

# 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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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
FIRST SPECIAL SESSION  
10th Legislative Day  
Tuesday, April 15, 2008

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

Prayer by Father Frank Morin, Immaculate Conception Church, Calais; St. Ann's Church, Indian Township and St. James the Greater Church, Baileyville.

National Anthem by Portland Sawtlet Orchestra.

Pledge of Allegiance.

Doctor of the day, Dan Hale, M.D., F.A.A.P., Kittery.

The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (S.C. 784)

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

April 14, 2008

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby Bill "An Act To Protect Inland Water Access" (H.P. 1294) (L.D. 1858) was Passed to be Engrossed as Amended by Committee Amendment "A" (H-689) as Amended by Senate Amendment "A" (S-463) thereto, in Non-Concurrence.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**ORDERS**

On motion of Representative LORING of the Penobscot Nation, the following Joint Resolution: (H.P. 1681) (Cosponsored by President EDMONDS of Cumberland and Representatives: Speaker CUMMINGS of Portland, GOULD of South Berwick, JACOBSEN of Waterboro, NASS of Acton, PINGREE of North Haven, SIMPSON of Auburn, SOCTOMAH of the Passamaquoddy Tribe, Senator: WESTON of Waldo)

**JOINT RESOLUTION IN SUPPORT OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES**

WHEREAS, on September 13, 2007 the General Assembly of the United Nations adopted a landmark declaration outlining the rights of the world's estimated 370 million indigenous people, those people native to an area, and outlawing discrimination against them; and

WHEREAS, the nonbinding declaration expresses the individual and collective rights of indigenous peoples, as well as their rights that pertain to culture, identity, language, employment, health, education and other issues; and

WHEREAS, the declaration also affirmed the rights of indigenous peoples to maintain and strengthen their own institutions, cultures and traditions and to pursue their development in keeping with their own needs and aspirations; and

WHEREAS, in considering the rights of indigenous people everywhere, the declaration also holds that discrimination against indigenous people should be abolished and that promotion of

their full and effective participation in all matters that concern them should be encouraged; and

WHEREAS, the right to remain distinct and to pursue their own visions of economic and social development is vital according to this declaration; and

WHEREAS, the State of Maine has a special relationship with its own indigenous people and is the only state in the United States to grant seats to its indigenous peoples, the Penobscot Nation and the Passamaquoddy Tribe, on the floor of the House of Representatives; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to express support for the United Nations Declaration on the Rights of Indigenous Peoples; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Tribal Representatives of the Penobscot Nation and the Passamaquoddy Tribe.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Penobscot Nation, Representative Loring.

Representative LORING: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I bring before you this Resolution to support the rights of indigenous people all over the world. As many of you know, the United Nations approved this Resolution on September 13, 2007. The vote was 143 countries in favor and 4 countries against. The 4 countries against were the United States, Canada, Australia and New Zealand, all countries of colonization. The white government of Australia issued an apology to the lands indigenous peoples, but did not vote to adopt the declaration. The Canadian Parliament voted 148 to 114 on Wednesday, April 9, to support the UN declaration and implement its standards. One wonders what moral authority we have to chastise China on its human rights, when we have voted against rights for our own indigenous peoples.

When I was trying to think of what to say, I realized that I should have no problem speaking on behalf of indigenous peoples of the world; after all, I am one. I come from a line of indigenous peoples who have been badly treated by the majority of governments, both federal and state. I come from a people who have lost their lands and their rights and their religion to the majority culture. I come from a people who have fought and died to protect this country. I come from a people who are the very essence of this country. I have been asked many times if I think Tribal Representatives make a difference here in Maine. I say, emphatically, yes. We have played a role in making indigenous peoples of Maine real and visible and human. I truly believe the majority of Maine legislators recognize the value of human rights, and the fact that indigenous peoples all over the world should have them and be treated with civility, equality, and respect.

In 2002, I had the opportunity to travel to Chile with other legislators from all over the United States. We visited the city of Temuco, two hours south of Santiago, by air. We stayed two days in Temuco and visited the city council. They were proud of the social programs that state had made available to the Mapuche. I asked how many Mapuche were on the council or on any committees. They looked at each other with surprise and said to me, none. I had the same experience when we met with the town council in a small town just outside the city. We then drove into the bush to visit two Mapuche villages. I will never forget that experience, because we were VIPs, we were welcomed in a joint ceremony by the two villages. Two Mache, medicine women, greeted us. They were surrounded by government officials who were very proud to tell us that

government programs were improving the lives of these people, and they wanted us to know these people weren't lazy and wanted to work. Each government official spoke very condescendingly about the Mapuche, how he or she provided them with what they needed, etcetera, and this, with the Mapuche standing there listening with their heads down. I had been asked to speak before arriving at the village, but had said no because I was not prepared.

After hearing these officials speak, I went to our group leader and told her that I now wanted to speak, but only as a member of the Penobscot Nation, not as a legislator. I asked to speak after the head Mache spoke. She was the last. She spoke only Mapuche and her speech was translated, first into Spanish and then into English. I was not sure if what I was about to say would insult her, but I felt I had to say something. As I spoke, I watched the expression on her face and still couldn't tell. I said the following: "I am a Native American, a member of the Penobscot Indian Nation, from the State of Maine in the United States. We have clan mothers, much like your Mache, and they take care of our community. I wish to give you a message from my people: Never let your spirits be abused, never give up your language, never give up your culture, be proud of who you are, stay true to your beliefs and you will win." You could have heard a pin drop. I did not expect any word from the head Mache, but she turned to me and said, "Thank you for coming all of this distance and thank you for your words. I hope that in some way you can help us save our culture." The translator came to me later and said, "There is something I did not translate and that is that she sends the spirits to be with you on your journey home." He said the reason he did not translate that was because the Spanish would have considered that a non-Christian thing to say.

Indigenous peoples all over the world are in need of their freedoms, including religious freedom and the right to be treated equally as human beings. The Mapuche are also trying to protect their lands against the corporations that are moving in and taking their lands illegally. On our way to the village, we saw a funeral procession. There were many angry people crying and shouting as they carried a wooden coffin down the middle of the street. We found out later that it was the body of a young Mapuche man, just 19 years old, who had been shot by the Chilean Police as he protested the people of his people's lands. The medicine women told our delegation this; the government officials would not talk about it. This was just one incident we happened to find out about, I wonder what else and what other abuses they suffer daily. I would like, in some small way, to help the Mapuche and all the indigenous peoples around the world. Perhaps this vote, which I believe will be the first vote by a US state in support of the United Nations' Resolution, will be a first step, in order that all nations around the world support the rights of indigenous peoples. The United States of America has always stood for freedom and democracy. Many of us have fought and died for those rights. It is unconscionable that the United States voted against the rights of indigenous peoples. I ask you to support the rights of indigenous peoples here in Maine and throughout the world; it would make me very proud indeed to be a Tribal Representative in the State of Maine. Thank you.

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. There are many times that I am proud of our great state, and I am certainly proud to be one of the members of the House of Representatives in the only state in the United States of America that recognizes the need to have tribal representation in our great body, yet sometimes people can be right in front of our faces and still

invisible. I still look up at the board of the names in this great body, yet I do not see Representative Soctomah and Representative Loring on that board. If I have the good fortune to return to this great legislative body next time, I will be working with the House Rules Committee to make sure that we right that wrong. We have an opportunity to make a statement that I very sincerely hope that we make once again, to show what this means to us and those folks who help represent us here in this great body. I hope you will strongly encourage supporting this Resolution, and Mr. Speaker, I request a roll call.

Representative EATON of Sullivan **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. 403**

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

NAY - NONE.

ABSENT - Blanchette, Canavan, Carey, Connor, Curtis, Dunn, Emery, Fischer, Greeley, Jackson, Marean, Miramant, Pineau, Simpson, Smith N, Trinward, Valentino, Webster.

Yes, 133; No, 0; Absent, 18; Excused, 0.

133 having voted in the affirmative and 0 voted in the negative, with 18 being absent, and accordingly the Joint Resolution was **ADOPTED**.

Sent for concurrence.

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**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

Harry F.C. True, of Kittery Point. Mr. True was born in West Epping, New Hampshire but moved to Kittery Point at an early age. He was a 1936 graduate of R.W. Traip Academy. He worked in Biddeford, Maine, Patterson, New Jersey and Lynn, Massachusetts before working at the Portsmouth Naval Shipyard in Kittery in 1941. Mr. True worked as a machinist and planner/estimator in Kittery until he transferred to the United States Naval Ship Repair Facility on Guam in 1967. He traveled extensively throughout the Far East with his wife, Lillian, while living overseas. He retired in 1973. Mr. True enjoyed the title of the longest surviving past master of Naval Lodge 184 AF&AM of Kittery, where he was a proud member for 65 years. He was a member, former deacon and trustee of the First Congregational

Church of Christ at Kittery Point and served his community for many years as a member of the Kittery Point Fire Department. He will be greatly missed and long remembered by his loving family, his friends and the community he served;

(HLS 1236)

Presented by Representative WHEELER of Kittery.

Cosponsored by Senator BOWMAN of York.

On **OBJECTION** of Representative WHEELER of Kittery, was **REMOVED** from the Special Sentiment Calendar.

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

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

**UNFINISHED BUSINESS**

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

An Act To Remove Impediments to Changing County Government Fiscal Years

(H.P. 1660) (L.D. 2302)

(H. "A" H-995 to C. "A" H-979)

TABLED - April 14, 2008 (Till Later Today) by Representative BEAUDETTE of Biddeford.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative COTTA of China, 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 as Amended by Committee Amendment "A" (H-979) as Amended by House Amendment "A" (H-995)** thereto.

The same Representative **PRESENTED House Amendment "A" (H-1009)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In this time of reduced revenues, we have seen a pattern of cost shifting. The shifting is from the Federal Government to the state, from the state to the county, from the county to the town, but, ultimately, the bill payer, the citizen is where it stops. Provisions exists in the state and town level for the citizens to initiate action, to reconsider decisions which include budgetary decisions on each level; however, currently, there is not a provision for the citizen to take action to reconsider the Kennebec County Budget, or other counties, as outlined in Title 30-A. This proposed amendment is to create a process for reconsideration of the county budget, which in the process, that other Representatives may consider adopting for their counties.

Many of us have heard of government by referendum. I do not support this; however, the citizens should have a vehicle for reconsideration of the county budget. This process must be challenging to avoid the badgering of county government at every turn. It is for these reasons that the process contained in this amendment require gathering of signatures in Kennebec County that represent 10 percent of the voters who participated in the last gubernatorial election. It allows 45 days, from the date that the budget is passed by the commissioner, that these signatures must be gathered. Once they are certified, the county must hold a vote in 45 days. This timeline is to avoid a long, drawn out process which would hinder and cast doubt on the county budget for an extended period. The bar is set high, but at the same time the citizens, the bill payers, have access to a process to

reconsider budget action that, without this change, would not be possible. As I mentioned earlier, this right exists at the state and town levels; the citizens should also have this right at the county level. I urge your support of this amendment. Thank you.

Representative **BARSTOW** of Gorham moved that **House Amendment "A" (H-1009)** be **INDEFINITELY POSTPONED.**

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. As you see by the title of the bill, we are dealing with removing impediments for counties to be able to change their fiscal years, without having to come to the Legislature each time to make that change in statute in Title 30-A. This was a delicate balancing act, trying to find a compromise between Maine Municipal Association, the municipalities they represent and, also, the 16 counties and their individual characteristics concerning their fiscal years and the way that they operate their budgets. The item that was before us with regards to House Amendment "A" was discussed in committee, and in speaking with my friend China, I mentioned to him that I would be willing to work with him in the off session to try to find ways to deal with the issues that he is coping with locally here in Kennebec County, but further, I think there needs to be a longer discussion about the process for citizen petition with regards to the recall process. Any recall process in any county or all 16 counties would be a major change from where we are right now, and it is something that has not had a hearing where citizens, municipal representatives, or county representatives have had a chance to weigh in. So I would ask my colleagues, for the sake of keeping the balance and compromise in the original bill, to vote for Indefinite Postponement and allow time to work on the details of the issues that Representative Cotta so rightfully has brought forward, just not in this measure. Thank you, Mr. Speaker.

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

Representative **CROCKETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, ask you to vote Indefinite Postponement of this amendment. The amendment ignores the public process that passes the county budget. The public process on passing the Kennebec County budget is open and transparent. Municipal officials are deeply involved in the Kennebec County budget process. Kennebec County budget was passed by nine municipal officials. After the budget was printed, delivered to every town office, and after two public hearings, there already is a recall provision in place for spending that exceeds the LD 1 limit. This allows a citizens petition and referendum vote on a county budget if the county exceeds the LD 1 cap. I ask for your vote for Indefinite Postponement. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The reason I proposed the amendment, and I recognize as it is laid out in Title 30-A, and we in this chamber sometimes look at the citizens, which I would like to call the bill payers, that when they don't attend or don't participate in a process, that is referred to as apathy. It also can be trust, that they trust the decisions to be made that are in their best interest, but when they are not or when they dispute the budget, that is the heart of this amendment, to allow recourse which does not exist. I would like to have a roll call.

Representative COTTA of China **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1009)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1009). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 404**

**YEA** - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finley, Flood, Gerzofsky, Grose, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Millett, Mills, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Priest, Rand, Samson, Schatz, Silsby, Sirois, Smith N, Sutherland, Theriault, Tibbetts, Treat, Trinward, Tuttle, Wagner, Watson, Weddell, Wheeler, Mr. Speaker.

**NAY** - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgcomb, Finch, Fisher, Fitts, Fletcher, Gifford, Giles, Gould, Hamper, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, McDonough, McFadden, McKane, McLeod, Miramant, Moore, Muse, Nass, Pinkham, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Vaughan, Walker, Weaver, Woodbury.

**ABSENT** - Blanchette, Canavan, Carey, Dunn, Emery, Fischer, Greeley, Haskell, Marean, Pineau, Simpson, Valentino, Webster.

Yes, 81; No, 57; Absent, 13; Excused, 0.

81 having voted in the affirmative and 57 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-1009)** was **INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-979) as Amended by House Amendment "A" (H-995)** thereto.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1011)** on Bill "An Act To Reduce the Cost of Prescription Drugs Purchased by the State and Counties by Using Section 340B of the Federal Public Health Service Act"

(H.P. 1591) (L.D. 2231)

Signed:

Senators:

ROTUNDO of Androscoggin  
MARTIN of Aroostook  
TURNER of Cumberland

Representatives:

FISCHER of Presque Isle  
CRAVEN of Lewiston  
MILLS of Farmington  
CAIN of Orono

VALENTINO of Saco  
WEBSTER of Freeport  
MILLETT of Waterford  
FLOOD of Winthrop  
GILES of Belfast

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

Signed:

Representative:

ROBINSON of Raymond

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1011)** 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-1011)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

**ENACTORS**

**Acts**

An Act To Restore Benefits under the Circuitbreaker Program  
(S.P. 921) (L.D. 2305)  
(S. "A" S-617)

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 Create a Working Group To Develop Options for Long-term Funding for the Northern New England Poison Center  
(S.P. 785) (L.D. 1991)  
(C. "A" S-619)

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 Ensure the Freedom of Family Child Care Providers To Jointly Negotiate with the State

(H.P. 1481) (L.D. 2095)  
(S. "A" S-612 to C. "A" H-901)

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

On motion of Representative DUPREY of Hampden, 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.

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

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. 405**

YEA - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Carter, Casavant, Clark, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Silsby, Sirois, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaulieu, Browne W, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgcomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hanley S, Hayes, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Smith N, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Berube, Blanchette, Canavan, Carey, Cleary, Dunn, Emery, Fischer, Greeley, Pineau, Simpson, Webster.

Yes, 77; No, 62; Absent, 12; Excused, 0.

77 having voted in the affirmative and 62 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 Regarding the Maine Economic Development Evaluation

(S.P. 926) (L.D. 2317)

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

On motion of Representative PINGREE of North Haven, 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. 406**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Carter, Casavant, Cebra, Chase, Clark, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgcomb, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Millett, Mills, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland,

Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Beaudoin, Berube, Blanchette, Canavan, Carey, Cleary, Dunn, Emery, Fischer, Gould, Greeley, Jackson, MacDonald, Miller, Miramant, Pineau, Pinkham, Sarty, Webster.

Yes, 132; No, 0; Absent, 19; Excused, 0.

132 having voted in the affirmative and 0 voted in the negative, with 19 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 House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

**ENACTORS**

**Acts**

An Act To Bring Maine into Compliance with Federal Law Regarding Purchases of Firearms by Persons Found To Be a Danger to Themselves or Others

(H.P. 1336) (L.D. 1902)

(H. "A" H-1007 to C. "B" H-941)

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 Appoint Members to and Establish Terms for the Workers' Compensation Board

(H.P. 1677) (L.D. 2318)

(S. "A" S-625)

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 Amend the Axle Weight Laws for Trucks Transporting Unprocessed Agricultural Products and Forest Products

(H.P. 1576) (L.D. 2209)

(H. "A" H-888 to C. "B" H-872)

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

On motion of Representative MARLEY of Portland, was **SET ASIDE**.

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

An Act To Establish a Uniform Building and Energy Code  
(H.P. 1619) (L.D. 2257)  
(H. "B" H-1005 to C. "A" H-983)

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

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

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

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

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

**ROLL CALL NO. 407**

**YEA** - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Canavan, Carter, Casavant, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fisher, Flood, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Nass, Norton, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rector, Richardson W, Rines, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Ayotte, Browne W, Campbell, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finch, Finley, Fitts, Fletcher, Gifford, Giles, Gould, Greeley, Hamper, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McFadden, McKane, McLeod, Millett, Moore, Muse, Patrick, Pinkham, Plummer, Prescott, Richardson D, Robinson, Rosen, Sarty, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Weaver.

**ABSENT** - Blanchette, Cain, Carey, Emery, Fischer, McDonough, Pineau, Theriault.

Yes, 91; No, 52; Absent, 8; Excused, 0.

91 having voted in the affirmative and 52 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Increase Public Confidence in Government by Expanding Public Disclosure

(S.P. 838) (L.D. 2178)  
(H. "E" H-959 to C. "A" S-523)

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

**ORDERS**

On motion of Representative PERRY of Calais, the following Joint Order: (H.P. 1682)

**ORDERED**, the Senate concurring, that Bill, "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, and all its accompanying papers, be recalled from the Governor's desk to the House.

**READ and PASSED.**  
Sent for concurrence.

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

**UNFINISHED BUSINESS**

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

**HOUSE DIVIDED REPORT** - Report "A" (6) **Ought to Pass as Amended by Committee Amendment "A" (H-914)** - Report "B" (5) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-915)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Continue Maine's Leadership in Covering the Uninsured" (H.P. 1608) (L.D. 2247)

**TABLED** - April 8, 2008 (Till Later Today) by Representative PINGREE of North Haven.

**PENDING** - Motion of Representative CROCKETT of Augusta to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED**.

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am very pleased and proud to have been part of a large group, including the Majority Leader, numerous stakeholders, members of the committee, others who have been participating in this effort to provide coverage to those people who are working hard, a little bit above the Medicaid limits, they have an income, they are trying to work their way up to prosperity and it has been an honor and privilege to be part of that effort to ensure the continuity, the continuation of that coverage for these people. Dirigo has been a great success. For the people who have been covered by Dirigo, 11,000 people are getting health insurance coverage that they would not have otherwise had, 11,000 working Maine people, subsidized at various levels, to allow them to step up out of poverty or out of the dire circumstances of earning less than \$15,000 a year, where the majority of the subsidized Dirigo members are, work their way up. We have all received numerous communications from the members of Dirigo and how it has made a huge difference in their lives—saving lives.

Despite Maine's efforts, we received a report last week estimating that 500 Mainers died in the last six years as a result of not having insurance. We must continue this effort for those people and for the rest of the market, because we well know what happens when people do not have insurance: Their costs increase, their medical condition worsens, they show up at the emergency room, they get the most expensive kind of health care and the cost gets shifted, as a hidden tax, to every other consumer and purchaser of health care and health insurance, whether it is other individuals in the individual market or the BIWs and the Unums and the Hannafords. All of those people, all of those payers benefit from Dirigo. It we did not have Dirigo, there would be repercussions across the insurance market as people struggle to pay for their care and cost shifting occurs, driving up premiums for everybody else.

This bill also has substantial market reforms, and for those people who are interested in expanding the rating bands and allowing a foothold for more competition in the State of Maine, this bill does that. This bill has a reinsurance mechanism, combined with the rating bands, and it is the only proposal before



this body that will hold harmless the people at the high end, those people who have been paying into the insurance market for all their lives, it holds them harmless from an increase, but promises a reduction at the lower end of up to 40 percent of premiums to bring those young, healthy people into the market. This is the proposal that will strengthen competition in Maine. Thank you, Mr. Speaker; I will end at that.

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

Representative **CONOVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. For those of you who laughed at working families getting access to health care, I would like you to hear from a woman—I will not say last names for purpose of confidentiality, even though this is public record—Beatrice B, who says that "I want to tell you that DirigoChoice saved my life." Do you think it is a laughing matter to her? She describes that in testimony that came before our committee, how she did not otherwise have access to health care, she had no coverage, and she says:

"I want to tell you that DirigoChoice saved my life. Under DirigoChoice diagnostics screening services are covered in full, meaning no co-pays and deductibles for these services, so I could receive a screening colonoscopy. Because of this important test, my doctor discovered that I had colon cancer, which could be treated before it was too late. If it had not been for Dirigo, I would not have received the care I needed to find this problem in time. Now my prognosis is good, I am very grateful."

There are many of these stories that we received, I have some in my hand. We received, some of us, a document that I cannot show you because it is against the rules to show props here at the House, but it was very heavy, an inch full, double sided, last year when some of us talked about this double sided, single spaced testimony of people, hardworking Maine people, small business who often we hear we want to support seeing that they are our backbone of our economy, who testified the effect of what the Dirigo program has done for them. So I don't think it is a laughing matter at all. I think health care and access to it is very important.

For those of you who are interested in market reform, would you support market reform that saved over \$100 million over the last three years, as well as save people's lives? Market reform that offers truly accessible, truly guaranteed, comprehensive health care on a sliding scale fee, a sliding scale basis that is there when people need it. If so, then you should support DirigoChoice and the measure before us. Dirigo provides comprehensive coverage and encourages prevention, which we know is a good investment for today and tomorrow, saving both lives and dollars. Dirigo offers our working families a meaningful choice, as opposed to some of the bad choices on the market with sky-high deductibles or exclusionary plans that serve only to restrict access and utilization of care and, in the long run, drive up medical debt. Our families want health security that protects both their health and their assets. They are tired of paying more for less or nothing, and Dirigo is unique in the market in combining guaranteed issue with no preexisting conditions, no medical exclusions or waiting periods with guaranteed renewal, and offering this on an affordable sliding scale basis. No other plan out there combines elements in this way.

Ladies and Gentlemen of the House, we have a national health care crisis. The crisis we are facing in Maine is not unique. We have 47 million Americans without health insurance; this is wrong. Our hardworking Mainers and Americans deserve better. Here in Maine, we have showed great leadership, and in the national ranking, Maine is in the top five in both access and

quality. I am going to repeat that for those listening who may wish to report on this: Maine ranks in the top five in both access and quality in the nation. DirigoChoice has been an important element to that formula of our success. Can we do better; yes, we wish to and, yes, I hope we will have the will to in this body today and tomorrow. If you look at this measure carefully and consider it in the national context, we see at the federal level, our Chief Executive of our country offering an economic stimulus package, broad based, not targeted, billions of dollars just kind of going out there. Here in Maine, we have an opportunity to support our small businesses in a targeted way in support of something that is very important to our small businesses by allowing them to have, many that have not been able to before, access to health care for them and their employees, often very small mom-and-pop shops, to continue enabling them to recruit good employees, to have their employees getting to work every day, to being productive as the backbone of the economy. So this is an opportunity to make a difference in the economic condition of our state by investing in our small businesses. There are 800 small businesses—and I know there was a handout that just came around of the towns in Maine and the number of people on Dirigo, many of which are our constituents—800 small businesses. The rest of the folks, it is based on income on a sliding scale fee. Eighty percent of the people in our state that are not covered, 80 percent of these are working people. This is not a handout. Dirigo is a hand up for the hardworking Maine people and the hardworking small businesses; I want to be very clear about that.

I would like to talk a little bit about the funding. You know, there has been a huge communications campaign out against any state that is trying to enact any successful health care reform in this country, and Maine is not unique in having faced this. I would like to talk a bit about some things that were in the original Dirigo legislation that may have made it more difficult and challenging or this program, that has succeeded despite these challenges. I would like to talk about the fact that Anthem, up until this year and one of the things I am very happy about this bill now is that we have DirigoChoice in the hands of a nonprofit, Harvard Pilgrim, which is known for its excellence in quality across the country, but originally, up until this session, it has been in the hands of a for-profit company. We had people testify in our committee, over and over again, on two issues that have hindered the success, made it more difficult for the program to succeed more. First of all, I think that the good Representative from Newport has said over and over again: Putting DirigoChoice in the hands of Anthem was basically putting the fox in charge of the henhouse. We had people come before our committee, testifying over and over again that they would call to get information about DirigoChoice, and there would be the bait in switch, so they would call and get redirected elsewhere. Also, we had people come before us saying, where is the marketing, and there is logic to that. If we had the product in the hands of a company who was competing against a product, and in trusting them, they had a conflict of interest in order to market the program. Secondly, there was not a no-pass-through provision, which means that the for-profit insurance company did not have to pass the costs onto the consumers, but chose to. I think and hope that in future, we can work towards legislation that has no pass-through to protect the consumers and I hope we will.

I would like to talk about the savings offset payment, because there has been a lot of misinformation out there about that, and I actually am someone that thinks it has been a good thing for the following reasons: We all talk about cost containment and the need to contain costs in the health care delivery system. The savings offset payment has been the provision, with the Dirigo

program, that has linked cost containment and outcomes and, without it, we are not going to have that now, so I wanted to talk a little bit about the stop. I think there is something to capturing the savings that are achieved from investing in preventive care. We know that preventive care saves lives and dollars and capturing the savings. What has not been as widely reported on, Ladies and Gentlemen of the House, is the for-profit carrier decided that they wanted to build into the premiums, the rates, the cost, and then pocket the savings that were achieved as well. So if there is anything controversial about the savings offset payment, it should be that the insurance companies decided they wanted to fight and pocket the savings that were the Maine people's millions of dollars. So I will miss the savings offset payment because I think it was important to cost containment and showing us all how preventive care saves lives and dollars in the long run.

I want to talk about, with regard to funding, the sharers' responsibility. There is no magic pill to solve our health care crisis; it is going to take a cocktail of medicines. What I see, what often happens and is continuing to happen and I hope that in the future we have the political will to make happen, is that instead of having all of the financing for everything going onto the backs of consumers, that we have some shared responsibilities and the subsidizing in the insurance industry to pay for the claims that they should be assuming the risk for, we should instead have them, the hospitals, do the whole health care delivery system. Everybody has to be a part of this solution; it can't happen unless there is shared responsibility. So individual responsibility, should I take care of my health and get my preventive screenings? Yes. Are the physicians part of this, do they want to make sure we get our preventive care and treat us well like they always do? Yes. Are the hospitals part of this, do they need to pay their fair share? Does the insurance industry need to contribute their part? Yes, everyone along the chain needs to share responsibility if we are going to meet this crisis.

I want you to know that some have said this is compromise legislation, and it is, and want to compromise further. I want to let you know that there are some on in the committee that felt that this was a compromise. There are some of us that realize and recognize that it is important to compromise, but also are concerned about the market reform provisions. I would rather have the money going into growing Dirigo Health, expanding care, we all would. We understand the political reality that we have two bodies in this House, not just one, we understand that the other body is more conservative and they have a different point of view, but I want to let you know that there are some that already feel like we have compromised, and I ask those who are returning to please keep a careful eye on the market reforms. I ask for transparency, I ask for careful monitoring of the rates of the people who have chronic conditions that are currently in the individual market, with Anthem being allowed to close their book of business, that we monitor their rates, their deductibles, their exclusions benefits and coverage and monitor their timely transition to other coverage.

The difference between this and other bills that we are going to see that makes it easier for me to compromise, or not easy at all but, is that there have been some distinct policy levelers built into this bill that are not in the other market reform bills, to try to prevent the older, sicker more rural, more hazardous industries from having their rates increasing. I hope we monitor those provisions, but that really is key. Folks, there is market reform in here that concerns me, but I see that there is a distinct attempt in working with actuaries to hold harmless the 45, 50, 55, 60, 65 year olds that are not federally eligible for federal health care systems. I still have concerns, but that is the difference. I want you to understand this. For us that have a hard time with these

market reforms, that is still hard, but this is why this bill is different. There has been distinct efforts for people that know to try to prevent harm in this. Do I want transparency; do I want that to be verified, am I just going to trust that? No. I want us to monitor this in the future very carefully with the Bureau of Insurance, the committee of jurisdiction, and I ask that to take place. So I hope you will stand by me in supporting health care for working Maine families, I don't at all think it is funny when people have gotten health care to laugh about the success of people getting health care that needed it when it saved their lives, and I ask us to please diligently focus on the importance of this legislation. Thank you, Men and Women of the House.

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

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Pilon.

Representative **PILON**: Thank you, Madam Speaker. I do commend the Insurance Committee for all their hard work on LD 2247. Having served on the Insurance Committee in the 122nd Session, I know how hard it is to move good legislation through committee, and it is a good piece of legislation; however, there are some issues from my perspective. LD 2247 does have underwriting criteria, for example, a geographic area is one of their underwriting criteria that an insurance company will be able to use as an underwriting factor. So that means that people from up north, for example, in the northern part of the state, the insurance company may be able to use that as an underwriting factor when it comes time to underwrite them or increase their premium, for example, because they are in an unfavorable geographic location. So that is something that people up north may want to consider when they vote for this bill. This is a on page 2, line number 23 and 24. Also, another underwriting criteria is age, but that is a typical underwriting factor.

LD 2247, in Fiscal Year '09, we are looking to spend \$58 million, we are cycling roughly 13,000 people through the program, and, again, is that good use of taxpayers money in this tight fiscal year? In Fiscal Year 2010, we are going to be looking to spend almost \$62 million. What I have not heard from these discussions is what our market plan is. I have not heard, from Harvard Pilgrim, how we are going to enhance the participant level in this program. This \$58 million in Fiscal Year '09, and Fiscal Year '10, \$ 62 million, is just for status quo. I would feel a little bit better when it comes times to vote if I had an idea as to what the Harvard Pilgrim's marketing program is to enhance this program, but I have not heard that and I am very distressed by this. Thank you very much, Madam Speaker.

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

Representative **McKANE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have to agree with much of what my good Chair said: We do a serious problem here in the state and we need to address it.

In response to the Representative from Oakland, I can tell you another matter that is not a laughing matter and that is the cost of health insurance in this state. It is far above almost every other state and it is unnecessary. I do want to thank the sponsors and supporters of this legislation for finally acknowledging the problems with Maine's community ratings laws and the hint of market reform that is contained in this bill. It has taken years to get this far but, unfortunately, it is not far enough, even with this little bit of reform, we will still be one of the

most regulated health insurance industries in the country. We are only timidly tiptoeing back. And ironically, in the past, we have been so bold with Dirigo, and in the early 1990's with those drastic regulations in community rating and guaranteed issue, which by the way have caused us to lose about 60,000 members who were in our insurance pool individual market.

LD 2247 is entitled "An Act to Continue Maine's Leadership in Covering the Uninsured." I don't know if they is really accurate. We are leaders all right, but it is basically an expanding Medicaid. That is the reason we have a low uninsured population, and I am not sure if that is something we should be proud of. If it is, should we become leaders in other government subsidy programs, food stamps? I don't think so. I don't think people want to be on food stamps, I don't think they want to be on a medical subsidy program or medical welfare. So after years of work and debate, we have a deal put before us: We'll give you this tiny bit of health insurance reform, if you give us two new taxes to support Dirigo. Madam Speaker, I submit that this is not the best way to legislate. I sincerely hope this is not the best we can do. Each idea should be brought forward on its own; Dirigo and whatever funding mechanism in one bill and insurance reform in the other. There is hope, we do have more legislation coming, but let's look at Dirigo. There has never been enough money, and so far we have gone through about \$164 million, including taxpayer and member dollars, and there has never been enough.

In the first year, Dirigo claimed to have saved \$233 million and that is what they wanted to get through the SOP. That seemed a little unrealistic to a lot of people, so they cut that down to \$133 million, and then after the rate hearing they were allowed \$44 million, which was still a stretch. They were saying that they saved that \$233 million after spending \$53 million, if you can figure that one out. In fact, every year, the amount asked for by Dirigo through the SOP has been cut at least in half, but in this new bill there will be no hearing for the new tax on claims that is contained in this bill. And, once again, large out of state corporations will not be subject to this tax, as they weren't subject to it with the SOP. All of the big box stores will not be subject to this tax, but Maine's small businesses will be subject to this tax. Interestingly, the third party administrator, the Maine state employees' health insurance, Anthem, they will be subject to the tax and I can't imagine that that won't be passed on to our state employees' health care, but for some reason there is no fiscal note. Maine state government, by the way, is one of the places that our monopoly carrier, Anthem, makes a lot of its profits, but there is another new tax contained with this bill, a \$0.50 tax on cigarettes is said to be a deterrent, also. The higher we raise the tax on cigarettes, the less we are going to smoke. Well, does that work the same on the tax on paid claims? Are we trying to get less people involved with health insurance? The two just don't seem to jive, they contradict each other. But I have never understood the whole premises behind Dirigo that a tax on health insurance would somehow make health insurance cheaper for everybody else.

There was a man in Damariscotta, many years ago—I don't know where he came from—he swept the streets for free, and he did a pretty good job at it. One July, when traffic got really busy, he thought he would upgrade his job a little bit and he got out to the middle of an intersection and tried to direct traffic. Well, he couldn't do this. He shouldn't have moved up to this new job. He held up traffic in all directions and made matters worse and, eventually, he was ignored. The folks on the sidewalk simply watched him with curiosity and pity. This man, who was known as Hap, thought he was directing traffic, just as Maine thinks it is a leader in insuring the uninsured. The rest of the country is watching us with curiosity and pity. Madam Speaker, I request a

roll call, please. Thank you.

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

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

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

Representative **CROCKETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am very proud of the hard work that our committee did during this past session to try to come up with something to help Maine citizens. In the end, our committee was divided, but I think that this bill, it does not only provide one avenue of relief. One of the areas that it will address is the replacement of the savings offset payment. I feel strongly that the savings offset payment needs to be replaced and that the proposal for a surcharge of 1.8 percent on paid claims is a fairer and more transparent means of financing. The SOP has been a serious distraction to a well-meaning attempt to improve our situation in Maine and needs to be changed. With this change, we will take the money that is currently paid to lawyers to fight over the SOP and take the time the agency spends in dealing with the lawsuits, and devote both this time and this money to more constructive pursuits, such as covering more people with the Dirigo Choice product. As the good Representative from Oakland said, our committee, all of our committee members received a pack at last session with over 80 pages, two-sided, of emails from people all across this state that were in support of Dirigo, telling us what Dirigo had done for them. I find it interesting that some people can laugh at a situation such as that.

I received an email from a lady that told me why she and her family depend on Dirigo. I called her to chat with her and to find out how she feels about Dirigo and why it was so important to her family. She told me that her husband is a woodsman and has been all his life. They have two young children under the age of five. They have family coverage through Dirigo and feel extremely thankful. If the program is eliminated, they would be without health care. They cannot afford the premium for a family policy elsewhere. They pay \$409 a month for Dirigo and are able to make the payments on time. They do not want and they do not need MaineCare. Dirigo Choice is a step in the right direction. She asked me to remember how Dirigo helps all the tradesmen, small business owners and their families, because they finally have affordable health care coverage. She told me that she and her husband raised their children in a healthy environment and they work hard to pay for health care, and they only ask that the premiums remain affordable for a family of four trying to make ends meet.

She also told me about her parents: They are 63 years old, and her father sells real estate and has no health insurance because he can't afford the premiums and the Dirigo enrollment is closed. They are going without preventive care and she is very concerned that while they are waiting to turn old enough for Medicare, they are neglecting necessary preventive care. I think these are a couple of examples of why we need to do what we can to assure that the good, hardworking people in Maine have Dirigo available to them.

Another part of this bill, the establishment of the Reinsurance Association to improve the individual market and the changes in the community rating bands are a good compromise. I hope that some young people will come back into the market, as I believe that all individuals need to be covered with some insurance product. Maine cannot solve its health insurance problem without getting more people insured. Without health insurance, waiting

too long for care and ending up receiving the highest cost, health insurance is not what we want and this is simply shifting the burden to the commercial carriers, which is one of the reasons that our insurance premiums are high. This is not a perfect bill. Very few proposals reforming health care are perfect, but this is a practical bill. It will enact modest reforms. These are important steps towards the next round of reforms, while we wait for our new President and new federal changes. Please vote in support of this LD. Thank you.

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

Representative **SAVAGE**: Thank you, Madam Chair, Ladies and Gentlemen of the House. I did have my notes today, thank goodness. I believe that LD 2247 is a well-intended, well thought out, but inherently flawed bill. The problem with Dirigo Choice health insurance from the beginning has been the costly funding; I think most of us know that. To date, no method has been found to fund this program without putting undue cost on the backs of businesses and individual policyholders. This bill wisely eliminates the controversial savings offset payment, which nobody seemed to like, and replaces it with a 1.8 percent assessment on claims, which is a better idea. I believe this is a better method for raising funds, but does not solve the heart of the problem, which is funding Dirigo Choice without placing undue costs on other policyholders in the state. Somebody has to pay for this.

The bill also makes a small stab at market reform by broadening the community-rating band by a small margin. The rating band is what gives insurance companies the ability to properly rate a risk and it alone, along with guaranteed issue, is what drove many health insurance companies from Maine when it enacted in the 1990's. However, this bill does not broaden the band enough, in my view, to bring the companies back. We should remember that the idea behind creating DirigoChoice in the first place was to bring insurance to the 120,000 Maine people who are uninsured, certainly a noble undertaking, but it simply did not happen. Of the current 13,000 or so, which is a far cry from 120,000, now under DirigoChoice, close to half had insurance previously and switched to Dirigo, they were not uninsured. So only around 7,000 to 8,000 previously uninsured, or underinsured, are currently under the program which is now capped due to lack of funds. That is less than 1/10th of the uninsured in Maine, but at a total cost of around \$160 million to date. I do not advocate in any way throwing those currently insured under Dirigo out into the street, but Maine is in a crisis situation and I believe we need to try a new direction. We need to go further in the direction of market reforms to bring competition back to Maine, which I believe will lower the premiums for everyone, including lowering the costs of subsidizing Dirigo Choice. In other words, if DirigoChoice is to survive and if we are going to go with this, we certainly have to put through the market reforms that are needed that are going to bring down the costs of subsidizing this program. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Mount Vernon, Representative Jones.

Representative **JONES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of LD 2247 as written. As many of you have heard me speak before, I have spent 24 years of my professional life working for public health in Maine and trying to improve the health of Maine citizens. There is a major piece of public health language in this bill and that is the piece that raises the funds to help support the Dirigo insurance program through increasing the tax on tobacco and tobacco products that we have not been taxing in the past. We know, from the research in public health,

that for every dollar that you raise on tobacco, 2 percent of the total population of our children will not take up smoking. That is a major policy, public health promotion effort, and I strongly support raising funds for supporting health insurance programs in this way. Thank you.

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

Representative **CLARK**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I really didn't have any intention of speaking on this bill until the snickers and the sly remarks came across and really put the hair on the back of my neck to stand up. You have to bear with me a little bit. A little history: In 2003, as you know, we changed employers where I work. They had what they called a carve out, from 2003 to 1992, 900 employees were retired, loss of medical insurance. From 2003 on, whenever those employees who are working now retire, they have no medical insurance when they retire. Do I like the Dirigo health plan? Yes, I do. Do I like the way it is funded? No, I don't. But I can tell you one thing right now, I am not going home to tell the people I represent I am going to cut their legs out again, when their legs were cut out here a few years ago. Can you imagine, when you are 65 and a half, still working in a paper mill because you can't retire because you can't afford the medical insurance? You want to go home and tell your people that? They live all around me—Millinocket and East Millinocket, Medway, Lincoln, Lee, Sherman, Island Falls—you name it; they all worked in those paper mills. They want some help.

When I was at mass on Sunday at St. Martin's, my wife and I sat down in the pew. On each side of us, that is all we heard before we left: Don't take it away, give us a chance, we lost too much. Yes, it is easy to come down here and vote yes on everything, on the red light, but what is the solution at the end of the day? To go home and tell your people you voted red? That is not the answer. Our answer is we have Dirigo, we need to fix it, it is not perfect, we have to move on, and I am not one going home to tell my people I am going to take anymore away from them that they already lost. They have lost too much in our area and they cannot afford to lose anymore. Thank you very much, Mr. Speaker.

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

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I think the good Representative from Millinocket has really hit the nail on the head, if I may say so, because he answers a concern that is repeatedly raised: Where are all of these people that didn't have health insurance that are now getting it, isn't this program just reinsuring people that already had it? Well that is a key focus—key focus—of this legislation and it is important to do it. Someone who has been laid off, who then gets insurance, are you saying well that person shouldn't have insurance, Dirigo isn't any good because it is not insuring someone who never had insurance? No, that is not what it is all about. Fifty-eight percent of the people on Dirigo right now were either uninsured or underinsured. Well, those are people, who are they? Well, they are paying a whole lot of money for some insurance that, when they go to use it, doesn't cover anything. Is that what we want to preserve? No. Dirigo is here to help those people as well, as well as all of the folks who have never had insurance, as well as the small business people who may have insurance now for their employees, but the prices have gone up so much that they are going to drop it. They turn to Dirigo. Is that an unfortunate thing that Dirigo is covering these people who are employed by a small business that is now competitive because it can provide health insurance that it previously could not? Of course not, that is

exactly what Dirigo is all about.

I am supporting this Committee Amendment, and I supported it in committee because it is a very good piece of legislation. Not only will it maintain coverage for the over 14,000 people currently on Dirigo, and has covered more than that over the years, but it also provides for sustainable funding of this program. I think it is very important that the Representative from Saco, Representative Pilon, said where is the marketing plan, you can't have a marketing plan unless you put a program on a path to have sustainable funding. Why would you go out and market a program that the Legislature refuses to fund? That is nonsensical. The sensible thing is to figure out a funding package for it and then you have a partner; in this case we have a partner, Harvard Pilgrim, who is very motivated about this. They will market this plan, I am sure they will. They are motivated to do it, they want to be in Maine, they want to be part of marketplace, and if we pass this legislation we will have sustainable funding. The replacement of the savings offset payment, it made great intellectual sense: Capture the savings, use it to fund the program. But something that sometimes is intellectually really valid in practice turns out to be something that is quite difficult to implement and, in this case it is something that had an up and down cycle, the money isn't available to the agency on a consistent basis, it encourages litigation, and it encourages money spent on litigation instead of other things like providing greater access to health care, so it makes sense to replace that. And what are we replacing it with, something that pretty much addresses the same payers, but does it at a lower level, and that is a benefit for businesses and others that are paying for this fee as well.

The other thing that this bill does and I think it is very important, is that it does provide for market reform. This is really the only market reform bill that provides market reform in a way that carries out the medical standard, the Hippocratic Oath which is first do no harm. This is the only market reform bill before this Legislature that does that. It is the only market reform bill supported by AARP and advocates for the disabled and women. Why, because, first, it does no harm. The market reforms in this bill will drop the insurance costs of people who are 30 to 40 years old by 16 percent—as my mother with her quaint expressions would say, that is nothing to be sneezed at, Sharon, that is pretty good—and for people under 30 by 40 percent. Why is that significant? Well, of course, we want young people to have health insurance, we want them to be safe, we don't want them going to emergency rooms, we want them to take employment that doesn't provide health insurance but provide a good pay. But we also want them in the market because, under insurance schemes, the more people in the market that are healthier will help to subsidize the rates for those who are less healthy, and those would be people like me who are over 50, unfortunately. So this is a piece of legislation that addresses all aspects: It addresses sustainable funding, it addresses market reform, it is very smart legislation, it changes the market place in a way that increases competition, it levels the playing field, not by putting all of the benefits in one part of the market, but sharing it out so that all companies that seek to participate in Maine's market will benefit. This is good legislation, it is what we can do now with the funding that we have available to us, I strongly urge you to support the pending motion, the Majority Ought to Pass as Amended Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Warren, Representative Richardson.

Representative **RICHARDSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise just to make a few comments on the bill before us, 2247. On

Sunday, I just happened to be googling Dirigo Health, and I understood that there was a new webpage, but I guess, unfortunately, or fortunately, I ran into the old one. And it defines Dirigo Health, on this webpage, as a state government initiative to provide all citizens—let me repeat the word all—with affordable health care coverage. LD 2247 comes nowhere close to providing all citizens with affordable coverage.

In my district of 8,500 people, we have enrollment, according to what came through today and what came a few weeks ago, there has been a drop of about 20 folks, but somewhere around 170 people. And here we are with LD 2247 and to be perfectly blunt, I believe this is a new funding package to keep what we have. The other sad news is to find that DirigoChoice is presently closed in the individual market. Ladies and Gentlemen, this is something that is needed, this is not the mechanism to do it, and I hope that you will vote with me nay on this particular motion. Thank you.

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

Representative **CANAVAN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. My purpose in speaking today isn't to argue the merits of market reform, because to put it bluntly, I think it would take more than any single piece of legislation to fully remedy our health care system, and I am not referring now only the problems that we in Maine are experiencing. I am talking about our national health care crisis. The suggestion here today, on so many other occasions when we talk about health care in this body, is that Maine stands alone in experiencing problems with its health care system. Well, that is not true. According to a recent study published in the Journal of Health Affairs, the United States ranks dead last among 19 industrialized nations on preventing deaths by assuring access to effective health care—19th, the greatest country in the world. The study further states that thousands of lives a year could be saved if the US performance equals the top ranked countries on effective health care measures. In a nutshell, what that means is that when folks have access to good health care, fewer preventable deaths occur.

So how does Maine fair with respect to assuring access to health care to its people? Something that we often overlook is that, despite the problems we as a state share with the rest of the country in one important respect, Maine is leading the way nationwide, because the record shows that last year Maine was one of only four states in the nation in which the number of people with access to health care actually increased. In 46 other states, the number of insured declined, despite all of their so-called efforts at market reform out there. And the evidence showed that Maine's success is attributed to a large part to the enactment of DirigoChoice, because before Dirigo was established, Maine had the highest number uninsured in New England, but with the advent of DirigoChoice, we have turned that around so that we now have the distinction of having the smallest percentage of uninsured here. But I think we can just forget statistics for a moment and ask the question, who are the beneficiaries of DirigoChoice? If you look at the list of small businesses and sole proprietors signed onto Dirigo, you'll see they are located in every single corner of the state, in every single House and Senate district. The emails I have gotten from constituents, who are consumers of DirigoChoice which, by the way, are not programmed, but individual detailed personal stories describe their family and business circumstances, some of the health problems they and their families have experienced and how they have been helped by Dirigo and how grateful they are to have the security of knowing that they and their family members and employees will have access to health care when

they need it.

In a country where more and more citizens are finding coverage unaffordable, and where too many people are being forced to declare bankruptcy, even, because of medical bills, in contrast, we here in Maine are reversing the tide of the uninsured and I don't think that is a small accomplishment. So I am supporting this bill, not so much for the market reforms it contains and the promises held out because of those reforms, which may well have merit by the way, but more because the bill provides a sustainable funding mechanism which will allow DirigoChoice to continue to offer affordable health care to the thousands of Maine people across the state who now rely on it for coverage. So as I see it, voting for this bill is not just fulfilling a legislative responsibility or duty, it is a moral obligation that I owe to the families in my district, as well as the families of Mainers all across the state who have been well served by DirigoChoice, and who, in many cases, have found it to be literally a lifesaver, so I would ask you to support Report A of this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Columbia, Representative Tibbetts.

Representative **TIBBETTS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am sure that the 86 constituents that I have in the nine towns I represent would be very proud that we are going to pass a bill to raise the cigarette tax \$0.50 a pack so that they can enjoy Dirigo Health. Thank you, Madam Speaker.

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

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

**ROLL CALL NO. 408**

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

NAY - Annis, Austin, Beaudette, Browne W, Cebra, Chase, Cleary, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Hayes, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, 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 - Beaulieu, Berube, Blanchette, Emery, Jacobsen, Pilon, Pineau.

Yes, 82; No, 62; Absent, 7; Excused, 0.

82 having voted in the affirmative and 62 voted in the negative, with 7 being absent, and accordingly Report "A" **Ought To Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-914)** was **READ** by the Clerk.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-914)** and later today assigned.

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

HOUSE DIVIDED REPORT - Report "A" (6) **Ought to Pass as Amended by Committee Amendment "A" (H-914)** - Report "B" (5) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-915)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Continue Maine's Leadership in Covering the Uninsured"

(H.P. 1608) (L.D. 2247)

Which was **TABLED** by Representative PINGREE of North Haven pending **ADOPTION of Committee Amendment "A" (H-914)**.

Representative BRAUTIGAM of Falmouth **PRESENTED House Amendment "B" (H-1013)** to **Committee Amendment "A" (H-914)**, which was **READ** by the Clerk.

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment removes the tobacco funding from the bill and it is pretty self-explanatory and there are other funding sources that can be used for this program. We can talk about those later, but that is what this amendment does to strip out the tobacco-funding portion of the bill. Thank you very much. I appreciate you following my light.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-1013)** to **Committee Amendment "A" (H-914)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-1013) to Committee Amendment "A" (H-914). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 409**

YEA - Adams, Annis, Ayotte, Babbidge, Barstow, Beaudette, Beaulieu, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Clark, Cleary, Connor, Conover, Craven, Cray, Crockett, Driscoll, Duchesne, Dunn, Eaton, Faircloth, Farrington, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Giles, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Johnson, Joy, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pingree, Piotti, Plummer, Pratt, Priest, Rand, Richardson D, Samson, Schatz, Simpson, Sirois, Smith N, Sutherland, Sykes, Theriault, Thomas, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Austin, Berube, Casavant, Cebra, Chase, Cotta, Crosthwaite, Curtis, Duprey, Edgecomb, Finch, Finley, Fitts, Gifford, Gould, Grose, Hamper, Jacobsen, Jones, Knight, Lansley, Lewin, McFadden, McKane, McLeod, Muse, Nass, Pinkham, Prescott, Rector, Robinson, Rosen, Sarty, Savage, Saviello, Silsby, Strang Burgess, Tardy, Thibodeau, Tibbetts, Walker, Weaver, Woodbury.

ABSENT - Blanchette, Dill, Eberle, Emery, Greeley, Moore, Norton, Pilon, Pineau, Richardson W, Rines, Vaughan.

Yes, 96; No, 43; Absent, 12; Excused, 0.

96 having voted in the affirmative and 43 voted in the negative, with 12 being absent, and accordingly **House Amendment "B" (H-1013) to Committee Amendment "A" (H-914)** was **ADOPTED**.

Representative **BRAUTIGAM** of Falmouth **PRESENTED House Amendment "C" (H-1014) to Committee Amendment "A" (H-914)**, which was **READ** by the Clerk.

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment restores funding to the Dirigo program and the reinsurance package included in this bill. It leaves the assessment piece at 1.8 percent, as it was in the original bill, and it adds funding from an assessment on beer and wine, an assessment on syrup for the making of soda, and an assessment that comes from a transfer of temporary excess in the Fund for Healthy Maine, an assessment on loose tobacco, which is going to be equalized to the tax rate with regular cigarettes, an assessment that comes from taxing certain tobacco on a wait basis versus an ad valorem basis. These assessments and taxes can bring Dirigo the point it can continue to function, as it had been in the same amount of funding in the original bill. There are a lot of nexuses, or links, between these different items and our public health policy of promoting good health, and I hope the body will support this source of funding for Dirigo and keep Dirigo going in the right direction and continue to fund the program we discussed this morning and the reinsurance program. Thank you very much, and I hope you will follow my light.

The **SPEAKER**: The Chair recognizes the Representative from Mount Vernon, Representative Jones.

Representative **JONES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I spoke on the health care issue earlier in support of it, strongly advocating for the tobacco tax that was attached on that bill. This amendment removes some of the tobacco tax from the support of this health care issue. It also taps into the Fund for Healthy Maine, which is a major public health program that addresses tobacco use, tries to reduce tobacco use and address our leading health care cost of cancer and heart disease and diabetes. I strongly encourage us to think about the importance of public health programs and the importance of health care programs. I strongly support rights to access to health care, but I also, as a public health professional, strongly support the public's right to access, to policies and programs that will assure their health and reduce our health care costs. These programs have been proven to reduce tobacco use in our youth, who are seniors in high school, from 24 percent to 15 percent. Taking money from this fund and putting it to pay for our health care costs is not a wise decision.

You need to know that, as legislators, you are powerful advocates for the health of our public. If you go to a school of public health today, the leading thing they teach you is if you want to improve public health, make policy change. We are also taught that 80 percent of your health is made from programs and policies that protect your health. Ten percent is due to medical care. What I see us doing here is taking money from something that contributes to 80 to 90 percent of your health and putting it into something that contributes to 10 percent of your health. I strongly support health insurance for everyone in this state, but I also strongly support access to public health programs. That is why I am not going to support this amendment. Thank you.

Representative **THOMAS** of Ripley **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-1014) to Committee Amendment "A" (H-914)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "C" (H-1014) to Committee Amendment "A" (H-914). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 410**

**YEA** - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Clark, Connor, Conover, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Gerzofsky, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Pendleton, Peoples, Percy, Perry, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

**NAY** - Annis, Austin, Ayotte, Beaudette, Beaulieu, Berube, Browne W, Casavant, Cebra, Chase, Cleary, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Hayes, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver, Woodbury.

**ABSENT** - Blanchette, Craven, Emery, Fischer, Moore, Patrick, Pilon, Pineau, Richardson W, Rines.

Yes, 72; No, 69; Absent, 10; Excused, 0.

72 having voted in the affirmative and 69 voted in the negative, with 10 being absent, and accordingly **House Amendment "C" (H-1014) to Committee Amendment "A" (H-914)** was **ADOPTED**.

Representative **WALKER** of Lincolnville **PRESENTED House Amendment "A" (H-1012) to Committee Amendment "A" (H-914)**, 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. We have been speaking an awful lot about health insurance recently and, I think, we can all agree that health insurance is way too expensive. There have been a lot of disagreements as to what the causes of that are. My amendment actually offers people and Mainers an opportunity to choose to buy their health insurance either in the individual or the small group market outside of the state. I think choice is always a good thing. If you are not happy with the expensive premiums that we have in Maine, why not have the opportunity to buy from a selected number of states, both in New England and in the Mid-Atlantic Region, where you know, especially if you are a younger Mainer, that you can buy a health insurance policy that costs half as what it costs in Maine. My amendment puts together a number of states, including Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. Mr. Speaker, it is an opportunity to buy more inexpensive health insurance, it is one of the major problems we have here in the state, it is a major problem for individuals and industry, and I would ask your support and ask you to vote green on this amendment. Thank you, Mr. Speaker.

Representative BRAUTIGAM of Falmouth moved that **House Amendment "A" (H-1012) to Committee Amendment "A" (H-914) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1012) to Committee Amendment "A" (H-914).**

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 Falmouth, Representative Brautigam.

Representative **BRAUTIGAM:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I know this amendment is offered in a constructive spirit, and I want to address the reasons why our committee has repeatedly taken this issue off and rejected it at the behest of the insurance carriers in Maine and of the Bureau of Insurance.

This would allow insurance carriers in other states to sell their product in Maine without complying with the provisions of Maine law that are now observed by Maine insurance carriers. I know it is very tempting to look at another state and to see one, single isolated quote of an insurance premium and to jump to the conclusion that everyone in that state pays that number. Well, in reality, what you are getting when you see those quotes from other states is you are getting a base rate quote. In many cases, sometimes as many as 30 percent of the cases, the people in the other state are not being offered any premium, they are not being offered a policy at all, and when they are being offered a policy at all, that low quote is not what they are being offered, but because of various conditions that are allowed under their state law, they are getting a higher quote or a quote with lower benefits. So be wary of the temptation to compare premiums in one state with another state, if you don't know whether, in fact, that other state is going to actually offer that policy to your constituents.

This bill is, in essence, a cherry picking bill. It is a bill that allows another insurance company to come into the State of Maine, to find the healthiest people, the best risks, offer them a policy, and anybody else who has any kind of medical condition, a family member with any kind of medical condition—asthma, allergies even in some cases—medical conditions in their history that the carrier from another state would be allowed to decline them coverage. Now just think about what that will do to the risk pool here in Maine: All the healthy risks getting insured out of state, the unhealthy risk staying here. It is going to cause a death spiral throughout the whole state. The insurance carriers that provide insurance in this state oppose this; the Bureau of Insurance opposes it. I know it is well intended, but it would wreak havoc on our already overburdened insurance market in the State of Maine by filtering off all the healthy risks to other states. I hope you will follow my light. 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 have to disagree with my honorable friend from Falmouth. You cannot buy health insurance from a company unless that company is in one of these eight or nine states that meets the reserve requirements that the State of Maine requires. You also will get a disclosure from the state, which will tell you what the difference is in the insurance policy that your purchased, how that is different from what is offered here in Maine. I don't see this as a cherry picking opportunity, I see this as an opportunity for Mainers to get affordable health insurance, and I would ask you to support the motion. Thank you.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Indefinite Postponement House

Amendment "A" (H-1012) to Committee Amendment "A" (H-914). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 411

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

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

**ABSENT** - Blanchette, Bliss, Emery, Moore, Pilon, Pineau, Richardson W, Rines, Tibbetts.

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

86 having voted in the affirmative and 56 voted in the negative, with 9 being absent, and accordingly **House Amendment "A" (H-1012) to Committee Amendment "A" (H-914) was INDEFINITELY POSTPONED.**

**Committee Amendment "A" (H-914) as Amended by House Amendments "B" (H-1013) and "C" (H-1014) 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 as Amended by Committee Amendment "A" (H-914) as Amended by House Amendments "B" (H-1013) and "C" (H-1014) thereto.**

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

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-914) as Amended by House Amendments "B" (H-1013) and "C" (H-1014) thereto. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 412

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

**NAY** - Annis, Austin, Ayotte, Beaudette, Beaulieu, Berube, Browne W, Casavant, Cebra, Chase, Cleary, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose,



Hamper, Hanley S, Hayes, Jacobsen, Johnson, Jones, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Blanchette, Emery, Moore, Pilon, Pineau, Richardson W, Rines.

Yes, 76; No, 68; Absent, 7; Excused, 0.

76 having voted in the affirmative and 68 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-914) as Amended by House Amendments "B" (H-1013) and "C" (H-1014) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

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

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-989)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (H-990)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Better Coordinate and Reduce the Cost of the Delivery of State and County Correctional Services"

(H.P. 1466) (L.D. 2080)

TABLED - April 11, 2008 (Till Later Today) by Representative GERZOFSKY of Brunswick.

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

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

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you for letting me get up and speak on this very important matter. I would like to start off by talking about Government 101, the part that goes Governors get to propose and Legislatures get to dispose. Today, we are going to dispose of a very important matter that I thank our Governor for bringing forward, even though maybe a little harshly.

This bill, more than almost any bill I have seen in this House, has had an absolute thorough, venting, and open process for over a year. This started a year ago, when we were facing an overcrowded Department of Corrections problem, and during those hearings Criminal Justice found that we are in a little bit of a mess, that we had space available that we couldn't use, we had a prison system that was overloaded and it wasn't making any sense. So the Chief Executive made a bold statement of taking over county jails, and the counties, to their credit, stood back and said not for free, and they started coming up with their own legislation and by the time we came in to start our session in January, we had three bills come in front of our committee: one from the Department of Corrections, the Chief Executive's bill; one from the counties, and one from the committee. We listened to them in open public hearing, and we strongly suggested that they get together and try and come up with one bill, because we are one state and we don't need 15 different systems like we had, one would do, to see how they could get together and compromise and work out their problems, and then come back

and report to the Committee of Oversight. That is what happened.

All through the winter months, the counties, the county commissioners, the county sheriffs, the Department of Corrections, MMA got involved after awhile because the municipalities were involved, the Governor's Office, came in front of our committee, a committee that is made up of members from one end of the spectrum to the other. We have one member that has 22 years as county commissioner; we have another member that not only was the mayor of Bangor, sits on the Town Council currently, but was also a county treasurer for seven years. We had a member of the committee that actually worked for the Department of Corrections at a high level and understood how the Department of Corrections worked. We had a committee that really understood the issues because we had been working on them so long, so when the counties would come in and sit at the head table, right next to the state, the Department of Corrections, with the MMA sitting there with them and the sheriffs, all on the same page, all coming up with the same conclusions. It was government at its finest. It was showing that we could sit down and compromise and work out our issues. It wasn't taken from the committee and put in a subcommittee to deal with, from Appropriations or any place else, there was no savings booked. This was done the old-fashioned way, the process worked. The Committee of Oversight did its job, we asked the tough questions, we studied it, we spent hundreds of hours going line by line. You see a lot of that on your desk today; we have been flooding you with information so that you will have the correct information. We have been calling it the real deal, so there wasn't any false information out there or old information. We wanted you to be current in your votes today. You see, up in the balcony, a fair contingent of county sheriffs, county commissioners, MMA, the state Department of Corrections, and people from the Governor's Office.

You will hear my committee speak on the floor today. This is a 12-1 Report. We went over this line by line, week after week. As a matter of fact, I thought at one point this past winter, you'd get tired of hearing me stand here at the end of every session saying Criminal Justice and Public Safety will be meeting today in our committee room going over jail consolidation. Anybody who would like to come up and know what is going on is free to come up, we welcome you and, actually, some of you did. Some of the members of this body came up to hear what was going to go on and they were pleased with what they heard, because what they heard were different parts of state government working out issues for the benefit of the taxpayer.

Jails and prisons have one priority, one number one job: When a judge sends an inmate to jail or the Department of Corrections, to prison, the number one priority is to keep them locked up. Their number two priority is to keep them from coming back after they have served their sentence, trying to work with programming to help them with their recidivism rates, so they keep them down, and Maine is one of the lowest states in the country for recidivism, people coming back into the system. But one of its other priorities is trying to do it at a low cost to the taxpayers, and we have found with 16 different systems that weren't talking to each other, that didn't have a great line of communication, there were some great things going on in Kennebec County that York County never heard of. There were some good things going on in one part of the state, and the other part of the state would scratch its head and wonder how come they weren't having such good results. So when we started working on this, those were the issues that we worked on: How do we better communicate, how do we set up a system in the State of Maine that makes sense, because the system that we

were using, they are not using any place else in the country, there is only a little over a million of us, with a lot of land mass there has to be a better way.

So, I believe—after hundreds of hours, months after months of hard work, sometimes having county commissioners that got so hot that they didn't want to meet the next day and showing all the fortitude in the world by actually getting back together the next day and having a cup of coffee and starting again, and coming up with the proposal that you are looking at today—this, the Committee of Oversight, every House member voting for believes this is a very, very good system, the best system that we are going to get and it is only going to get better as it gets implemented. We have oversight in every single layer. We have counties working with counties. We are not going to have 15 different systems; we are going to have one system and my committee is going to get up and explain different parts of it today, but I want to truly thank the Chief Executive for bring the issue to us, because it has been an issue that we, on the committee, have been dealing with for years and we have needed to, that has been costing our taxpayers far too much money. I want to thank my committee for spending the time and having the fortitude to ask the tough questions, because of their expertise and their years of knowledge on the subject, to get the right product out. I want to thank the counties for seeing that there was no real benefit in just having one giant fight with the state, and thanking the state for saying the best thing to do is to sit and work with the counties, because that is the only way it is going to work for Maine. That is what we are here to do, to work for Maine, and this compromise does work for Maine. It has the solid support of 13 of the 16 counties. Does everybody think it is absolutely perfect? Well, I doubt it. I often wonder why God created the giraffe, he doesn't know how to speak and his slush doesn't taste that good, not everything is perfect, but I think this bill comes as close as it gets to being perfect and it is going to become perfect over the years of implementation. I think this is something and I said it when we voted on it that, on our years ahead, we are all going to be very proud that we were here to vote on this and to see it come through fruition, because nobody in this room today would vote to set up a system based on 1823 or 1923. I think we all want to vote on a system that will take us into 2023 and that is what this does. So I want to thank the Men and Women in this chamber for being so patient, seeing their desks get loaded up every day with more information from more counties. I think you have heard from more counties in the last week than you have heard from in the last two years, but it is their consolidation bill, it is what they worked out with the state, it is what is going to work for the taxpayers of Maine and we should all, no matter what county we are from, we should all support this and I hope you do. Thank you very much, Ladies and Gentlemen.

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

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Change is difficult. Change in any organization, whether it is large or small, is very, very difficult. Implementing and managing change in a skill, it is an art. The ability of a good leader to implement and manage change in a positive way is an excellent characteristic, whether you are the Chief Executive officer, the office manager, or a high school principal, that characteristic is something you are going to need to move your organization. Those leaders have some choices as to how they want to implement and manage change. That high school principal could stand up and say to his faculty this is a great idea, I thought of it, it is mine, let's do it. That same leader could stand up and say, you know, we have

been thinking about something; let's get some folks together, in an inclusive manner get the stakeholders involved, take a look at it, negotiate, some give and take, good ideas rise to the surface that would be critiqued and approved, and come up with a product. That inclusive process to manage change is probably the most important thing you can do because it builds support for the end product. The success or failure of managing and implementing change is directly related to the process that you use. The Criminal Justice and Public Safety Committee decided to choose that all-inclusive, involve the stakeholders process. The Department of Corrections, sheriffs, county commissioners, Maine Municipal and, quite frankly, anyone else that wanted to be involved was invited. Many long meetings, conference calls, a lot of discussion, an impasse where they came back and said, no, we can't do this, and the Criminal Justice committee said, yes you can, go back and try again. They did come back and the result is what you see before you, LD 2080.

This bill responds to prison overcrowding, a very serious problem in the Department of Corrections. It responds to the continual increase in the cost of operating our county jails. Quite honestly, folks, that is the biggest reason, the largest cost driver in your property tax at the county level. Ladies and Gentlemen of the House, I support 2080 because it is going to provide a unified system that is going to be more efficient; it will resolve many of the issues of transportation; it will have a unified process of purchasing, such as medications, which is going to save us money; it will improve inmate services and, heaven knows, we need a lot of those for some of the mental health substance abuse issues that these folks come to our prisons and jails with. It is going to control the rise of property taxes. That portion of your property tax that deals with county jails stops, is kept, it will not go up, and for many counties that is going to be a huge improvement. The Board of Corrections that is created, in LD 2080, will oversee the issue of capital construction, downsizing, and program improvements. There will be efficiencies available as they look at those three areas but, Ladies and Gentlemen of the House, most importantly, it has built support for the consolidation by the people who run the two organizations, the two systems. It is a good product, it will provide savings in a more efficient, more effective program out into the future, it is going to change the way we do business in corrections. I strongly recommend that you pass this, as is, because it was a negotiated, all-inclusive process and I hope that we can do this as is, and Mr. Speaker, when the vote is taken, I request a roll call.

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

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

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I commend the committee, they did a lot of hard work and this is probably a good bill, but I can't support it and I can't support it for one reason: Last Friday, I had distributed to your desks what it is going to cost, the average, a property owner in every county for a \$100,000 house. It ranges in a low of \$12.97 in one county, to a high of \$111.43 in other counties. How can we ask some of the poorest people—and the highest county, by the way, Somerset County, is one of the poorest counties—how do we ask the poorest people in Maine to pay the most, the highest mill rate of any? We can do better than this and when you ask the people on the committee, they will tell you that it is because you built a

new jail. Who forced Somerset County to build a new jail? I was on the budget committee, when we were told that if we didn't build a new jail, ours was going to be shut down and we would have to board our prisoners out, and it would have cost even more. How in the world can we pass a bill that asks one of the poorest counties in Maine to pay almost ten times as much, and that is before one penny of debt service is paid? You have to add to the \$111.43 per \$100,000, you have to add debt service of another \$50 or \$60 on that same house and the \$111.43 is going to be frozen forever. And as some of the faster growing counties, as their mill rate goes down, Somerset County is not going to go as fast and we all know that, and so it is going to stay the same, this inequity is going to be frozen in this bill forever, unless we change it. Change that and I can support the bill. I cannot support this kind of inequity. Thank you.

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

Representative **CROCKETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am very pleased to be the sponsor of the legislation before you today. This has been a long road and I can tell you that there were many times since this past fall, when I first submitted this legislation, that I was not sure we would get to where we are today. I first want to thank the many legislators, on both sides of the aisle, who were cosponsors of this bill. The first thing that I heard from all of you, when you agreed to cosponsor this bill, was that you wanted this consolidation to be different than what we worked on with other issues. You wanted this to be legislation that was worked out by the interested parties. I can tell you this legislation before you today is truly the result of compromise. The Maine County Commissioners Association, the Maine Sheriffs', the Maine Municipal Association, the Department of Corrections, and staff of the Executive Office have worked many months to reach agreement. The Criminal Justice Committee did a remarkable job seeing that all parties kept working until they could iron out their differences, and there were any differences.

Before becoming a legislator, I was association manager for the Maine County Commissioners Association for 11 years. For many of those years, I was also manager of the Maine Sheriffs' Association, and I can tell you that, in all those years, working with these two groups, I have never seen a higher level of commitment to change and to improve the way we deliver corrections for the State of Maine. The negotiating team would work all day, then there would be a conference call with all counties to find out if everyone agreed, and back they would go the next day to negotiate some more. I was on many of those conference calls and every county has their say and, for the most part, compromise was reached. I also need to point out that Maine Sheriffs' are agreeing to work together and operate their jails as part of a system. That is not something I take lightly, because I know that the same citizens that elected each of us legislators to represent them, also elected our 16 sheriffs. Maine citizens have confidence in these people.

Because of the economic times and the need to save money in all areas of the government, we can no longer operate in silos, and that is how our present 15 county jail system has been operating. We need to have a uniform system that will purchase medications, that will handle transportation and, most important, to handle limited bed space. I believe that this bill will improve operations and make a unified system. This is a historic change in how county government operates, to have the players that are involved on a day-to-day basis agree to this change, speaks volumes for everyone. I believe this will save the property taxpayers money, efficiencies will be created in many areas of operation, and the overcrowding will be addressed, and most

important offender outcome will improve. I ask you to vote Ought to Pass on this very important bill. Thank you.

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

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have to agree with the good Representative from Ripley that we can do better than this, and I have to ask what the rush is. I do thank all of the interested parties that worked together to find consensus on this jail issue with those groups that were invited to the table. This bill has a lot of momentum; it really feels like it is being pushed hard, doesn't it? That, once again, we have this major policy initiative with no real public hearing after it was complete, with grand promises of tax relief and better outcomes for those involved and the threat of dire consequences if we don't act now. Does that sound familiar? We just voted this week, or last week, to overturn a similar bold proposal that we voted on last year, and why? Because it was pushed through with not enough public input, and many of us found ourselves in deep regret for our previous actions. Again, the promises here are grand the risk is great. I wonder if we will regret these actions next year. It kind of feels like Lucy is holding that football again, and we are Charlie Brown and, again, she is saying, this time will be different. The commissioners from Lincoln and Sagadahoc Counties and the Two Bridges Jail Commission are strongly against this proposal, and if you read the letter from the County Commissioners in Sagadahoc, you will understand that even one of those point, and there are probably a dozen of them or almost, if even one them is correct, then we need to go back and look at this proposal again.

This past winter, I was privileged enough to get a tour of the brand new Two Bridges Jail. After years of planning, both the financing and the construction of this jail—and I will admit, and I was quite a skeptic when I heard the price tag, the long-range plan—they pulled it off and it is a beautiful facility now. It is well set up, it is clean, and it appears to be very well run. What struck me the most though, when I took this tour, was the age of the inmates. Any of us in this room would call them kids, and they are local kids. They are Lincoln County and Sagadahoc County kids. Thankfully, they are close to their families and to their communities. One young girl, as we talked in a group in the community room, just looked up, she knew we were talking about the facility, and she said, they really care about us here. Can you imagine hearing that from a jail inmate? I was impressed to say the least that that community room could disappear from our facilities after the consolidation because, supposedly, it is going to be suitable for 30 more beds than was originally designed for, just magically they are going to be in the community rooms. There was a recent job fair at the Two Bridges Jail, where employers actually came to the jail to look for workers. One inmate said they have never done that before, and I will tell you that the employers were very impressed with the program. It is innovative programs like those that will help these young people find their way back into these communities, and those programs are at risk.

Questions: Given the state's current financial crisis, where will the money for this consolidation come from? We hear it is a win-win situation like school consolidation. And the savings, where do these savings come from exactly, and what happens to them when the next budget crunch hits? This bill won't simply create new beds. Mr. Speaker, there have been several bold proposals emanating from this Legislature in the past few years, LD 1, School Consolidation comes to mind quite quickly. I don't think anybody who voted no on those proposals has regretted his or her vote. I ask this body to simply question this bold proposal and the grand promises, and given our past record with these

proposals, I don't believe anyone can fault you for voting now at this time on this bill. Thank you, Mr. Speaker.

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

Representative **HASKELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. There were many items brought up by the last speaker with which I agree; however, I see them from a slightly different light. I agree that Two Bridges has some great programs. We have certainly been learning a lot about each one of the correctional programs in all of the different counties. The true value of their forward thinking at Two Bridges would be the sharing of that kind of forward thinking, that kind of innovation, that kind of programming within the rest of the system and that is what this bill is all about. It is all about, let's take the folks that are doing it well, doing it right, and help them through this unified system to be delivering that same standard of care in every one of the facilities, and each one of the facilities has unique and individual strengths and some weaknesses, and many of those have been discussed in front of our committee by the very participants who come forward and talk about them.

The second point that the former speaker mentioned had to do with how can these consolidation and systematic changes occur, and I want to talk a little bit about when I first came to this committee two years ago. One of the first things I heard people talking about was the CAAC Report, the CAAC Report. I thought somebody had a sick cat because they kept calling this CAAC Report. But the CAAC Report was the Corrections Alternatives Advisory Committee, which began back in 2005, which had a broad representation in its membership from across corrections, the judiciary, some—and this is not a prop, I just can't read it if I don't get it a little bit closer—of the members included Marty Magnusson, our Commissioner; Scott Storey, the Sheriff; a number of county folks; Evert Fowle, that we know here locally, Denise Lord, Bob Mullen, Ralph Nichols, the Honorable Leigh Saufley; alternatives, Bill Brigeo, the Honorable Robert Clifford, Harold Dowdy, Mark Westrum, there is a whole litany of folks who were involved in this CAAC Report, including a whole bunch who are not on the formal committee, but which provided information the CAAC, and why I talk about this CAAC Report is this is really the foundation, the groundwork and the underlayment of this proposal.

During the course of their work and it was significant, it took 17 months of study, assessment and discussion to arrive at their series of conclusions, and I think there are 48 of them in all, which talk about what kinds of changes could happen to a system like this, what kinds of things ought to happen across the entire system, and I am not certainly going to read all of them to you, but I just want to pick out a few key words to let you know what kept coming up over and over again, and that was whole system efficiencies, state and county coordination, large overarching systemic goals. They talked over and over again the CAAC Report about how good ideas could be shared, how best practices could be used all across the system. It was not the committee's intention to say to you, we think there are things that will work, we think there are savings. We are able to stand on the foundation of this report, with its numerous recommendations, and say these areas have been identified, these have been looked at, and there have been multiple opportunities for people to really talk about what is going to save money. Yes, if we all buy our plastic forks from the same place, we will save some money, but you are right, those are the small things. The larger efficiencies come when we begin to share best practice across an entire system, and I think that it portends well for the State of Corrections in the State of Maine.

The third item that I will talk about is, the question was raised,

what is the real harm if we don't move ahead. Right now, we have somewhere close to 100 prisoners boarded from our state system into the county system, and we have been very grateful that the county system has been willing to accommodate, but we have had to work with individual counties one on one, while the county system had somewhere in the neighborhood of 300 empty beds, there were people laying on the floors in our state system. So I do think that it is important that we do it now, that we recognize that our entire system is more than adequate for the number of prisoners we have, and as we put these systemic improvements in place that we will be much better off, and I appreciate your time and I encourage your positive vote on this bill.

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

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The SPEAKER PRO TEM: 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 say that I honestly don't know a lot about this issue, and I am sure that the Representative from Brunswick and the Representative from Harrison did work very hard on this bill, as the entire committee did, and it is unfortunate, but I have spoken to people in Aroostook County that are not happy with this plan and, for the most part, they are pretty good people that I don't think go around just trying to squash everything. I think they have legitimate concerns with it. For myself, personally, with what we have done already with consolidation, I am not willing to take that leap again.

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

Representative **PRESCOTT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I really do wish that I were rising in support of this bill, and yet, at this time, I cannot support it. As a Representative of a two-year-old jail called Two Bridges, located in Wiscasset, serving both the Counties of Sagadahoc and Lincoln, I am relying on the knowledge and expertise of those who operate this jail to advise me as to how they feel and where they stand on this bill. These counties, along with Aroostook County, do not support LD 2080. This causes me a lot of stress and anxiety, and I have a cause to question the bill at this point in time. I realize that there has been an enormous effort put forth, but I do wholeheartedly agree with the Representative from Brunswick, it is not perfect, and to go forward with a plan that does not have everyone on board is reason for concern. I am sure that these problems can be fixed before this plan goes forward, and I am sure that the rest of these details can be worked out, but let's allow this to happen by completing a solid plan and not put it forth too soon. Please vote no and let's make a more perfect initiative for all of Maine. Thank you.

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion, Ought to Pass as Amended, with regards to LD 2080. My colleague from Newcastle posed the question, rhetorically, in his earlier debate of what is the rush with regards to this package that we have before us, and the analogy that I have always liked to make when dealing with this issue in committee jurisdiction, and mutually with the primary jurisdiction

of Criminal Justice and Public Safety, is that jails to counties are similar to the cost burden that schools are to municipalities, and the fact that it usually is the largest part of the budget and many times there are portions of that that you cannot control, the inflation of those parts of the budget.

I think with regards to the compromise that we have before us in this, it has been mentioned many times and it is almost a hit to much upon what we are considering here that is it not perfect, but certainly I think it is a very, very good plan and, though I appreciate the Chief Executive in the proposal that he originally brought forth, we are dealing with a situation and I want people to think about this if you are teetering on whether or not you are supporting this motion: Think about what the alternative would have been, if we went forward with what the Chief Executive was proposing. We were talking about the idea of us doing the work of managing the jails within our own counties, not owning the asset in many cases, being the actually jail infrastructure, and also have a direct orders concerning the inmate placement in those jails. With the Board of Corrections that is being set up in this, I think that it is a great collaboration, and it is not very often that you have this large scale of a plan—I can't recall on in my jurisdiction—that had all three levels of government come together on board to collaborate in such an equal and sacrificing fashion for the common good of all three levels involved. That is without a mandate that came down from the Legislature with any kind of bill dictating that they go forward and make this type of agreement.

We have issues that we need to deal with beyond the funding issue that I have talked about, and the fact that counties have had property tax rates going up and up and up beyond control because of the fact that the jail situation is tough to manage. We do have the overcrowding issue at the state level and that is something, as a Legislature, that it is not just Criminal Justice's responsibility. I would say that, as legislators, all individually, we have a responsibility to be involved in that as well. So I would hope that people ponder those ideas and those thoughts, think about the alternative that we had at the beginning of this session, in the beginning of the year, and compare that to what we have before us now, and also keeping in mind the fact that as we move forward, I understand in the legislation there is going to be two reports in the first year to the Criminal Justice and Public Safety Committee and, further, annual reports beyond that with the Board of Corrections and also with regards to the fact that there is equal representation from all levels of government that certainly they will be coming back to provide us input informally, they feel that things are not going in a direction that they feel are good, but certainly I think this is a step forward rather than where we are with the status quo, which I would say is not very good for our state at this time. So I urge you to support the Majority Ought to Pass as Amended motion. Thank you, Mr. Speaker.

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

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to give you a little of my own background in corrections: I have a master's in correctional administration and spent about 20 years administering and managing treatment programs, and taught the Treatment of the Offender at the University of Colorado, mainly to the staff of the Colorado State Prison at Canyon City. This does not make me an expert, or give me a monopoly on knowledge or wisdom here, but it does give me a point of view and that point of view is that I am very excited about the collaboration and the work that has gone to make this bill come into place, in bring the parties together. I think it is very important and it really holds some answers to the future of corrections in this state and

treatment of the offender. But I would say that given the briefings we have had and the material that has come across our desks, that we are really just beginning to talk about the important things. We have what I might refer to as the hotel management part, looking for beds, getting the coordination and movement of inmates, trying to make best use of personnel and resources around the state. But there is so much more that needs to be done to assure us that this is going to yield, not only cost savings in the long run, but a better treatment system. We all know the goal of criminal justice is to prevent people from getting involved in that system, and then once they do, to make sure they don't come back into it. I don't think we have spent enough time in this whole process of identifying what those behaviors within the system need to be, where they would take place, how they would take place, in order to be sure that this consolidation or collaboration would be successful. I have a feeling it will be successful, but I will be voting against the motion, at this point, until we have time and I think we do have that time to bring all of the parties together. We haven't talked about the Attorney General's Office, we haven't talked about the courts, we haven't talked about probation and parole people, all these people who feed into this very important part of our state system. Until that happens, I would just say let's identify the fact that we are very strong on the will to make this happen, but we need to really spend more time now on the way, so I would vote red on this. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As a young man, I spent seven and a half years as a town councilor in the Town of Windham. I followed this with 22 years as a county commissioner. I am now in my fourth year as a member of the Criminal Justice and Public Safety Committee of this Legislature. I tell you this, not because I think you care about my past, but because it illustrates that my life has involved local government, government that depends on property taxes for its existence. I can personally tell you that the main reason the county portion of your property taxes has continued to increase at an astounding rate is the jail—I repeat—the jail. County jails have pushed county budgets beyond our ability to pay. I did not care for the proposal to have the state take over county jails, when Commissioner Magnusson presented it to our committee a year ago; I liked it even less when the Chief Executive put in his version last fall. As our committee began the process of working the various consolidation proposals, I still question the wisdom of doing this.

One morning in January, as I was driving here from Windham, I was reflecting on my many years as a teacher. I remembered a slogan that I heard in an educational workshop in the early 1970's: It states that the best way to cope with change is to help create it. It was that moment that I committed myself to finding a way to curb the out of control, upward spiral of county taxes.

As you have already heard, the Criminal Justice Committee spent many, many hours working this bill; however, the greatest work on this bill was done by the counties, the state, and Maine Municipal Association in their long hours of negotiation sessions. I can tell you from experience that counties in the state do not have a history of friendly negotiations, nor has county government been on the Christmas card list of Maine Municipal Association. Those three groups, although not always friendly during these negotiations, stayed with the process and presented the Criminal Justice Committee with the best corrections unification plan that they could come up with. With some

modifications from our committee, that is the bill that is before you today. If there ever was a unification proposal that will work, I believe this is it. If you favor capping property tax costs of jails, this bill will do exactly that. This bill is not LD 1, it is not school consolidation. This plan we developed by stakeholders. This is the best-unified corrections that the Criminal Justice Committee could come up with. I hope that you will support LD 2080.

In conclusion, I would observe that county government has changed little since York, Lincoln and Cumberland Counties were established in 1760. County government has strongly resisted change over the years. Today, I stand before you to profess my pride in county officials, as well as state and Maine Municipal, throughout Maine for their willingness to move forward to embrace change, to indeed help create change. Thank you, Mr. Speaker.

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

Representative **BLANCHARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have to place a great congratulations to the committee, to the people that put together this bill after many long hours of procrastinations, of one party going one way and another party going another. The reason I say this is that in my 18 years as county commissioner, prior to landing here on this House floor, the same issues had arisen most every year: The cost of jails, how are we going to house them, can't afford to transport them, one jail cost more to house it than the other does. These people put everything together, laid it out on the table. I know it is probably the most complete, uncomplete package that the people want to see; however, this is the best package that we can put forward today. The package that was sent to us had been acknowledged in the newspapers, was not the best package and I don't think any of us here could have supported it. However, this committee, I stand 100 percent behind because they did one job that basically has done exactly what we preached a long time ago, regionalization and services, and now we have regionalization between county, state and communities. I thank this group, and I ask you to support this bill 100 percent.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to appeal to your commonsense. The one thing this plan lacks is the fact that it is based on trust. For the sheriffs who are here today, and for those in reach of my voice, I would like to think back to the last time that the state, the Department of Corrections, ever came through on a promise, ever upheld a financial pledge. Just think back to when this Legislature was convinced to extend the maximum length of time of state inmates in county jails from six months to nine months. Remember that? That was done on the promise that DOC would pay, and money disappeared never to be seen again. Here is what is going to happen to your counties and, frankly, as I see the paper coming across our desks, commissioners in support this, particularly commissioners from counties with debt loads on their jails, such as Somerset, I am aghast, but here is what is going to happen.

If you haven't read the bill thoroughly or haven't heard the whole pitch, this is the way it works: The county raises the same amount of property tax devoted to the maintenance of its jail as it did in 2008. That is the cap you are hearing about, not going to go any higher, raise that amount of money on your property tax, and then you pay it over to a brand new bureaucracy which consists of one sheriff, one county commissioner, three or four people from DOC, and three or four people selected by the Chief Executive. That board then will take your money, wait for you to

submit your jail budget through the board for approval, and then write you a check for what they think it will cost you to run your jail that year. You are going to do that at the same level, \$62 million to \$64 million a year, for the next 28 years or so, or until somebody makes it their mind to change this. That is what is going to happen. Now, if your county happens to have a decent business plan with regard to the jail, one that through renting beds out to federal inmates, making beds available in other counties, providing extra programs that reduce the amount of inmate time so that low and behold your costs begin to reduce, to go down in your county jail, it is not going to matter. You are not going to be able to book those savings, because the savings are supposedly and allegedly booked by the Board of Corrections and applied statewide. You are still going to be stuck with the amount of property tax that you are raising in 2008 every year from now on, and this is based on a promise that is your money saved, well, I can't go one because I don't know where that money is going to go if it is saved. All you can see on the grass is a little crosshatching and the term "reinvested savings." If that doesn't raise a hair on the back of your neck, you haven't been in this House long enough—reinvested savings. Sixty two million dollars a year we raise and we are going to give them to the county for the Board of Corrections and they are going to give it back to us; okay, I will buy that. What happens if the business plans don't work and our jail costs continue to rise, rise to the point where the amount you collected in 2008 would no longer cover, so now your budget is higher, now every county budget is higher. Where is that money going to come from? The state board then, I guess, is going to come to the General Fund. I don't know any other place the money could come from to supply the extra money that it is going to take to sustain this.

This property tax cap, I don't know its function. LD 1 has spending caps in it. There is not a county here, that I am aware of, that has busted the LD 1 spending caps. Municipalities have some, some school districts have, but I think the counties are riding along pretty well under their own caps. I think the sheriffs are doing a pretty good job running their county jails. I don't see there is a need for another artificial cap, except to guarantee this brand new Board of Corrections \$62 million to \$64 million a year to use, to allegedly pay you to run your own jail. We are trying to bind the Legislature that is going to replace us and the one after that, to continue to remember this pledge, to continue funding through CAAC or through the corrections fund that is set up in the Act to continue supplying money to adequately run the jails, but jails that are no longer a local decision to run. Everything that is good in this plan, and there is a lot that is good about this plan, the idea of joint pharmacological purchases, pharmaceutical purchases, the idea of coordinating inmate transportation, the idea of coordinating vacant beds around the state, the idea of manning a couple of particular facilities to be 72 of our facilities, those are great ideas. We don't need to give the state \$62 million to implement those ideas. Those ideas can be handled by telephone, by computer, by cooperation for crying out loud.

Two Bridges is a great example of how that works: Two counties got together, one with a beaten up old jail, one with a county that never had a jail, and they decided to cooperate. They set up a board, they floated bonds, they built a fine jail, and they learned how to cooperate, and other counties have learned to cooperate with them in terms of available bed space and all of that. That could all happen with a sense of consolidation and meaning and proper planning at the county level. It is not necessary to establish yet another level of state bureaucracy that is going to collect your property tax dollars, do something with it, approve your budgets, and then send you a check. Yes indeed, Ladies and Gentlemen, and that is the kind of trust that LD 2080

demands of you now. I encourage you to defeat the pending motion. Let's go on and work this out, if it needs to be worked out, but it does not need to be worked out to the tune of \$64 million of your taxpayers money, each and every year. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from York, Representative Hill.

Representative **HILL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You know, a couple of the Reps here had said thank you to the committee and applauded them, and I appreciate that and I am sure the other members do because of the hard work, but I have to be honest with you: the hard work was not done by us. We sat, we listened, we made suggestions. The hard work was done by the sheriffs, the counties, and the municipalities, as well as the Department of Corrections. They came in day after day with ideas and suggestions, we replied. We didn't use a club, we just kept inviting them back and saying let's work on this and here are some of the issues we see, here are some things we think might work better, go ahead out and talk about it. They go out and talk about it and they would come back. So the bottom line with this legislation is that this is a bid buy in, it wasn't forced upon anyone. They worked it through day after day. So the thing about a lack a trust, I don't see how parties would come to the table day after day if they didn't have some trust. Let's face it: All around the state, all around the country and all around the world, people are sitting down at tables day after day to come together with agreements. No matter how good your agreement is and I can tell you because I am an attorney by background who worked in contracts, that if you are not doing it with the right parties, you don't have a good agreement and you can take it to court and it doesn't matter, you are not going to be in the position you had hoped to be in, so you have to have trust. I saw trust with these people every time they came through the door, and when there was a little skepticism, they went back out and talked about it again. They didn't get here today because anybody forced them in here; they walked in on their own volition, with their own plan. Now I will tell you, I wish 16 counties were on board, but they are not. We have 13 out of 16; I think that is a great score. So you have to factor that in, too. I want to tell you, someone mentioned we are rushing this, well, we are not rushing this. All last year I sat there in awe listening about all the people sleeping on the floor in the prisons. What kind of way is that to treat prisoners? What a risk to those who are taking care of them, so we have to do something. We worked on it last year to try to take care of the short term problem; this year, we are taking care of the long term problem, so this isn't a rush. As the good Representative Anne Haskell mentioned, CAAC had this report out a couple of years back, so it helped with the framework. There is no rush going on here, but we cannot do business as usual, we need to have change and the fact that the sheriffs, the counties, and DOC brought this to us, I feel blessed.

My final thing I want to say is because this was mentioned to the word consolidation; I have to tell you that with the towns I handle, consolidation become the c word for me. It was miserable. So in the fall, when I read in the newspaper about consolidation of the jails and prisons, and my goodness it is coming to Criminal Justice, I thought, I dread going back for this. But the first day we had a public hearing, the parties all walked in—I was ready to have my football helmet on for this—but they all walked in and they said, not to worry. We were reluctant we didn't like this when this first came out, but we realize it has real potential, so we are going to work on it and we hope the committee will work with this. That was the way it went from there on. So I really hope you will consider this, we need to have

change. It may not be perfect, we may need to keep working with it as we go along. The state Board of Corrections is an excellent idea because they are in place to keep making adjustments as we go along. I don't know what more we could have offered here, and I really think we need your support. It is not about the committee, it is about the stakeholders who brought it to us. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Woolwich, Representative Grose.

Representative **GROSE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am proud to say that I am from Sagadahoc County and, I will be honest with you, I don't know a lot about jails, thank goodness, but what I do know is how the state makes promises, how the state says that they have money for programs and then later on we are up here ourselves in this chamber scrambling to find more money, taking from other funds to support things that the state has promised. So I will make this short and sweet, we have been talking for quite awhile on this. All I have to say is, to the state, show me the money. Have the money in an account so when this thing does go good, wonderful, but if it does go bad, I want money, I want backup to take care of my county and to take care of my constituents. Thank you.

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

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I hesitated to stand because I have, frankly, gone back and forth on this question, but I did want to correct the record in one respect because I have been in close conversation with the Chair of our Board of Commissioners in York County. York County is not solidly in favor of this. The Board of Commissioners is split and the county manager is adamantly opposed to it. I understand that all the good work that has been done, that has been stated, and I agree with it philosophically but particularly when it comes down to the money being there, I have concerns that way. I also appreciate the appeal of everyone working together and putting off our separate responsibilities as individual counties to one state board. But I have had the experience before, sometimes, of just being glad to delegate some work to somebody else to do for me and then regret later that I hadn't retained that authority myself.

So I just wanted to correct the record, at least in York County, we have a large new jail down there because the Department of Corrections insisted when I was on the county budget board, at that time, and it was big deal and immediate and hurry up and do it and, darn it all, we did. It wasn't exactly our choice as a county to do it, but we did it, we managed it, we have been in under LD 1, they have been managing well. As I say, I think the thing about the health concerns, the transportation concerns, as Representative Watson said could probably be handled without transferring everything to the state level, but I am just asking folks to continue to consider that. Even our sheriff, who is basically opposed if it goes as it is supposed to go, everyone has concerns about the money. If we have problems with money now, where are we going to be later? I just ask you to think about those things.

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

Representative **HANLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that everything positive about this has probably already been said several times over. I was really amazed when this process started because I didn't know if they could pull it off. I couldn't believe that the MMA and the cities and towns, the county

sheriffs and commissioners, and the DOC could get together and work on this over and over and come back to us stalled, at an impasse, and go back and continue to work on this. We simply have got to make some changes. What we are doing now is unsustainable. This is a step in the right direction that will have great rewards for us in the future; it is somewhat of a leap of faith. I encourage all of you to vote on this, to move this along. Thank you.

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

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Someone said it is a situation of trust and, probably, that is 100 percent accurate. It is an issue, quite frankly, that both parties, the counties and the Department of Corrections, have taken a leap of faith and I think that they are asking us to take a leap of faith as well. As someone put it, the negotiation process, the counties would be negotiating with someone with a bad credit score, but they did come through, they have agreed to this. It is a situation where both parties have agreed. If is a leap of faith, and if we can't take a leap of faith and negotiate in the way that this was done, then we simply stand still forever.

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

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you very much for letting me rise to speak. You have heard a lot of good speeches from the members of the committee, people who were involved in the process, people who worked day in and day out on this. You have also heard from members of this body that are very concerned because of their counties, and because one or two counties are having difficulty, they just built a new jail or are in the process of building a new jail. One of them was Somerset County, and I would just like to read this ugly, green piece of paper in front of us that came from the Somerset County Commissioners. They, in the last paragraph, say: "We are supporting LD 2080. It stops increases to property taxes and will save, just in five years, \$1.8 million in property taxes for Somerset County. This is no gimmick; it is the real property tax relief. Now we leave it to you. Do you give Somerset County tax relief? We sure hope you do." Now, that is from the Somerset County Commissioners.

Now I heard earlier about how some of the sheriffs that run some of these fine facilities aren't really on board. I have Sheriff Brackett up here, who happens to be one of the sheriffs that run Two Bridges, and when we voted on this in committee, he was certainly solidly supporting the bill, knowing that we were going to help his jail and his county out. So, no, we shouldn't all jump into a caldron of faith, even though faith can move mountains, but then again, I haven't had a crystal ball that I look at with any clarity. I just know the real deal that came in front of the committee; I know the real deal has been going on in the State of Maine, in corrections, for the last several years. I know the real deal about the jail system and how it works. Members of my committee, whether they be a 22 year veteran of law enforcement, county commissioner, or a principal that knows how to keep things moving and keep things on track and never let you take your eyes off the prize. We worked hard, we worked long. The county, the state, some DAs, all aspects of law enforcement came to the table and worked harder than we did, and we would all appreciate your support, but most of all the taxpayers of Maine deserve your support. This is going to help them. Every county has sent you a letter, 13 counties have sent you information to tell you how it is going to save them taxes—it is going to. That is not a leap of faith, that is not looking in a crystal ball. That is the

real deal and that is what we are trying to talk about, the real deal. Thank you very much, Ladies and Gentlemen, and please support your taxpayers, support your counties, support this bill.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you, again, for allowing me to speak a second time. It is a leap of faith. The only way it is going to work is if there is money. If there is a need for more money than the counties are paying over to the Board of Corrections, it is going to come to the General Fund, that is the only way it is going to happen. Either that or the counties are going to be shorted.

The good Chair of the Criminal Justice Committee read portions of a letter from the County Commissioners of Somerset County, who I understand are here today. Again, I am just amazed at the content of their letter. Remember the property tax cap only applies to non-debt associated funds for running your jail; it doesn't apply to the debt. The debt can continue to be paid by your property tax, by the county, by the residents of property taxpayers of that county. Somerset County has a \$2.5 million debt payment in 2008 alone, dead against a bond, if they had to float, to build them a jail mandated by the state that they no longer control, if this bill goes into effect. Sagadahoc County, \$850,000 in 2008; York County, \$1.6 million debt service, 2008, that is on your property tax, that is not capped; Cumberland County, \$2.1 million; Hancock County, \$450,000; Kennebec County, \$550,000. These are all just one-year payments against the debt and that debt is not being assumed by the state. That is staying home in the county, the state is only collecting your property tax, and on a pledge that they are going to pay you back that and more. This is a pig-in-a-poke, Ladies and Gentlemen. Thank you, Mr. Speaker.

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

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a clarification: The Commissioners of Lincoln County and Sagadahoc County are firmly against this proposal, as are the majority of the Two Bridges Board of Corrections. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Columbia, Representative Tibbetts.

Representative **TIBBETTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As some of you know, I spent 12 years as Sheriff—eight years as Sheriff, four years as Chief Deputy—for the Washington County Sheriff's Department. At that time, I didn't realize what it is; I had a county manager go over the statistics. Our county jail budget went up by nearly 7 percent a year for those 12 years I was Sheriff, and that was not uncommon. The thing I would like to point out and stress is that our property tax, we are not talking any other tax other than property tax, for those counties and the property taxpayer of those counties is capped at the 2008 level. Now, I want to tell you a fact: The majority of people who spend time in my jail did not pay any property tax, and if we have to use General Fund moneys or moneys that they might have paid some of the tax on to keep them in jail, it won't hurt my feelings a bit. But the property taxpayer in my county needs relief. Thank you, Mr. Speaker and Ladies and Gentlemen.

The SPEAKER PRO TEM: 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. 413**

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchard, Bliss, Brautigam, Briggs, Browne W, Bryant, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Connor, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Greeley, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jacobsen, Johnson, Jones, Kaenrath, Knight, Koffman, Lansley, Makas, Marean, Marley, Mazurek, McDonough, Millett, Mills, Miramant, Muse, Norton, Patrick, Pendleton, Peoples, Perry, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Ayotte, Berry, Boland, Burns, Cleary, Edgecomb, Fischer, Gifford, Gould, Grose, Jackson, Joy, Lewin, Lundeen, MacDonald, McFadden, McKane, McLeod, Miller, Nass, Percy, Pieh, Prescott, Schatz, Sutherland, Theriault, Thomas, Watson, Weaver.

ABSENT - Berube, Blanchette, Conover, Cotta, Emery, Moore, Pineau, Rines.

Yes, 114; No, 29; Absent, 8; Excused, 0.

114 having voted in the affirmative and 29 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-989) 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.**

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

Representative **WATSON:** Thank you, Mr. Speaker. Prior to Engrossment, I would like to state on the record for the purposes of legislative history that LD 2080 does not repeal Title 30-A, Section 1801, et seq., which is the statute that enabled, established and controls the Two Rivers Regional Jail in Wiscasset. That statute was passed by this body in 2003, established an authority to run that jail, to do its budgeting, to do its planning, to set its inmate bed rates, to control that jail in its entirety. For the purposes of this legislative record, I would only note that LD 2080 does not repeal, therefore, does not substantiate or overcome the affect of Title 30-A, Section 1801, et seq. Thank you, Mr. Speaker.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-989)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

The Speaker resumed the Chair.

The House was called to order by the Speaker.

**COMMUNICATIONS**

The Following Communication: (S.C. 785)

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

April 15, 2008

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

Dear Clerk MacFarland:

Today the Senate Insisted and Joined in a Committee of Conference

on the disagreeing action of the two branches of the Legislature on Bill "An Act To Amend Teacher Confidentiality Laws" (S.P. 912) (L.D. 2291).

The President appointed the following conferees to the Committee of Conference:

Senator BOWMAN of York  
Senator MITCHELL of Kennebec  
Senator MILLS of Somerset

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

Reference is made to Bill "An Act To Amend Teacher Confidentiality Laws"

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

In reference to the action of the House on April 14, 2008 whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative FARRINGTON of Gorham  
Representative NORTON of Bangor  
Representative MUSE of Fryeburg

**ENACTORS**

**Acts**

An Act To Shield Journalists' Confidential Sources

(H.P. 1431) (L.D. 2047)

(C. "A" H-1010)

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.

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Ensure Fair Wages

(S.P. 604) (L.D. 1697)

(S. "A" S-570 to C. "A" S-452; S. "A" S-587)

**PASSED TO BE ENACTED** in the House on April 14, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-452) AS AMENDED BY SENATE AMENDMENTS "A" (S-570) AND "C" (S-628)** thereto **AND SENATE AMENDMENT "A" (S-587) in NON-CONCURRENCE.**

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

Representative DUPREY of Hampden **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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

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

**ROLL CALL NO. 414**

YEA - Adams, Ayotte, Babbidge, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Casavant, Clark, Connor, Craven, Crockett, Dill, Driscoll, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Schatz, Simpson, Sirois, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Barstow, Beaudette, Beaulieu, Browne W, Carter, Cebra, Chase, Cleary, Cotta, Cray, Crosthwaite, Curtis, Duchesne, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, Millett, Muse, Nass, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Saviello, Silsby, Smith N, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Berube, Blanchette, Conover, Emery, McLeod, Moore, Pineau, Rines, Sarty.

Yes, 77; No, 65; Absent, 9; Excused, 0.

77 having voted in the affirmative and 65 voted in the negative, with 9 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Representatives:

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

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

Signed:

Senator:

DOW of Lincoln

Representatives:

THOMAS of Ripley  
HAMPER of Oxford  
DUPREY of Hampden  
JOHNSON of Greenville

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-451) AS AMENDED BY SENATE AMENDMENT "E" (S-621)** thereto. **READ.**

Representative TUTTLE of Sanford 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.

**Divided Report**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1017)** on Bill "An Act To Keep Bridges Safe" (H.P. 1673) (L.D. 2313)

Signed:

Senators:

DAMON of Hancock  
DIAMOND of Cumberland  
SAVAGE of Knox

Representatives:

MARLEY of Portland  
BROWNE of Vassalboro  
FISHER of Brewer  
MAZUREK of Rockland  
HOGAN of Old Orchard Beach  
CEBRA of Naples  
THERIAULT of Madawaska  
PEOPLES of Westbrook

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

Signed:

Representative:

THOMAS of Ripley

**READ.**

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

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

**Non-Concurrent Matter**

Bill "An Act To Allow Direct-to-consumer Wine Sales"

(S.P. 781) (L.D. 1987)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** in the House on April 11, 2008.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575)** in **NON-CONCURRENCE**.

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-451)** on Bill "An Act To Restore Equity to the Maine State Retirement System"

(S.P. 600) (L.D. 1693)

Signed:

Senators:

STRIMLING of Cumberland  
SULLIVAN of York

Representative **CEBRA**: Thank you, Mr. Speaker. Mr. Speaker, how did we get to this critical place? How is it that we find ourselves in a horrendous when it comes to our infrastructure, our bridge infrastructure throughout the whole state?

First, I would like to say how thrilled I am that the Chief Executive has put forward this piece of legislation. I welcome him to the fight, to the future of our bridge safety, but I am equally thrilled to read through the some 29 cosponsors on this piece of legislation. They have decided to stand in the gap for the safety of the people of the State of Maine. I am going to outline, briefly, how we got to this point.

First, Mr. Speaker, what I would like to do is outline the efforts that have been made in this 123rd Legislature to strengthen the financial position of the Highway Fund that protect our bridges. First, back in November, as a response to the crisis in Minneapolis, the Chief Executive ordered a study to be done on all our bridges, and that report came out and the members of this body received that report. From that report stemmed a list of extraordinary bridges that needed to be repaired immediately, and that is where this stems from. Our committee, the Transportation Committee, we have worked on trying to get more money into the Capital Work Plan, more money into the Highway Fund so that we could work on these projects, and this is our attempt, now at the end of the session, to do that. We tried at the beginning of the session; actually, it was in the First Session of the 123rd, to set aside a portion of the sales tax on vehicles and that didn't garner enough support. We attempted to set aside a portion of the motor vehicle excise tax and that didn't garner support. This bill is the latest attempt here to do that. We tried, in the First Session of the 123rd, to pass motor vehicle fee increases, not unlike these being proposed. We discussed attempts at proposed restructuring of the state aid highway Europe programs, and that did not receive enough support. We looked at a study of the feasibility of tolling I-295 to try to fund that project; that didn't receive a sufficient amount of support for passage. And we attempted a conversion of a part of the motor vehicle fuel excise tax to a sales tax to help the Highway Fund; that didn't receive support. So what we have here, Mr. Speaker is an attempt to fund a problem in the state that, if we don't do it today, if we don't address this problem, is only going to get worse. This bill is reasonable. It is important for our economic future in this state. It will add greatly needed dollars to a thinly stretched bridge program, the fee increases are minor and keep within the New England averages, and it will go a long way towards keeping our bridges safe, which was the name of that report that we received back in November. It will keep our bridges safe, not just for today, but for tomorrow and it will get us closer to being ahead of that curve where our crumbling infrastructure, which needs to become a priority in this state government. It will get us closer to keeping our bridges safe, not just for today but for tomorrow, it is the right bill for the right time, and Mr. Speaker, I ask for a roll call when the vote is taken.

Representative **CEBRA** of Naples **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. 415**

**YEA** - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland,

Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Craven, Cray, Crockett, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jacobsen, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McFadden, McKane, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Cotta, Crosthwaite, Duprey, Gifford, Hamper, Jackson, Johnson, Joy, Knight, Lansley, Lewin, McDonough, McLeod, Pinkham, Plummer, Thibodeau, Thomas, Tibbetts, Vaughan, Weaver.

**ABSENT** - Berube, Blanchette, Conover, Emery, Moore, Pineau, Rines.

Yes, 124; No, 20; Absent, 7; Excused, 0.

124 having voted in the affirmative and 20 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1017)** 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-1017)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

**COMMUNICATIONS**

The Following Communication: (H.C. 525)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

April 15, 2008

To the Honorable Members of the 123rd Maine Legislature:

I am enclosing L.D. 701, "An Act to Authorize the Operation of Slot Machines on Indian Island in Old Town," which I am vetoing pursuant to Art. IV, Part III, Section 2 of the State Constitution.

My opposition to the expansion of gambling in Maine is well-documented and unwavering. In my view, such expansions must gain the approval of Maine's voters via the signature-gathering and referendum processes set forth in Art. IV, Part III, Section 18 of the Maine Constitution. That is how expansions of gaming have traditionally been brought forward. While I recognize that L.D. 701 proposes a more modest expansion than prior proposals have, that should not alter the process. Gambling expansions of any size and scope so alter the fabric of the State that all of its citizens, not just the elected members of the Legislative and Executive branches, deserve an opportunity to be heard. Creating some sort of *de minimis* exception to this principle sends Maine down a perilous path, fraught with risk of unfair, arbitrary treatment among future gaming proposals.

I encourage the supporters of L.D. 701 to follow the examples from the past and give all of Maine's citizens the opportunity to decide whether this expansion of gambling is in the best interests

of the State.

With these concerns and commitments, I hereby veto L.D. 701 and respectfully urge you to sustain it.

Sincerely,  
S/John E. Baldacci  
Governor

**READ and ORDERED PLACED ON FILE.**

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

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

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 am going to stand here today and ask you for our support to override the Chief Executive's veto. To me, this is probably an extremely important issue, not just for myself, but for the people of the State of Maine. Too long have we gone and turned our backs on the tribal nations from the standpoint of helping them economically. There have been debates whether or not the help we have given them has been the right type of help, and whether they have done the best with what they have had. Well, I really don't care about that, that is the past. In my eight years here in the Legislature, we have really done nothing, from my standpoint, at helping them out. I have supported them in every way I possibly can and, what this is, LD 701, this is a compromise that is not giving them anything, in reality, more than trying to get them to a point where their income is brought back from the devastation that we did to them through the referendum allowing racinos in the State of Maine.

I know the Chief Executive has been consistent in his vetoing all legislation that doesn't go to referendum, but this is one time we can stand together and say we are willing to do something for the tribes. It isn't whether or not, one hundred percent, whether you are against gambling or not; it is are you in favor of fairness. The minimum amount that we are asking for them, if anything, will barely help them to get to a breakeven point. We have restricted them so much with the number and the 26 days to have their high stakes bingo. I am actually semi-embarrassed for the compromise that we did come to, but I believe that the compromise we did reach with the good Representative from Old Town, Representative Blanchard, was the only way that you would be able to pass the straight-faced test and say, yes, you do believe that they have been adversely affected. Their finances bear out easily that they have been affected and one thing we did was their \$50,000 fee to have high stakes bingo, we reduced it to \$25,000, which really doesn't even help them out hardly at all. So Ladies and Gentlemen, out of fairness to the tribes, to those in Indian Island, to the social programs that are suffering, to the inequities that we perpetrated on them, please, I ask you to vote with me and override the Chief Executive's veto. Thank you.

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

Representative **BLANCHARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not going to reiterate what the good Representative Patrick has stated. All I am asking you to do is to reach way back into your mind and think, when you push your button, about what little bit of good it is going to do compared to what harm it would do if you voted negative. I ask you to follow my light, and let's give these poor people a little bit back what they had lost a few years ago.

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 rise to second

what the Representative from Rumford said, and I realize I can't say it as eloquently as he can. This is the only gambling bill that I have ever voted for or probably ever will vote for. I am not as consistent as the Chief Executive in that point, so I would ask you to vote for it because I think it is very important, and it is the only one that I will ever vote for.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I respect all of the previous speakers and their sincere support for this bill and support for the override of the Chief Executive's veto. I must stand up and protest and suggest that to override the Chief Executive's veto, in this instance, would defy the will of the people.

Many, many times, the people have spoken on this issue: In 1980, the bill to ban slot machines was upheld in a people's veto. In the year 2000, the proposal for slot machines at Scarborough Downs was defeated, roundly. In the year 2003, the proposal for the casino in Sanford was defeated. The proposal for slot machines at the two racetracks was approved, kind of under the radar screen, when the casino in Sanford took all the heat and all the debate was centered on that issue. In 2007, the proposal for a racetrack casino in Washington County was defeated. The point is that these issues have often gone before the voters and, I guess, we will have another one before the voters this fall, most likely, regarding Oxford County. These issues should come from the voters by initiative, and they should come from the voters, like the Oxford County proposal has done, go through the process and then go out to the voters. It should not come from this body. Whether you are for gambling or against gambling, whether you are for slot machines or against slot machines, it matters not, the issue is that the people have spoken repeatedly and pretty firmly, they want a say in these issues. These issues, the availability and the increased availability of slot machines is an issue that should come from the people and be voted on by the people at large, not dictated to them by this Legislature. Thank you.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Grose.

Representative **GROSE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to veto the Chief Executive's veto. I find it very ironic that we have a Chief Executive that claims to not want gambling in the State of Maine, when we have lottery tickets, scratch tickets. I have stood in line watching people scratch tickets for fifteen minutes, yet our Chief Executive says there is no gambling in the State of Maine. I just find this really ironic, and I take great pleasure in vetoing his veto.

The SPEAKER: The Chair recognizes the Representative from York, Representative Hill.

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

The SPEAKER: The Representative may pose her question.

Representative **HILL**: Thank you, Mr. Speaker. I am not a gambler so I don't know much about it, and I don't know where the locations are other than what I have heard of Hollywood Slots. I wonder if someone can educate me where the various places in Maine that people can gamble, in some fashion, and how did they get permission to do that, what was the basis for that.

The SPEAKER: The Representative from York, Representative Hill has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In an attempt to

answer the previous speaker's question, gambling takes a lot of different forms. This sort of low level gambling, like buying scratch tickets, and then there is, in our state, slot machines. The only slot machines existing in the State of Maine were those approved by the voters in the year 2003 referendum, and they were approved to exist in two different locations and only following approval by the voters of those towns, on or before, I think it is 2003 or 2004. If you recall, the town surrounding Scarborough Downs Raceway voted unanimously against having slots in their communities, Bangor is the only one to approve of slots, and that was all part of the referendum language that the people voted on. There are no other locations authorized by the people by referendum.

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 just rise to point out that this does not increase the number of slot machines in the State of Maine, it simply transfers some back to Indian Island which they lost before. Thank you.

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. This is also to answer Representative Hill's question. In addition to the slot machines that Representative Mills addressed and the scratch tickets and the card games that we have addressed in earlier bills in this session, there is a high stakes bingo game that exists at one place in the state, that is on Indian Island. It existed for a period of time; there were actually slots in that facility. There were around 100 slots in that facility that the state took away as part of a broader effort to decrease gambling in the state, and that is what I would add to Representative Mills. Thank you.

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. Again, to answer the question about gambling, I do believe that we also have off-track betting and, at one point, had another high stakes bingo on Indian Township. I would say that there are different forms of gambling throughout the state, whether it be done by nonprofits, whether it be done by the Tribe, to whether it be done with horseracing, so I think that it is hard to separate that.

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 would also like to clarify that there are at least 326 major nonprofits that have games of chance and bingo. There are probably at least 500 or 600 regular bingo parlors, ranging from small to large, and this body just passed a bill, the nonprofit bill, that took away the limits of all games of chance laws, so now every nonprofit in the State of Maine can now have unlimited gaming. You can have Texas Holdem tournaments with 5,000, with any amount that we pass from this body. So to answer the good Representative's point, you can have gaming of almost any sort of the State of Maine: roulette, you can have craps, you can have Texas Holdem, you can have anything if that bill gets enacted, so the possibility of the expansion of gaming is great in the State of Maine. I would ask you, too, in all seriousness, what is the real issue? Have the tribes been affected finically by the legalized gaming in Bangor? Yes, they have. Do they deserve to have a little bite of the apple? We are not asking them to have a whole racino, we are not asking them to have a whole casino. We are asking for the 100 machines on the limited 26 weekend basis that will help

them, hopefully, get to a point where they can breakeven from where they were three or four years ago, help their social programs. Ladies and Gentlemen, let's please vote and vote to override the Chief Executive's second floor guys' veto.

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

Representative **HOGAN**: Mr. Speaker, Ladies and Gentlemen of the House. This is a very serious issue and make no mistake about it. This is a small amount of slot machines, but the issue is gambling. The financial construction of gambling, the way it exists now, is so wrong for the State of Maine, it is not even funny. When you think that you can give away 70 percent, roughly, of money right off the top to the license holder that heads on down the road, or does what they want to do with the money, when we have the needs in this state that exist, you name it—education, roads, bridges, elderly, prescription drugs, you name it. This is no way to proceed with these venues. If these venues change—and they are not going to change because one has succeeded, so the next guy does it the same way—if these venues did change, I would love to support the Indians, and I feel bad about having to stand up here and speak like this, but I am not sold on gambling. It is wrong, there are needs in this state that I have just said that are so great and so much money is being spent, and not only is the 65 or 70 percent being given to the license holder, they say that 45 or 40 percent goes to the State of Maine. Well, what's that? Off-track betting, 2 percent; racetracks, 2 percent; sire stakes, 2 percent. That is the State of Maine; those are the needs that we really want to take care of. This is a serious issue. I will never ever vote for a gambling bill again as long as these issues are constructed the way they are, the financial issue, let me tell you that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Frankfort, Representative Weddell.

Representative **WEDDELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't get up very often to say too much of anything. What we have done to our Native Americans is a tragedy. My wife is a Native American. I want to give these people an opportunity to make it, and I hope that you follow my good friend's light from Rumford, Representative Patrick, and I am going to vote to override this. Thank you, Mr. Speaker. Thank you, Ladies and Gentlemen of the House.

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. Representative Mills is absolutely right about some times voting against the gambling from Scarborough Downs. I was one of the people who voted against it. I don't like gambling, I don't think it is necessarily that good, but it is a question of fairness to me. I think I would never vote against Old Town having gambling, having slots, as long as Bangor has them.

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 look at this as a request from a sovereign nation, and I think that we should honor that request regardless of what happens on the second floor in the Executive Office.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Finley.

Representative **FINLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not a gambler, or necessarily a proponent of the gambling, but I am a proponent for the Native Americans, and I feel that we gave the

horsemen permission to do this and at every turn we have denied the Native Americans their request. I think it is time for us to support them, and I don't often follow Representative Patrick's light, but I will today. Thank you.

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

Representative **BRIGGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I visited the Passamaquoddy Indian Reservation in January and was very educated in their ways, their culture, their educational ways, their financial ways. I just couldn't believe it. When we came back, we made a public statement with Senate President Beth Edmonds that we would be there for them. I feel that they need us now, and what gives us the right to tell them no. Don't they have their own government? I, too, will support this veto and will follow Representative Patrick's light. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 416V**

YEA - Annis, Austin, Ayotte, Barstow, Beaudoin, Beaulieu, Berry, Blanchard, Brautigam, Briggs, Browne W, Bryant, Burns, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Cotta, Cray, Crockett, Crosthwaite, Duchesne, Eaton, Eberle, Edgecomb, Farrington, Finley, Fitts, Fletcher, Giles, Gould, Grose, Hamper, Harlow, Haskell, Hayes, Hill, Hinck, Jackson, Jacobsen, Johnson, Jones, Joy, Lansley, Lewin, Lundeen, MacDonald, Makas, Marley, Mazurek, McFadden, McLeod, Miller, Millett, Muse, Nass, Patrick, Pendleton, Peoples, Perry, Pieh, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Sirois, Sykes, Tardy, Theriault, Tibbetts, Treat, Trinward, Tuttle, Vaughan, Watson, Weddell.

NAY - Adams, Babbidge, Beaudette, Bliss, Boland, Cain, Campbell, Craven, Curtis, Dill, Driscoll, Dunn, Duprey, Faircloth, Finch, Fischer, Fisher, Flood, Gerzofsky, Gifford, Greeley, Hanley S, Hogan, Kaenrath, Knight, Koffman, Marean, McDonough, McKane, Mills, Miramant, Norton, Percy, Pilon, Pingree, Rand, Silsby, Strang Burgess, Sutherland, Thibodeau, Thomas, Valentino, Wagner, Walker, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Berube, Blanchette, Conover, Emery, Moore, Pineau, Simpson, Smith N.

Yes, 94; No, 49; Absent, 8; Excused, 0.

94 having voted in the affirmative and 49 voted in the negative, with 8 being absent, and accordingly the Veto was sustained.

**ENACTORS**

**Emergency Measure**

An Act To Reduce the Cost of Prescription Drugs Purchased by the State and Counties by Using Section 340B of the Federal Public Health Service Act

(H.P. 1591) (L.D. 2231)

(C. "A" H-1011)

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. 133 voted in favor of the same and

4 against, 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** with the exception of matters being held.

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

An Act To Amend the Axle Weight Laws for Trucks Transporting Unprocessed Agricultural Products and Forest Products

(H.P. 1576) (L.D. 2209)

(H. "A" H-888 to C. "B" H-872)

Which was **TABLED** by Representative MARLEY of Portland pending **PASSAGE TO BE ENACTED**.

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

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

**BILLS RECALLED FROM GOVERNOR**

(Pursuant to Joint Order - House Paper 1682)

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)

- In House, **PASSED TO BE ENACTED** on April 9, 2008.

- In Senate, **PASSED TO BE ENACTED** on April 9, 2008.

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

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

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 the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-1019)** which was **READ** by the Clerk.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do want to explain why we are bringing this back: In going through the bill, the discovery was with the word "again", the way we had placed it, we made it impossible for action to occur the way it happened. So we brought it back to actually clarify it and make it workable and doable and that is what this amendment does.

**House Amendment "A" (H-1019) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-1019) in NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

Representative **MILLER**: Thank you, Mr. Speaker. Had I been present in voting on Roll Call No. 406, regarding economic development evaluation, I would have voted yea.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to ask your forgiveness for breach of House Rule 401.12. Mr. Speaker, Roll Call No. 410, I was sitting in my seat getting ready to vote when you hit the button too quick, and I did not vote, so I want to apologize to you, Mr. Speaker, and all the members of the body. I take that very seriously, so I want to apologize to you and to all the members of the House. Unlike others, who don't mind standing behind the glass during a roll call, I take it seriously, and I want to apologize, once again, to each and every one of you. Thank you.

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

Representative **JACOBSEN**: Thank you, Mr. Speaker. If I was in my seat, on LD 2247, I would have voted nay.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Had I been able to push my button on Roll Call No. 410, I would have voted yea.

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by Maine School Administrative District No. 29" (EMERGENCY)

(H.P. 1683) (L.D. 2321)

Sponsored by Representative **BARSTOW** of Gorham.  
Cosponsored by Senator **SHERMAN** of Aroostook and Representatives: **CLEARY** of Houlton, **JOY** of Crystal, **SUTHERLAND** of Chapman, Senator: **SCHNEIDER** of Penobscot.

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

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

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

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

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

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Amend Motor Vehicle Laws

(H.P. 1459) (L.D. 2075)

(C. "A" H-913)

**PASSED TO BE ENACTED** in the House on April 11, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913) AS AMENDED BY SENATE AMENDMENT "A" (S-633)** thereto in **NON-CONCURRENCE**.

On motion of Representative **MARLEY** of Portland, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

**ENACTORS**

**Acts**

An Act To Ensure Fair Wages

(S.P. 604) (L.D. 1697)

(S. "A" S-570 and S. "C" S-628 to C. "A" S-452; S. "A" S-587)

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.

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" (S-451)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act To Restore Equity to the Maine State Retirement System"

(S.P. 600) (L.D. 1693)

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

Representative **TARDY** of Newport **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 Hampden, Representative **DUPREY**.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. What we are voting here is a \$200 million expansion of pension benefits for retirees. At a time when heating oil is a record high and seniors can't heat their homes, we are talking about expanding pension benefits by \$200 million. How are we going to fund it, by using fuzzy math, by taking some excess earnings from the pension system that really is a paper earning, it really doesn't even exist. If the stock market starts to decline, which it has, the Maine State Retirement System has lost a billion dollars in the last nine months. If it continues on that downward trend, we are actually going to be losing money; we are going to be cutting into that fund that we are trying to use for this \$200 million expansion. How do you justify to your constituents that you are expanding retiree benefits by \$200 million? That is an awful lot of money. Thank you, Mr. Speaker.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 1693 is "An Act to Restore Equity to the Maine State Retirement System." The bill

attempts to remedy an inequity to the Maine State Retirement System that was created by the Legislature in 1993.

In 1993, two separate benefit structures were created. This was referred to as the cliff. In a nutshell, those who had ten years of credible service maintained their benefits, which included a retirement age of 60 and an annual retirement benefit reduction for early retirement of approximately 2 1/8<sup>th</sup> percent per year. The cost of living adjustment was 12 months after retirement. Those who had not been employed for ten years had their benefits reduced by increasing retirement age to 62, by increasing the annual retirement benefit reduction for early retirement to 6 percent, and extending the cost of living adjustment until 12 months after they have reached age 62. The bill addresses one of the major benefit reductions imposed upon on all cliff Retirement System members. It reduces the penalty for retiring early from 6 percent a year to 3 percent a year. It has the support of the Maine State Employees Association, the Maine Principals' Association, the Maine Education Association, and also numerous members of the Retirement System and individuals from around the state who supported this bill at the public hearing. I think it is a matter of simple fairness and equity; I am going to ask for your support.

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. Just to follow up on Representative Tuttle: To me, this is just a bill to fix an issue that never should have happened, in my mind. I can't believe people were hired and we actually had one person who came to the committee, I believe it was the last session, that have 9 years, 363 days, they were two days off from being over the 10 year cliff period and they don't get the same retirement that people working right along side of them do. A lot of these people are teachers and they don't make a lot of money to begin with. Teachers don't get 100 percent health care, they only 45 percent, and we are keeping them in the classroom until they are 62 years old or longer so that they can afford to pay for their health care when they do retire. I don't think that is good for them, I don't think it is good for the kids.

There is something to be said that this might actually lower or save property taxpayers money if you get rid of those people who have been working for 35 or 45 years, on the high end of the scale, and let them retire when they normally could, when still, after people like fire wardens and state police, if you are hired, younger people, first year people on the scale, then the towns would actually be paying less money so that would be less in property tax. There is also a benefit to it, but the biggest thing is the huge inequity, the unfairness of just taking someone's retirement and changing it in the middle of the game like that. I am sure that no one in here would accept something like that if they didn't have to, and if you did have to accept it, like all of these people did, I am sure it would be something that would continue to bother you all along.

This past year, the Retirement System did extremely well in their earnings. For the first time in 16 years there is a solution to fix this. Certainly, in the six years I have been on the Labor Committee, we have talked about this and talked about it and everyone, Republicans and Democrats, wanted to fix it. They came up with this proposal. For some people, they might not think it is the best idea, but it is the only one we have had for as long as this has been an issue. I just think that people should support it. I know the argument that it is a lot of money and all that, well it is always going to be a lot of money and the longer we wait, it is going to get more and more, and we had a chance to fix it this year. The retirement actuary said that this is fiscally

responsible, so everybody is on board with it so I hope you support it.

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In the early 1990's, there were a series of changes made to the Maine State Retirement System benefit plans that were statutory in nature. They affected all of teachers and all state employees. At best, they were painful and difficult, but seen as necessary, in a period of major economic decline, because the defined benefit retirement plan, that had evolved since the teacher retirement plan was absorbed in the 1940's with a noncontributory and no reserve status, had reached a point where unfunded liabilities were beginning to become a concern. The changes were made with an understanding that there needed to be reform. I think if you could have gone back and looked at it, you might have seen titles, An Act to Restore Solvency to the Maine State Retirement System, that would have described this and other changes.

The other two changes alluded to by Representative Tuttle and Representative Jackson, the increase from the normal retirement age of 60 to 62. The issue of the benefit reduction for early retirees was not just arbitrarily chosen nor punitively designed; it was an attempt to recognize that the 2.25 percent reduction for people who retired previously before the age of 60 was non-sustainable. It could not be defended or justified in any way, and the Social Security reduction rate of 6 percent and now it is 6 percent plus, was kind of seen as the direction to go in. At the time, it was seen as one of many and I mentioned one other, there was another one that limited the amount of growth that could be obtained in the last three years of employment, because there were rumors of abuse and some actual cases known where people rolled in benefit plans in the last three years of their employment and made their three, best year average look inflated and artificially high. But the System was in a position where it could no longer be sustained, and the choices were arbitrary, they had to be made, they were made with no intent to revisit them. There are a lot of misstatements that have been made in the years since, and I know it has been 15 years on this one, but there was never an intent to revisit.

The use of the word cliff is not defined in any way by the legislative history, but simply an artifact of the fact that an arbitrary age was chosen or a number of years of experience, in order to make this plan work. What I think and, incidentally, there has been litigation on this since those changes were made and the court has upheld the changes in a defined benefit plan on that going forward basis.

The thing that bothers me as much as the point that Representative Duprey made, that we are taking what appear to be an artificial gains in the Retirement System investment plan and applying a couple hundred million toward a biennial advance, by lowering the rate of reduction from 6 percent to 3, doesn't really cover the whole story because, if you read the rest of the statement of fact, this will cause the unfunded liability to increase until 2028 at an additional cost of over \$300 million. So the choice we are faced with here tonight is whether or not we really believe that the investment history of the Retirement System, in recent months, is such that we ought to assume that it will continue to be favorable and want to gamble on investing a couple hundred million of paper assets today, knowing full well that we are creating another \$300 million increase in the unfunded liability between now and our constitutional deadline for getting the system paid off.

A lot of history here, I know it is painful, I have been caught in the middle of this myself, I know the benefit has been reduced



and it has cost money to a whole lot of people, but it was never considered to be a onetime and revisited concept. It was done to restore solvency to a fund that was clearly headed towards bankruptcy. I ask you to think long and hard about whether you can afford and whether you can justify the choice that is before us, to gamble away a couple hundred million of paper assets for a long term liability of \$300 million. Thank you.

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

Representative **HASKELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do sit on the Labor Committee and there are times when much of the discussion is above my pay grade, so to speak. This is a very complicated issue, it is not straightforward. Representative Millett, my good colleague, has appropriately, I think, described what happened. However, I look at this from the perspective of what really happened to those people who came to work for state government, who believed and were told that their retirement was at a certain rate for a certain number of years, and what the penalty would be if they retired early. They took on their responsibilities, as state employees, with that clear understanding; however, in some very difficult budget times, a decision was made by this Legislature to change that agreement that had been made with those employees, and it was much to their detriment and it was not one where they had a choice.

There are times when we change benefit plans and we say to people, we are going to go from a defined benefit to a 401k, do you want to move from one to the other, but we give them options. In this case, we did not give them options; we simply imposed this change on them and it has been to their detriment. While there may not have been any intent to create that, the consequence has been that we have created a very difficult and financially burdensome system for this group of people who are considered to be in the cliff. So when I looked at it, I looked at it from the perspective of what would it feel like as an employee to have believed that you had a certain benefit and then find out it had been stripped from you, and when you get ready to retire, you no longer had that benefit, and that is why I supported the proposal that was brought to us by very respectable members of that board, and for whom the actuarial information that was provided to us indicated this was sound, based on the strength of the investments and the current system. I want you to; I hope you will all feel as comfortable as I did after I received all that information, that we are going to write something that actually happened to real people, real employees that we had responsibility for and that we can do it in an actuarially, sound manner. Thank you.

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

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I did sit on the Labor Committee when this bill was presented to us, and I would like to point out a couple of things. First of all, the Maine State Retirement System set as a goal for their interest in fiscal year 2007, 7.75 percent. Their investments were good, they made more than 7.75 percent and that is the money that they are looking to take out to fund the cliff. I won't argue whether the cliff is a bad thing. It is there, it is a situation where how do we correct that inequity. I don't believe we can correct it with what we are doing here. The sponsor of that bill came before our committee, realizing that there was a constitutional amendment correcting or prohibiting the raiding of that account because of some of the things that have happened in the past, as the good Representative from Waterford has said, Representative Millett, there is an amendment that protects that money. The sponsor of

this legislation said before our committee, I know that, but I know a way around the Constitution. To me, that was terrible.

Let's take a look at what Representative Duprey has just told us: Yes, the Retirement System made more than their 7.75 percent in fiscal year 2007, but they have lost \$1 billion—that is with a b—\$1 billion over the last nine months in their assets. Do we really want to go in and take some their money that could be used to earn more and make this fund as solvent as it possibly can be. The cliff may be wrong, but Ladies and Gentlemen, this is not the way to fund it. Please vote against it.

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

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to add a little bit of perspective about another consequence of the current Retirement System and, specifically, the severity of the penalties. My seatmate here, the Representative from Allagash, Representative Jackson, pointed out one of the issues that comes up for some teachers who ought to be nearing the end of their career, are ready to retire, but find that the penalties that they would face are so severe that they can't. They stay on longer than they would like and that is probably not in anyone's interest for that situation to occur, but I want to point out another situation that I see as somebody who is a teacher, who started teaching 1994, so I am one of the cliff people. Fourteen years in teaching and what I see from a lot of my colleagues and what I deal with in my own decision-making is the fact that, for those of us who are in this system, you come to recognize, after 10 or 15 years, younger teachers but people with some experience, people sort of entering the height of their career in education, many people who want to stay and want to continue teaching find it difficult because they recognize that staying in teaching means another 20 to 25 years.

Now I want to stay in teaching. I love teaching and that is a major reason why I will not be back in this body next term but, for me, it means another 23 years in teaching before I could retire without facing these penalties. The penalties really are significant enough that they are not realistic for most people to absorb and actually retire. So what concerns me and what I see happening with some of my peers is people reach a fork in their career where they recognize, if I am going to stay in teaching it means doing this for another 20 or 25 years on top of the 10 or 15 or 20 that I have already done, and that is a lot for people to deal with. Some people who would like to stay in teaching, who are excellent educators and who are doing a fantastic job with our students find themselves leaving this career to go into a another field, where they, in time, to build up enough retirement savings that they can eventually retire from that career.

There are lots of reasons to keep people out of a teaching career—we don't need to talk about them, they are familiar issues for most people—but I just want to shed a little bit of light on the fact that it isn't just people who are currently facing retirement that are affected by this. It is at least as much and maybe more of an issue for those of us who are looking a few decades down the road and recognizing that a teaching career, now, it is a lifetime commitment and to ask that of people—some people will gladly do that, some people will teach beyond the retirement age and it is great that they do—but to expect that everybody who teaches is going to do that is not realistic, and what it does is drives people out who want to stay but find they have to get out and get into another career where they can look at a retirement that is realistic at the age when they are ready to do that. Thank you, Mr. Speaker.

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

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

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just one question because I am looking at the Fiscal Note and it talked about the bill applying to the members of the State Employee and Teacher Retirement Plan, and the Legislative Retirement Plan, and the Judicial Retirement Plan, who are currently subject to the 6 percent reduction factor. I wasn't aware that we got penalized for retiring early; I thought it was just a matter of being unlucky or lucky enough to not get reelected. But I am just curious about the parts of the bill and the portion of the Fiscal note that applies to legislators and people other than state employees and teachers, if anyone can answer that question. Thank you.

The **SPEAKER**: The Representative from Farmington, Representative Mills has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to the good Representative's question, it does include legislative and judicial retirement programs in the bill.

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. 417**

YEA - Adams, Annis, Ayotte, Babbidge, Barstow, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Gerzofsky, Greeley, Grose, Hanley S, Harlow, Haskell, Hill, Hinck, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Muse, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Priest, Rand, Rines, Saviello, Schatz, Silsby, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Austin, Beaudette, Berube, Browne W, Carey, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hayes, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McKane, McLeod, Millett, Mills, Nass, Pinkham, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Simpson, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Blanchette, Emery, McFadden, Moore, Pineau.

Yes, 89; No, 57; Absent, 5; Excused, 0.

89 having voted in the affirmative and 57 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-451) was READ** by the Clerk.

Representative **FLOOD** of Winthrop **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-451).**

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (S-451). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 418**

YEA - Adams, Annis, Ayotte, Babbidge, Barstow, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Fletcher, Flood, Gerzofsky, Giles, Greeley, Grose, Hanley S, Harlow, Haskell, Hill, Hinck, Jackson, Johnson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, McFadden, Miller, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Richardson D, Rines, Rosen, Samson, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Austin, Beaudette, Berube, Browne W, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Finley, Fischer, Fitts, Gifford, Gould, Hamper, Hayes, Hogan, Jacobsen, Joy, Knight, Lansley, Lewin, Marean, McDonough, McKane, McLeod, Millett, Pinkham, Prescott, Rector, Richardson W, Robinson, Sarty, Savage, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Blanchette, Conover, Emery, Fisher, Moore, Pineau, Plummer.

Yes, 98; No, 46; Absent, 7; Excused, 0.

98 having voted in the affirmative and 46 voted in the negative, with 7 being absent, and accordingly **Committee Amendment "A" (S-451) was ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-451) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**ENACTORS**

**Acts**

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)  
(H. "A" H-1019)

An Act To Keep Bridges Safe and Roads Passable

(H.P. 1673) (L.D. 2313)  
(C. "A" H-1017)

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.

**SENATE PAPERS**

**Non-Concurrent Matter**

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)

**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 in the House on April 9, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-898) AS AMENDED BY HOUSE AMENDMENTS "A" (H-948) AND "B" (H-973) AND SENATE AMENDMENTS "E" (S-622), "I" (S-629), "K" (S-632) AND "L" (S-643)** thereto in **NON-CONCURRENCE**.

On motion of Representative PINGREE of North Haven, the House voted to **RECEDE AND CONCUR**.

**ENACTORS**  
**Emergency Measure**

An Act To Better Coordinate and Reduce the Cost of the Delivery of State and County Correctional Services

(H.P. 1466) (L.D. 2080)  
(C. "A" H-989)

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

Representative EDGECOMB of Caribou **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. 419**

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berube, Blanchard, Bliss, Brautigam, Briggs, Browne W, Bryant, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Greeley, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jacobsen, Johnson, Jones, Kaenrath, Knight, Koffman, Lansley, Makas, Marean, Marley, Mazurek, McDonough, Millett, Mills, Miramant, Muse, Nass, Patrick, Pendleton, Peoples, Perry, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Ayotte, Berry, Boland, Burns, Cleary, Edgecomb, Fischer, Gifford, Grose, Jackson, Joy, Lewin, Lundeen, MacDonald, McFadden, McKane, McLeod, Miller, Percy, Pieh, Prescott, Rines, Theriault, Thomas, Watson.

ABSENT - Blanchette, Conover, Emery, Moore, Norton, Pineau.

Yes, 120; No, 25; Absent, 6; Excused, 0.

120 having voted in the affirmative and 25 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 2080 creates a correctional system that includes the fifteen county jails in the state prison system. It sets out the framework by which all jails

within the state will operate in the future. This unified system sets up collaborations between the state, the county jails, including the regional county jails as they exist. Both the state and the jails will abide by the director of the Board of Corrections. These directives will be carried out in the day to day operations of the Department of Corrections and the 15 jails.

I would also like to respond to an accusation made by my good friend, the gentleman from Bath, Representative Watson, who said that the Department of Corrections cannot be trusted when it comes to funding county jails. It would be unfair to blame the department for what happened in 1991. Some of you will remember that was the year state government shut down during a serious budget crunch and painful confrontation between the Legislative and the Executive branches of government. I worked here at that time and I remember it very well. Many programs were cut during that time, the Community Corrections account which supports the jails. The Legislature enacted a budget which cut some funding from Community Corrections, but the county jails were hurt no worse than any number of programs. Once the state's budget situation improved, full funding was restored going forward.

I can also tell you that in the past eight years that I have sat on Criminal Justice and Public Safety, Commissioner Magnusson has fought very hard during the biennial budget process to see that counties were not hurt. He manages to keep the Community Corrections account whole, even while his budget was being cut. His view, that those county funds were not the Department of Corrections and that his agency was merely a pass-through. Because of that, Commissioner Magnusson gained the respect and trust of many in county government. It is one reason why there was enough trust to get parties through some very difficult negotiations, which led to this proposal that we dealt with tonight. We don't know what future Legislatures will do, not can we control them. For that reason, everything we do around here involved some leap of faith, and those who follow us will feel some obligation to carry on what we have started here tonight. This proposal is not different in that regard, it is a good plan and I am confident future Legislatures will agree and will live up to the promises we are making here today. I thank you, Mr. Speaker and Ladies and Gentlemen of the House.

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

**Emergency Measure**

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by Maine School Administrative District No. 29

(H.P. 1683) (L.D. 2321)

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

Representative **BARSTOW** of Gorham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is 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. 420**

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

NAY - NONE.

ABSENT - Berube, Blanchette, Canavan, Connor, Conover, Duprey, Eberle, Emery, Finch, Greeley, Marean, Moore, Pineau, Samson, Silsby, Trinward.

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.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Continue Maine's Leadership in Covering the Uninsured"

(H.P. 1608) (L.D. 2247)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-914) AS AMENDED BY HOUSE AMENDMENTS "B" (H-1013) AND "C" (H-1014)** thereto in the House on April 15, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-914) AS AMENDED BY HOUSE AMENDMENT "B" (H-1013) AND SENATE AMENDMENT "C" (S-640)** thereto **AND SENATE AMENDMENT "A" (S-644)** in **NON-CONCURRENCE**.

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

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

**ROLL CALL NO. 421**

YEA - Adams, Ayotte, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Clark, Connor, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fisher, Gerzofsky, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Simpson, Smith N, Sutherland,

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

NAY - Annis, Austin, Beaudette, Beaulieu, Briggs, Browne W, Casavant, Cebra, Chase, Cleary, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Hayes, Jacobsen, Johnson, Jones, Joy, Knight, Lansley, Lewin, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Berube, Blanchette, Conover, Duprey, Emery, Fischer, Greeley, Marean, Moore, Pilon, Pineau.

Yes, 75; No, 65; Absent, 11; Excused, 0.

75 having voted in the affirmative and 65 voted in the negative, with 11 being absent, and accordingly the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH**.

**Non-Concurrent Matter**

Bill "An Act To Establish a Single-payor Health Care System" (H.P. 790) (L.D. 1072)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-644) AS AMENDED BY HOUSE AMENDMENT "A" (H-662)** thereto in the House on January 29, 2008.

Came from the Senate with the Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ and ACCEPTED** in **NON-CONCURRENCE**.

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

**ENACTORS**

**Acts**

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)

(H. "A" H-948, H. "B" H-973, S. "E" S-622, S. "I" S-629, S. "K" S-632 and S. "L" S-643 to C. "A" H-898)

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. 422**

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Grose, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan,

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

NAY - Ayotte, Curtis, Gifford, Hamper, Joy, Lansley, McLeod, Robinson, Thomas.

ABSENT - Berube, Blanchette, Conover, Dill, Duprey, Emery, Greeley, Haskell, Jackson, Marean, Moore, Pilon, Pineau.

Yes, 129; No, 9; Absent, 13; Excused, 0.

129 having voted in the affirmative and 9 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.

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**Acts**

An Act To Continue Maine's Leadership in Covering the Uninsured

(H.P. 1608) (L.D. 2247)

(H. "B" H-1013 and S. "C" S-640 to C. "A" H-914; S. "A" S-644)

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

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

The SPEAKER: The Chair recognizes the Representative from Mount Vernon, Representative Jones.

Representative **JONES**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to rise in support of us voting to continue to insure the nearly 14,000 Maine people who are covered under this program. At the same time, I would like to inform every one of the changes that were made in the other body, late this afternoon, that do impact public health programs, so as we move forward to support these people, we can be well-informed.

The good news is that they decide to keep the tax on alcohol and the soda syrup to bring in some funds. They removed all the tax on the alternatives products to cigarettes, such as the loose tobacco products, the snuffs, cigars and like materials. They chose to increase the amount of money they will be taking out of the Fund for Healthy Maine to \$5 million—this afternoon, I spoke of \$3.5 million—\$1.6 million of those funds will come out of the existing programs likely in your community in FY '09, that is next year. I just wanted you to be informed, as we move forward with this, that you wouldn't be surprised in a short amount of time when you heard these things. Thank you, Mr. Speaker.

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

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I must absolutely, one hundred percent concur with the assessment of the good Representative. I find it absolutely amazing that things that are killing people in our state and we know it, yet we allow those things to be stripped away complexly. They are causing us hundreds of millions of dollars in cost, deaths annually, and then we strip funds from funding that is for prevention, targeted and defined for prevention. I am going to vote for Dirigo because I don't want to strip health insurance from 14,000, but I am going to hold my nose for the way that we choose to do business, and

do it and let other people in another part of this building make these kinds of decisions for us. Thank you, Ladies and Gentlemen. Thank you, Mr. Speaker.

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

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

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

**ROLL CALL NO. 423**

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

NAY - Annis, Austin, Beaudette, Beaulieu, Browne W, Casavant, Cebra, Chase, Cleary, Connor, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Hayes, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Berube, Blanchette, Conover, Duprey, Emery, Greeley, Haskell, Jackson, Marean, Moore, Pilon, Pineau.

Yes, 75; No, 64; Absent, 12; Excused, 0.

75 having voted in the affirmative and 64 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.

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

Bill "An Act To Establish a Single-payor Health Care System" (H.P. 790) (L.D. 1072)

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

On motion of Representative BEAUDOIN of Biddeford, the House voted to **INSIST**. Sent for concurrence.

The House voted to **INSIST**. Sent for concurrence.

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

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On motion of Representative WHEELER of Kittery, the House adjourned at 11:38 p.m., until 9:00 a.m., Wednesday, April 16, 2008 in honor and lasting tribute to Harry F.C. True, of Kittery Point and Mary T. Clerkin, of Moody.