, Gerzofsky, Giles, Harlow, Hayes, Hinck, Hogan, Jones, Knight, Marley, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Norton, Peoples, Percy, Pilon, Piotti, Plummer, Priest, Rand, Robinson, Samson, Savage, Simpson,

Sirois, Strang Burgess, Tuttle, Valentino, Wagner, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Connor, Conover, Dill, Duprey, Emery, Fitts, Grose, Haskell, Hill, Johnson, Kaenrath, Makas, Marean, Moore, Muse, Pineau, Rector, Rosen, Vaughan.

Yes, 73; No, 59; Absent, 19; Excused, 0.

73 having voted in the affirmative and 59 voted in the negative, with 19 being absent, and accordingly **House Amendment "A" (H-985) was ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-985)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

HOUSE DIVIDED REPORT - Report "A" (10) **Ought to Pass** - Report "B" (2) **Ought to Pass as Amended by Committee Amendment "A" (H-814)** - Report "C" (1) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Clarify and Improve the Laws Governing the Formation of Regional School Units" (EMERGENCY)

(H.P. 1645) (L.D. 2280)

TABLED - March 28, 2008 (Till Later Today) by Representative **NORTON** of Bangor.

PENDING - Motion of same Representative to **ACCEPT** Report "A" **OUGHT TO PASS**.

Subsequently, Report "A" **Ought to Pass** was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative **BABBIDGE** of Kennebunk **PRESENTED House Amendment "C" (H-928)**, which was **READ** by the Clerk.

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

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I propose an amendment to correct a severe flaw in the cost sharing responsibility for public schools. The problem is that the very basis of funding public schools has been changed so that universal responsibility for paying for public schools has been undermined. The unfortunate and unjust consequence is that some wealthy municipalities are paying much less, while poorer towns pay much more. The result is that people, with property of the same value but in different towns that all send their children to the same k-12 school system, are assessed different mill rates and, therefore, pay significantly different amounts of tax for property of the same value.

What does this amendment do? First, it caps the disparity of mill rates in the various municipalities joined in a k-12 school district to a maximum 2:1 ratio between the highest and lowest rates of towns within that school system. Second, if implementing this fairness measure would cause a sudden and significant increase in taxes, the Department of Ed would provide a transitional ramp, providing that the increase due to the provision would be capped at 5 percent, or one half of a mill, a transition model that they have used in the past. Third, if the municipalities of the affected school district prefer the status quo to the 2:1 cap provided by this amendment, they may, if all agree, choose to opt out. Let's use a hypothetical example for reasons of simplicity, involving a k-12 school system serving the children of three municipalities. We'll call them West Chamberlain, Chamberlain Center and Chamberlain Heights. Chamberlain Heights has beautiful homes and a higher socioeconomic demographic, but few young Maine families can afford to buy

there, so the majority of families and their children live in Chamberlain Center or West Chamberlain. Under current law, the wealthiest town in the school system, Chamberlain Heights, pays as little as 30 percent of the other towns. For next year, we have a 6.55 mill rate cap; currently, we have a 2 mill minimum which, if 1932 had passed or if the Chief Executive's supplement passes, will be erased. That represents about a 30:100 percent ratio. If the Chief Executive's new supplement version of 1932 is passed, the fraction could possibly be a third, a fifth, perhaps a tenth of the mill rate of the other towns. That is why this amendment is needed.

As legislators, we must be careful, do no harm, so what is the worst that could happen with this amendment? If there is a Chamberlain Heights in your district, their residents would have their property taxes for education increased. The maximum amount under the transition provision is \$75 on a \$150,000 home, and \$500 on a \$1 million home. But remember, the other towns in your school system, West Chamberlain and Chamberlain Center, which have a much higher mill rate, are having their taxes reduced by the same total amount. One of those towns, either West Chamberlain or Chamberlain Center, is still paying twice the tax rate for education that Chamberlain Heights pays, but this amendment caps that disparity at twice, so that it is not even worse. If you have any West Chamberlains or Chamberlain Centers in your legislative district, their residents deserve your vote on this amendment.

During the last century, public education has been paid for in Maine according to property wealth. Today that is still true in most SADs, and in all municipal school systems. Yes, property evaluations have gone up way too fast in some communities and that is why this amendment works, because in those high value communities with spiraling property taxes, this amendment still cuts those evaluations in half for tax purposed by allowing up to a 2:1 ratio. But here is the problem: Current law allows the wealthiest communities to pay less than their poorer neighbors, and if they drive out all families with children, they pay nothing at all toward public education. The law is fundamentally flawed. I see that as not just wrong, but against the American tradition of financing public education, a tradition of common belief that regardless of the number of children one may have, everyone contributes to the public school. I know I have started to make this a little lengthy, and I do ask your attention.

The per pupil calculation, which is the core of essential programs and services, is not fatally flawed. The per pupil costs are excellent as a starting point for comparison efficiencies, per pupil calculations are fine to determine state averages, per pupil calculations are okay as a measure for state funding—state funding—to municipalities, but per pupil numbers are wrong for sharing local costs of education. Adoption of a private school-like, pay at the door per student cost in your own school system, k through 12, is contrary to the evolution of American history and contrary to American values.

Now I know this amendment faces opposition. My Education chair and my leadership, although always courteous and helpful, have not offered their support. Some see this as an unnecessary distraction from what the committee chose to put in this bill, but this body, this session, in this education crisis, has demonstrated independent thought on education floor amendments just recently. Don't be worried about the provisions in 2280. If the members of the other body at the other end of the hall want 2280, and I think they do, and if they do not like this amendment, they will strip this amendment from the bill and send it back to us so quick it will spin your head, so I ask you to judge this amendment on the merits. As Burke said, we owe our constituents the value of our judgment. Politically, most of you have districts that won't

be affected, but as RSUs form some of you will, and as increases in state funding come to an end, for those few of you who are affected, this bill will help the majority of your constituents to dull the hit of an extreme tax disparity on their pocketbook.

This amendment does not interfere with the above EPS provisions in LD 1932, or that included in the Chief Executive's supplement. There is no fiscal note to this amendment. It eliminates extreme disparity in mill rates so that in those few places in applies; it gives relief to those in your districts with the highest mill rates of taxation toward education. So whether it is two millionaires or two little old ladies, or two single moms who live side by side with identically valued houses, if their property line happens to be a town line and their kids get picked up by the same bus, and they sit by side in class because they go to the same school system, why should one of them pay three or four times the taxes of the other? I think they should be taxed at the same mill rate. That is what every municipal school district does, that is what three quarters of our SADs do, but today, for political acceptability, I am making a more modest request: At least cap the disparity at 2:1. Don't let anyone be forced to pay taxes at more than twice the rate—twice the rate—of their neighbor. And yes, this is part of it. Don't let Maine's wealthiest property owners, some of them from away, off the hook from paying a reasonable contribution toward public education. Maine's kids and the majority of Maine's taxpayers in your districts deserve it. I thank you for the courtesy of your attention and ask for your vote. Thank you, Mr. Speaker.

Representative PINGREE of North Haven moved that **House Amendment "C" (H-928) be INDEFINITELY POSTPONED.**

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 move the Indefinite Postponement in the most respectful way possible. We have had a lot of debate on our side of the aisle about what the Indefinite Postponement motion means, and to me it means, when an amendment is put on a bill that isn't relevant to that bill's effort, especially whether it is a budget or this education Majority Report which was nearly unanimous, I think the good Representative from Caribou may ever be on board now that we moved though the repeal process, so this is a Unanimous Report. I think the good Representative from Kennebunk has made some very good arguments, especially from his district, there is a real concern here, but I do not believe it is relevant to the bill. I am especially appreciative that he called his leadership both courteous and helpful, and we do try to be courteous and helpful, and I hope that some of the disparity issues he talked about can be addressed, whether it is later in this legislative session when we look back at the whole education funding formula, but this is a bill that is focused on narrow subject, it needs to pass, we have talked about it to our caucus. I know the Republicans feel the same way. It is important that this bill moved forward without amendments. So with that, Mr. Speaker, I request a roll call.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-928).**

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 Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just for the record, this is my fourth year here in this chamber and because of the last bill passed on the last day of the previous Legislature, before my election, Kennebunk and Kennebunkport have had an

educational funding disparity problem. That is where I got my education. That is not what this bill is about. I actually am not sure, last year the disparity between Kennebunk/Kennebunkport was very slightly more than 2:1. We are now joining another town and I am unsure about where we are going to end up between our two towns. As a matter of fact, we are negotiating something that, even if this should pass, it may not apply because, in here, if your communities have a status quo that they are satisfied with or a new provision they are satisfied with, there is an opt out provision here. So I just want you to know, this has become, for me, a revelation that I think there is something fundamentally flawed in our educational formula.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Norton, and inquires as to why she rises.

Representative **NORTON**: Thank you, Mr. Speaker. I miss the germaness of this conversation.

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

The Chair reminded Representative BABBIDGE of Kennebunk to stay as close as possible to the pending question.

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

Representative **BABBIDGE**: If I could answer, Mr. Speaker, I apologize. I merely wanted to clarify, in response to the good Majority Leader's comments, that this was not a local issue alone. 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 liked Representative Babbidge's amendment, but I gather from what the good Majority Leader said, this is not the right time. So if the question is if this is not the right time, when is the right time and when can we address that issue, because I come from an area where we have this great disparity between communities and their student population and their evaluation. When I grew up, everybody paid on evaluation, period; student count didn't work out, it wasn't a part. The question is when can we address this subject?

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

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Considering that we have taken a fairly drastic action in the prior activity before this bill, perhaps we will have a chance to look at a number of issues, including this one, soon.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-928). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 363

YEA - Adams, Barstow, Beaudette, Beaudoin, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark, Cleary, Cotta, Craven, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Dunn, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Gifford, Giles, Hanley S, Harlow, Hinck, Hogan, Jackson, Jacobsen, Jones, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Marley, Mazurek, McDonough, McFadden, McKane, Miller, Millett, Mills, Miramant, Norton, Patrick, Pendleton, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Priest, Rand, Rector, Richardson W, Robinson, Sarty, Savage, Saviello, Silsby, Simpson, Smith N,

Strang Burgess, Sutherland, Tardy, Theriault, Tibbetts, Treat, Trinward, Tuttle, Valentino, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Babbidge, Beaulieu, Browne W, Burns, Canavan, Carter, Cray, Eaton, Gould, Greeley, Hamper, Hayes, Joy, McLeod, Nass, Peoples, Plummer, Pratt, Prescott, Richardson D, Rines, Samson, Schatz, Sirois, Sykes, Thibodeau, Thomas, Wagner, Walker, Weaver.

ABSENT - Connor, Conover, Dill, Duprey, Emery, Fitts, Grose, Haskell, Hill, Johnson, Kaenrath, Makas, Marean, Moore, Muse, Pineau, Rosen, Vaughan.

Yes, 100; No, 33; Absent, 18; Excused, 0.

100 having voted in the affirmative and 33 voted in the negative, with 18 being absent, and accordingly **House Amendment "C" (H-928) was INDEFINITELY POSTPONED.**

Representative WALKER of Lincolnville **PRESENTED House Amendment "B" (H-916)**, which was **READ** by the Clerk.

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

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment is very short, very sweet, very non-controversial. We have had a lot of education issues this session, and I realize we have not been able to get these involved in some of the other bills, which is why I bring this forward tonight.

Ladies and Gentlemen of the House, I represent a small island school. There is only a couple of other Representatives here that actually have in their district an island school, and there is a law on the books that says if you live in an island school and you want to be a coach or have a position of responsibility, which usually turns out to be a coach, and you are related to a school board member, you cannot be a coach, you cannot participate, and that is a real problem. I represent Islesboro, and that has been a problem for many years. What this amendment allows, and the Commissioner of Education is on board with this, this amendment, if passed, would allow a school board or their superintendent of that island school to apply for an exception to the Commissioner, and if the Commissioner granted the exception, that individual would be able to be a track coach, a soccer coach, could fill a void that exists in these few island schools that we have.

Mr. Speaker, I realize this is a difficult way to present this amendment. I have to reiterate though that it is not controversial, it will not sink this bill, it is not going to invite a veto from the Chief Executive, and I would ask support from colleagues and request a roll call. Thank you, Mr. Speaker.

Representative WALKER of Lincolnville **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-916).**

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

Representative PINGREE of North Haven moved that **House Amendment "B" (H-916) be INDEFINITELY POSTPONED.**

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. This is an amendment that is probably even closer to my heart: I represent six of the offshore island schools. I think I am the only member of this body who lives on an offshore island, and this has actually come up as an issue in the community as the good Representative from Lincolnville knows. So I feel much like I am standing up on the minimum receiver issue, when I move to Indefinitely Postpone this, but I can say for sure that this is a good issue, this is an issue, I hope, comes before the Education Committee, I am happy to be a cosponsor of the bill when it comes forward, but I

don't believe this is relevant to the bill, and I do not think it is appropriate at this time. Thank you, Mr. Speaker, and I request a roll call.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-916)**.

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 Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to correct the good Representative from North Haven, Representative Pingree. I believe Representative Patrick lives at Fantasy Island.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-916). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 364

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

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Burns, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Edgcomb, Finley, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Jacobsen, Joy, Knight, Lansley, Lewin, Lundeon, McFadden, McKane, McLeod, Millett, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Sarty, Savage, Saviello, Schatz, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Walker, Weaver.

ABSENT - Connor, Conover, Dill, Duprey, Emery, Fitts, Grose, Haskell, Hill, Jackson, Johnson, Jones, Kaenrath, MacDonald, Makas, Marean, Moore, Muse, Pineau, Rosen, Vaughan.

Yes, 74; No, 56; Absent, 21; Excused, 0.

74 having voted in the affirmative and 56 voted in the negative, with 21 being absent, and accordingly **House Amendment "B" (H-916)** was **INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Amend School Funding Laws" (EMERGENCY) (H.P. 1675) (L.D. 2314)

Sponsored by Representative **NORTON** of Bangor. (GOVERNOR'S BILL)

Cosponsored by Senator **ROTUNDO** of Androscoggin and Representatives: **CAIN** of Orono, **FISCHER** of Presque Isle, **FLOOD** of Winthrop, **MILLETT** of Waterford, **WEBSTER** of Freeport, Senators: **MILLS** of Somerset, **TURNER** of Cumberland.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion of Representative **SCHATZ** of Blue Hill the House **RECONSIDER** its action whereby the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

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

On further motion of the same Representative, **TABLED** pending the motion of Representative **SCHATZ** of Blue Hill to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

CONSENT CALENDAR

First Day

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

(S.P. 908) (L.D. 2283) Bill "An Act To Implement Recommendations of the Governor's Task Force on Wind Power Development" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-581)**

(S.P. 918) (L.D. 2300) Bill "An Act To Facilitate the Provision of Educational Loans for Maine Students and Families" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-584)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

SENATE PAPERS

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting

(S.P. 925) (L.D. 2315)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Non-Concurrent Matter

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

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-788) AS AMENDED BY HOUSE AMENDMENT "B" (H-923) thereto in the House on April 4, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-788) AS AMENDED BY HOUSE AMENDMENT "B" (H-923) AND SENATE AMENDMENT "A" (S-582)** thereto in **NON-CONCURRENCE**.

On motion of Representative **PATRICK** of Rumford, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act To Conform the Maine Tax Laws for 2007 to the United States Internal Revenue Code" (EMERGENCY)

(H.P. 1524) (L.D. 2145)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on April 8, 2008.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-942)** in **NON-CONCURRENCE**.

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

Representative LANSLEY of Sabattus **REQUESTED** a roll call on the motion to **INSIST**.

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

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

Representative **LANSLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will try to make this as brief as possible.

In these times, we are all aware of the budget woes and mounting budget deficits that we have faced, and now we have an estimate that we are going to have even more and larger deficits coming forward. In this bill, what we are looking at is Section 179 of the Federal Tax Code, which is beneficial for businesses, it re-couples us, this is a re-conformity bill where we re-couple with the dollar amounts, Maine allows \$25,000 in depreciation as part of it, and the Federal Tax Code has \$250,000 in depreciation that they can write off. This also deals with the stimulus package of accelerated depreciation, which we have decoupled from the Federal Tax Code on. I believe that we are going to further exacerbate the situation by putting our business community at a distinct disadvantage by decoupling with the Feds.

Now this does have a very large fiscal note on it? It is \$2 million this year and approximately \$20 million moving forward. One question that continually arises is why the business community does not get behind a lot of our ideas and the policy changes. Now listening to the business leaders, it is very clear that they thrive on predictability. What I have heard from businesses is that the business environment in Maine is unpredictable. The most common message that we hear is every time we run into a budget deficit or a problem, is that one of the places we immediately go to is the BETR program. It may seem like a small issue to many of us, but it promotes the idea of unpredictability and instability in economic viability. My point is we should not do a lot of things that we do on the backs of business, by denying them the simple advantages that most other states offer to defray the costs of doing business, and we are denying them.

Now when we speak of business, we are speaking of jobs, good paying jobs that will benefit Maine people, and the Maine economy that will help to take care of the most vulnerable. A lot of times we hear that corporations, what they do is they make their profits on the backs of the Maine people. But if you take a look at it, one thing that we very rarely talk about is small business, and small business is the economic engine of Maine, they take off the majority of what happens here. And, in Maine, the entrepreneurial spirit and the rugged individualism is what makes up Maine, and when you talk to other people in other states or businesses, that is one of the things that jumps right out at them. By implementing policies like this of not backing up the

businesses and allowing them to write-off their depreciation or the same amount as the federal, we actually shut ourselves off to business. I believe that we must take a two-prong approach to help put Maine back on the path to prosperity, but reducing our spending and promoting the economic activity by stimulating increased business activity.

It is well known, and one thing we always talk about here is that we want to alter behavior, if we tax it more; one thing is with the cigarettes. We have a cigarette tax here and they are talking about changing the human behavior so we sell less cigarettes by increasing taxes. Well, if you look at it, if that is true, then the opposite must also be true, that cutting taxes will spur economic activity by making sure people keep more of what they earn. We have been asked many times to forget about or ignore the Fiscal Note, because what we are doing is investing in Maine's future. Well that is exactly what I am asking now. These are very difficult times for everyone, and by denying the businesses in Maine the opportunity to modernize and upgrade, this would be counterproductive to promoting economic vitality. We need to help them compete in the global economy, which will benefit all Maine people. The question continually asked is how do we keep our young people from moving out of state? One way is to make sure that we give them the same advantages and keep them here and create an environment that is positive for them so the entrepreneurial spirit can flourish by knocking down these barriers that we have placed in their path. Rugged individualism and work ethic is second to none in this state. What we need to do is foster this and just take down the barriers that we have put up to them and allow business to flourish. Thank you, Mr. Speaker.

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. The Representative from Sabattus, Representative Lansley, adequately, accurately represented what conformity would do as two principle elements: One is with something called Section 179, depreciation, and the other deals with this bonus depreciation which is part of the administration stimulus package, the Federal Administration stimulus package. Let me talk about each in turn.

For the state to conform with 179 depreciation would be a boost to our businesses. I think it is a good idea, if we can afford it. Last year, we put forward, as part of our comprehensive tax reform package a component of conformity with 179 depreciation because it is a good thing to do. That was part of a revenue neutral package that made sense. This is put forward in a way that will cost the State of Maine about \$6 million a year that we do not have.

The second item, bonus depreciation: The Federal Government just has amazing abilities to do things. They print money when they need it; they do all sorts of stuff. What they are offering to the citizens of this country now is this stimulus package. Some parts of it are checks to us, which we will hopefully receive in a few months time; part of it is changing the depreciation schedules at the federal level, which will help business, and part of it is saying if the state adopts those same new depreciation schedules, you can get even more stimulus. Well that is kind of like us in this body, whenever we do something in saying we are cutting people's taxes, but then we push the burden off to cities and towns and force them to raise their taxes to cover the same costs. In other words, a lot of the federal stimulus package is being pushed off and needs to be paid for by state action. I don't call that being honest with the process. I think this federal stimulus package that is being paid directly is great, let's hope it does what it is intended to do, but

let's not, as a state, get trapped into thinking that we need to come up with \$20 million to support the Federal Government's stimulus package, which is what is being offered. This quite simply is not the best way to spend this money if we had it, it is not good policy, and I urge you to follow my light. Thank you.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was curious about this legislation, and we have a diverse membership on the Democratic side on this committee—we have Representative Rand, we have Representative Watson, and we have Representative Pilon, Representative Clark, and they all united, all of them, in their agreement on this measure. So I called Revenue Services, just to make sure I understood how this thing worked. And it was interesting because it revealed things I had no idea about regarding how this thing would work.

For the \$20 million aspect that Representative Piotti mentioned, Revenue Services gave me their objective analysis of how it would work, for example: If there is a corporation that has locations, their primary headquarters are in Los Angeles and they have a branch here in Maine, and then they make investments in San Francisco and make investments in that property, they can actually have a tax cut for their business and how much they pay here in Maine, despite making zero more investment in the State of Maine. That is how it would work on this \$20 million portion. In fact, folks from Maine Revenue Service said, in fact, for much, if not most of that \$20 million, they could actually receive tax cuts for things that do absolutely zero, nothing, nothing at all for people here in the State of Maine.

As to the \$6 million, what they said was this benefit, the majority are people making six figures or more—six figures or more. And I have nothing against out of state corporations and what they might do. If we can give them tax breaks, I am not saying that's not something we wouldn't look at in the mix, and I have nothing against people making six figures getting tax breaks, but for it to be weighted so incredibly much in that direction seems an usual choice in these times, and so I am really glad that there was a united approach on our side of the aisle with regard to this legislation, given the objective analysis from Maine Revenue Service, of exactly how this would work. I thank the Men and Women of the House.

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

ROLL CALL NO. 365

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

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fletcher, Gifford, Giles, Gould, Greeley, Hamper, Jacobsen, Joy, Knight, Lansley, Lewin, McDonough, McFadden, McKane, McLeod, Mills, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Sarty,

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

ABSENT - Connor, Conover, Dill, Duprey, Emery, Fitts, Grose, Haskell, Hill, Johnson, Kaenrath, Makas, Marean, Moore, Muse, Pineau, Rosen, Vaughan.

Yes, 82; No, 51; Absent, 18; Excused, 0.

82 having voted in the affirmative and 51 voted in the negative, with 18 being absent, and accordingly the House voted to **INSIST**.

Non-Concurrent Matter

Resolve, To Establish the Maine Tree Growth Tax Law Review Committee

(H.P. 421) (L.D. 543)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY HOUSE AMENDMENT "A" (H-956) thereto in the House on April 7, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY SENATE AMENDMENT "B" (S-588)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Ensure Legislative Review of Fire Sprinkler Rules

(S.P. 775) (L.D. 1981)

(C. "A" S-471)

PASSED TO BE ENACTED in the House on March 28, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-471) AS AMENDED BY SENATE AMENDMENT "A" (S-592)** thereto in **NON-CONCURRENCE**.

On motion of Representative TARDY of Newport, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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

Representative **BEAUDOIN**: Mr. Speaker, in reference to Roll Call No. 343, on LD 2219, "An Act to Promote Transparency and Accountability in Campaigns and Governmental Ethics," I voted no and request that the reflect that I had intended to vote yes.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be brief. I have asked permission to speak on the record because of the importance of something that has been mentioned frequently during this session, even this morning by the good Representative Barstow of Gorham. He spoke of the fourth estate. We all know what the fourth estate is: It is the media, and we know what its' role is.

You will find on your desks an article in today's newspaper about Hannaford Brothers pulling all of its ads from WGME, television because of its aggressive reporting on the credit card, the data fiasco that we all recently were victims of, and I think it is

important to understand the relationship between advertising dollars and news, particularly that barrier that stands between them. This, I think, is evidence that that barrier has been broken, and it is a travesty. Thank you. I just wanted to bring that to your attention on the record.

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

On motion of Representative CARTER of Bethel, the House adjourned at 8:55 p.m., until 9:00 a.m., Thursday, April 10, 2008 in honor and lasting tribute to Florence B. Hastings, of East Bethel.