

# 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  
11th Legislative Day  
Wednesday, April 16, 2008

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

Prayer by The Reverend Jacob Fles, Christ Episcopal Church, Gardiner.

National Anthem by Phippsburg Elementary School Band.

Pledge of Allegiance.

Doctor of the day, David Seltzer, M.D., D.O., and Nevalee Seltzer, M.D., Bangor.

The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (S.C. 786)

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

April 15, 2008

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it Indefinitely Postponed Bill "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects" (H.P. 458) (L.D. 591) and all accompanying papers.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

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

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**ORDERS**

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 47)

**ORDERED**, that Representative Dawn Hill of York be excused April 9 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Gary W. Moore of Standish be excused April 9, 10 and 11 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Anne C. Perry of Calais be excused March 31, April 7, 10 and 14 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Wright H. Pinkham, Sr. of Lexington Township be excused April 7 and 8 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Thomas B. Saviello of Wilton be excused April 8 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Patricia B. Sutherland of Chapman be excused April 4 for personal reasons.

**READ and PASSED.**

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**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

Samuel C. Pennington III, of Waldoboro, founder and publisher of the *Maine Antique Digest*. Born in Baltimore, Maryland, Mr. Pennington studied at Calvert School and Phillips Exeter Academy. He earned a degree in French from Johns Hopkins University and served in the United States Air Force as a career navigator and bombardier for 21 years before settling in Waldoboro and founding *Maine Antique Digest* with his wife, Sally. Mr. Pennington's many interests ranged from politics to education to fakes and forgeries, and he was highly respected and sought after in the antiques business in Maine. He will be greatly missed and long remembered by his family and many friends;

(HLS 1243)

Presented by Representative PIEH of Bremen.

Cosponsored by Senator DOW of Lincoln, Representative McKANE of Newcastle.

On **OBJECTION** of Representative PIEH of Bremen, was **REMOVED** from the Special Sentiment Calendar.

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

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1020)** on Bill "An Act To Enhance the Security of State Credentials"

(H.P. 1669) (L.D. 2309)

Signed:

Senators:

DIAMOND of Cumberland

SAVAGE of Knox

Representatives:

HOGAN of Old Orchard Beach

BROWNE of Vassalboro

MARLEY of Portland

CEBRA of Naples

THOMAS of Ripley

ROSEN of Bucksport

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

Signed:

Senator:

DAMON of Hancock

Representatives:

THERIAULT of Madawaska

MAZUREK of Rockland

PEOPLES of Westbrook

FISHER of Brewer

**READ.**

Representative MAZUREK of Rockland moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned.

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.

Bill "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics"

(H.P. 1585) (L.D. 2219)

- In House, Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-938)** on April 8, 2008.

- In Senate, Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-939) AS AMENDED BY SENATE AMENDMENT "A" (S-601)** thereto in **NON-CONCURRENCE**.

**TABLED** - April 14, 2008 (Till Later Today) by Representative PINGREE of North Haven.

**PENDING - FURTHER CONSIDERATION.**

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

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

**Committee Amendment "B" (H-939)** was **READ** by the Clerk.

Representative PATRICK of Rumford **PRESENTED House Amendment "A" (H-1023)** to **Committee Amendment "B" (H-939)**, which was **READ** by the Clerk.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment clarifies the provisions regarding the undue influence to include members of legislative leadership. The amendment also removes the provision that a Maine Clean Election candidate may not serve as a candidate's treasurer or deputy treasurer, and provides that if the candidate serves as the candidate's treasurer, they will be audited.

Mr. Speaker, what the undue influence provision does is that it provides definition that, if a person happens to be, say, if I was the CEO of Shalom House or something like that and I was on the Health and Human Services Committee, it wouldn't preclude me from being on the Health and Human Services Committee. What it would do is preclude me from lobbying the Health and Human Services Commissioner. If I was in the paper mill and I happened to be an environmental engineer that had to do with enforcing the standards that are set forth from the department, I still could be on Natural Resources and use my expertise, as I would hope I could, but the only thing I wouldn't be able to do is I wouldn't be able to lobby the commissioner directly, on behalf of my own employer. If I was the president of one of the community colleges or the major colleges, I wouldn't be able to lobby the commissioner directly for my college. In the even of any of the

three that I described, it does not preclude that I can't have someone, a subordinate under me, go and do my lobbying for me. It only precludes that individual from lobbying the commissioner that they are directly receiving compensation from. If I am an employer of NewPage, I can't lobby for NewPage. I can lobby for all paper mills in the State of Maine, so to me, this does something that we shouldn't be doing in the first place. It doesn't even pass the straight-faced test.

The other issue that it brings up is many of the candidates have brought forward that they want to be their own treasurer. They have been their own treasurer, I have been my own treasurer for all four of my campaigns or I have been the deputy treasurer, and I have had someone that was a figurehead, like a lot of us do, that is a prominent person in the thing. One of the things that the Ethics Commission does is they audit a lot of our campaigns, so this isn't anything new that they don't do, but we took a look at and said, well, this is public financing versus private financing and people think that the standard of public funds should be held to a higher standard, and I agree with that. I don't think anyone in any campaign—well, I can't say that—maybe a couple of campaigns over the last eight years, there has been some shenanigans going on, and when it was brought forward they paid the penalty, and I don't think any decent candidate is going to worry about getting audited because all we are going to do is fulfill the obligation that we put forth when we did. I would urge your support of this and the rest of the bill. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-1023)** to **Committee Amendment "B" (H-939)** was **ADOPTED**.

Representative BRYANT of Windham **REQUESTED** a roll call on **ADOPTION of Committee Amendment "B" (H-939) as Amended by House Amendment "A" (H-1023)** 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 Adoption of Committee Amendment "B" (H-939) as Amended by House Amendment "A" (H-1023) thereto. All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 424**

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

**NAY** - Ayotte, Joy, McLeod.

**ABSENT** - Berube, Blanchette, Burns, Carey, Duprey, Emery, Farrington, Fischer, Fisher, Greeley, Haskell, Moore, Muse, Norton, Rines, Smith N, Weaver.

Yes, 131; No, 3; Absent, 17; Excused, 0.

131 having voted in the affirmative and 3 voted in the negative, with 17 being absent, and accordingly **Committee Amendment "B" (H-939) as Amended by House Amendment "A" (H-1023)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-939) as Amended by House Amendment "A" (H-1023)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**SENATE PAPERS**

Bill "An Act To Amend the Charter of Northern Maine General" (S.P. 930) (L.D. 2322)

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED.**

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

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

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

**Non-Concurrent Matter**

Bill "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics" (H.P. 1585) (L.D. 2219)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-939) AS AMENDED BY HOUSE AMENDMENT "A" (H-1023)** thereto in the House on April 15, 2008.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-939) AS AMENDED BY SENATE AMENDMENT "A" (S-601)** thereto in **NON-CONCURRENCE.**

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

On motion of Representative NASS of Acton, **TABLED** pending the motion of Representative CUMMINGS of Portland to **RECEDE AND CONCUR** and later today assigned.

**COMMUNICATIONS**

The Following Communication: (S.C. 787)

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

April 16, 2008  
Hon. 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 Motor Vehicle Laws" (H.P. 1459) (L.D. 2075).

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

Senator BRYANT of Oxford  
Senator DAMON of Hancock  
Senator RAYE of Washington

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

**READ and ORDERED PLACED ON FILE.**

**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, To Create the Blue Ribbon Commission To Study the Future of Home-based and Community-based Care (EMERGENCY) (H.P. 1436) (L.D. 2052) (C. "A" H-795)

**FINALLY PASSED** in the House on April 1, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-795) AS AMENDED BY SENATE AMENDMENT "B" (S-649)** thereto in **NON-CONCURRENCE.**

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

**Non-Concurrent Matter**

An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters (H.P. 1510) (L.D. 2131) (C. "A" H-734)

**PASSED TO BE ENACTED** in the House on March 19, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-734) AS AMENDED BY SENATE AMENDMENT "A" (S-646)** thereto in **NON-CONCURRENCE.**

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

**Non-Concurrent Matter**

An Act To Implement the Recommendations of the Alternative Education Programs Committee (H.P. 1661) (L.D. 2303)

**PASSED TO BE ENACTED** in the House on April 9, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-647)** in **NON-CONCURRENCE.**

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

**ORDERS**

On motion of Representative PIOTTI of Unity, the following Joint Order: (H.P. 1685)

WHEREAS, the Joint Select Committee on Future Maine Prosperity was directed by Joint Order 2007, H.P. 1018 to develop a comprehensive plan to achieve sustainable prosperity in the State; and

WHEREAS, the report of the committee contained findings and recommendations for consideration by various committees of the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the joint standing committees of the 124th Legislature having jurisdiction over matters of appropriations and financial affairs; business, research and economic development; education; health and human services; insurance and financial services; state and local government; and taxation shall review and consider the recommendations of the Joint Select Committee on Future Maine Prosperity and other related recommendations in January 2009 and may submit legislation to the First Regular Session of the 124th Legislature regarding the matters contained in the report that are under the jurisdiction of the joint standing committees.

**READ.**

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

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. January 2 might seem like a long time ago. That was the day we all came into session. It was a beginning for many things; it was also the ending for some things. The Prosperity Committee had been meeting over the course of the fall and early winter, and our last meeting was on January 2, our opening day of the Second Regular Session. It is funny because most people who were here were full of energy and enthusiasm and, after the ceremonies, went back home to their families or out for a beer, but 16 of us went downstairs to the Transportation room and continued to work, and worked until about 7:30 that night. It was the final meeting of what had been a very good process, but a very difficult process. We were proud of many of our accomplishments, many of our recommendations, and we had a couple of Joint Orders which we thought were going to be presented earlier in this session. That hasn't happened. The realities of the short session, coupled with the realities of a budget that was foremost on everybody's mind, kept having this slip and slip. But that doesn't mean that some of the good ideas that we embraced weren't incorporated into our work.

Many members of the Prosperity Committee, I think, were apostles of those ideas and went out and preached them. And, indeed, some of the conversations we have had about market reform in health care, some of the conversations we have had about our infrastructure, some of the conversations we have had about tax reform, where we truly have considerably advanced the dialogue with the business community and where, I suspect, that sometime in the next 24 hours there will be some announcements that will please people, all of these relate back to the work of the Prosperity Committee. But there are still things that haven't happened that we would like to see happen, and that is the reason for this Joint Order, a substitute for the one that we had hoped might have come forward earlier, in essence, directs the relevant joint standing committees, when they come back in January, to look at the recommendations of this committee and authorize them to report out legislation relating to those recommendations if they see fit. I think it is a great idea. I think the merits of the work of the committee still hold firm. I want to thank, publicly, the 16 members of that committee, in particular, those members from the House, and most particularly, the Republican lead, the Representative from Pittsfield, Representative Fitts. I want to thank all of them for their hard work, and I hope that this body will move on this and keep these ideas alive for further consideration in the future. Thank you.

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

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to thank the good Representative from Unity, Representative Piotti, for his hard work, along with all of the members of the Prosperity Committee. It was a daunting task in a short amount of time. I

think we did produce a great piece of work that will indeed, for a long time, be able to assist this body and the other body in moving forward and making Maine a better place and actually has the potential to create prosperity in the future for Maine. This Order, though not actually what the committee had hoped for, is at least a step in the right direction and will allow that report to not turn into a dust collector, as many reports from joint standing committees and joint select committees often do. I thank them for all of their hard work and appreciate it.

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

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

Bill "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics"

(H.P. 1585) (L.D. 2219)

Which was **TABLED** by Representative NASS of Acton pending the motion of Representative CUMMINGS of Portland to **RECEDE AND CONCUR**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

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

**ORDERS**

On motion of Representative MAKAS of Lewiston, the following Joint Resolution: (H.P. 1684) (Cosponsored by Senator DAMON of Hancock and Representatives: ADAMS of Portland, BARSTOW of Gorham, BEAUDOIN of Biddeford, BLANCHARD of Old Town, BOLAND of Sanford, BRYANT of Windham, BURNS of Berwick, CANAVAN of Waterville, CARTER of Bethel, CASAVANT of Biddeford, CONNOR of Kennebunk, CRAVEN of Lewiston, CROCKETT of Augusta, DUNN of Bangor, FAIRCLOTH of Bangor, HARLOW of Portland, HILL of York, JONES of Mount Vernon, KOFFMAN of Bar Harbor, LUNDEEN of Mars Hill, MacDONALD of Boothbay, MAZUREK of Rockland, MIRAMANT of Camden, PERCY of Phippsburg, PILON of Saco, RAND of Portland, SILSBY of Augusta, TRINWARD of Waterville, TUTTLE of Sanford, WHEELER of Kittery, Senators: ROTUNDO of Androscoggin, STRIMLING of Cumberland)

**JOINT RESOLUTION TO ENCOURAGE THE PEACE PROCESS, A RETURN TO CIVIL SOCIETY AND INTERNATIONAL COOPERATION IN CHECHNYA AND THE NORTHERN CAUCASUS REGION OF THE RUSSIAN FEDERATION**

WHEREAS, two profoundly violent civil wars have taken place in Chechnya, Ingushetia and the Northern Caucasus Region of the Russian Federation since the collapse of the Soviet Union; and

WHEREAS, these wars, which took place from 1994 to 1996 and from 1999 to 2007, have resulted in the death of up to 250,000 people, which is almost one-quarter of the population of Chechnya, and the dislocation of up to 500,000 people, or almost half the population of Chechnya; and

WHEREAS, the most violent aggression has fallen on innocent families and refugees in Chechnya, Ingushetia and the Northern Caucasus Region through the activities of the Russian military and security forces, and ethnic discrimination is suffered by Chechen, Ingush and other Caucasus peoples throughout the Russian Federation; and

WHEREAS, various citizens, scholars, students and residents in the State of Maine are involved in civic, cultural, social and business exchanges with Chechnya, Ingushetia and the Northern Caucasus Region in the Russian Federation; 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 urge the government of the Russian Federation to honestly and transparently engage in creating a just peace in Chechnya, Ingushetia and the Northern Caucasus Region; and be it further

**RESOLVED:** That we also urge the encouragement of a return to democratically elected officials and institutions in Chechnya, Ingushetia and the Northern Caucasus Region, and we urge the encouragement of civic and social links between Chechnya, Ingushetia and the Northern Caucasus Region, the Russian Federation and the rest of the world.

**READ.**

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

Representative **MAKAS:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I simply wish to say thank you to the people who cosponsored this Resolution. I encourage you to read the Joint Resolution and, despite all the many troubled spots in the world today, to please keep the people of Chechnya and the Northern Caucasus in your thoughts and prayers. Thank you.

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

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

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

**HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-1020) - Minority (5) Ought Not to Pass - Committee on TRANSPORTATION on Bill "An Act To Enhance the Security of State Credentials"**

(H.P. 1669) (L.D. 2309)

Which was **TABLED** by Representative MAZUREK of Rockland pending his motion to **ACCEPT** the Minority **Ought Not to Pass Report.**

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

Representative **MARLEY:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for our absence; we were downstairs working on the highway table. The pending motion, as you can see, is the Minority Ought Not to Pass motion on the Chief Executive's bill about the enhancement of the security of the state credential. I am really standing as Committee Chair, at this point, to give you the pros and cons. As you realize, we have another bill that is still bouncing back and forth between the Chambers about the residency requirement for being a Maine resident, it has a similar LD number, 2304. That is one piece of this that the Federal Government is looking for, as far as to enhance the security of the state credential.

This is really more around the issue of legal presence, around the issue coterminous expiration dates, as far as if you have a visa or you have a student visa and you are visiting the United States, you could get a license that mirrors and expires at the same time as your visa. Those are pieces that would allow us to continue to get the waiver that Federal Government has offered, and I have to say coerced the State of Maine to get, so that Mainers are allowed to continue to use commercial airlines and to enter federal buildings beyond May 11. So I am not in support, at this point, of the Minority Ought Not to Pass because I felt like

this could be an opportunity, legal presence is something that we have argued in this body quite a bit, downstairs in the committee quite a bit, and rather than having it thrust upon us from outside interest groups, it allows the Maine Secretary of State to develop that credential, to develop that rulemaking. I believe there will be an amendment coming that will address some people's concerns but, currently, we are talking about the Ought Not to Pass Amendment.

I absolutely understand and support why people have this opposition. As I said, the course of nature, the Federal Government, it seems to be a very arbitrary ruling that Maine is the only one that should be put through extra hoops to get the waiver, the unfunded federal mandate that this is involved in, but at the same time, how do we profile a Mainer? How do we put people through who just want to go on a trip or go see a family member through secondary security checks at the airport?

At this point, my mind is still—my heart and mind, again, Representative Burns—with the Majority Report, but it is very torn and I think it is obvious that I am not comfortable with the Minority Ought Not to Pass, but I really think this is about a conscience. Do we just want to have this course of nature forced upon us, the unfunded mandate piece, or do you want to stand up to the Federal Government? I will sit. Hopefully, there will be questions that I can try to answer for you, and maybe you can convince me as well. Thank you.

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

Representative **CEBRA:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you this afternoon in opposition to the Ought Not to Pass, but before I let you know why, first, I would like to thank the good Chairman of the Transportation Committee for his hard work on this bill, for his sponsorship of this bill for the Chief Executive. I would like to tell you how we got to this place, and tell you, honestly, how we got to this place, aside from any lobbying or stuff you may have heard that may have changed the way you think about this bill.

A year ago, I was a cosponsor on a bill that prohibited the State of Maine from entering into the Real ID system. Real ID is a real sticky issue, nationally. There are things about Real ID that absolutely appall me, and I don't like a lot of the Real ID, but this bill isn't Real ID. This bill brings us into a posture with the Federal Government, whether we like it or not. It brings us into a posture that provides our Maine residents an ability to travel after a prescribed date without having to go through extra security precautions and that third degree. This bill is not Real ID. This bill is a step in the direction of providing our citizens that ability to travel, domestically, using Maine credentials. There are things in here like legal presence; there are things in the bill like coterminous expiration, where a person's driver's license or state identification card matches the time period that their visa would be, if they are here in the country illegally. These things are prescribed by the Federal Government, but they move us in the direction of tightening our security, they move us in the direction of tightening the controls on illegal immigration, I know a lot of people have a problem with that, but what it does is it provides us the time now, between now and December of this year, so that our people can actually travel unbothered by security. This would buy us some time, and once we get to those dates, there can be different things going on in the Federal Government a year from now that may make this old. A person asked me the other day, will Real ID be repealed, and I really don't believe so. From everything that we read in committee, and we have done a lot of work on this in committee, it won't be repealed. It would possibly be changed, but it won't be completely repealed. Real ID, in

some form, is here to stay, and I think we need to make sure, as a state, we provide our citizens not only the protections they need, but the ability to travel domestically without any problem. I thank you, Mr. Speaker. If a roll call has not been asked for, I would request a roll call.

Representative CEBRA of Naples **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** 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 Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a piece of legislation that I have been mulling over in my mind quite a bit in the last couple of days, one that has weighed very heavily on me, because of a number of reasons. One is I don't want to hurt the good citizens of Maine. I don't want to put them through any undue pressures, and I certainly don't want to deny them the right to fly, or I don't want to deny them the right to go the post office. But there are some other things about this LD that leads me to want to oppose it. I remember last year, this House voted not to accept Real ID, and we poked the government in the eye. Well, they are poking us right back, but they are not poking us in the eye, are they? They are making things tough for little old Maine.

Somebody mentioned immigration. Well, I don't know if Maine has a real immigration problem. I talked to a few people who live along the Saint John River. They tell me that they don't have a problem with people swimming across the river to get into the United States. Probably, if anything, people are swimming the other way now.

The cost of this new thing, it is going to be on our licenses. I have people telling me, hey, I don't fly and I don't intend to fly, why should I pay this charge? Why should my ten year old grandson, if he wants to fly to Florida, have to get a passport to get on an airplane? Then we talk about the loss of individual rights, this is the first towards them, the loss of states' rights. All of these things are chipping away at our basic liberties.

I know that, if you look back in American history, during our long history, we have had a number of events that really have played a great role in the shaping of where we are: During the Civil War, for example, that great conflict between the north and south, newspapers were shut down. There was a suspension of habeas corpus. Following the Civil War, President Lincoln was assassinated. Did they let that poor man rest in peace? No, they took his body and they dragged it back and forth across the northern states for weeks on end, waving the bloody flag. Following that, we had a series of black codes passed that affected the south for over one hundred years that led rise to such things as the KKK, the Civil Rights era. Then we had World War I. Following World War I, we are not going to get involved in Europe anymore, oh no, that is bad stuff; we are going to become isolationists, and we did become isolationists. What did that do for the United States? Well, we had the Palmer Raids, where Attorney General Palmer raided people—foreigners, immigrants—for no reason whatsoever; prohibition, which led to an all time high in gangsters; the Great Depression. This was not good policy. Following World War II, we had the McCarthy era, where everybody—everybody—was a communist. People were afraid to get up in the morning and shave and look at themselves in the mirror because they might find a communist there. Well, this is the step that we are taking now. Are we going to soon, some day, plant a little device in our neck so we can be tracked wherever we go? Oh no, this is not the Real ID; no it's not, but it is the first step down the road to have the government control every facet of our life.

Because I oppose this, am I am the bad guy in this situation. Am I the guy that is bad because I have to get my photograph taken, I have to prove who I am everywhere I go? All of the sudden, I become the bad guy. I have lived in this country all of my life, I pay taxes, I support this country. It doesn't make me any less of an American because I don't buy the Real ID. It makes me more of an American because I believe in states' rights, I believe in our individual rights. I would really hope that in the long run, when you stop and think about what we are doing, and you accept this first step toward total control by the Federal Government over our states and our lives, this is what will happen to us.

I would certainly vote Ought Not to Pass on this. We did it last year and we can do it again. Maryland, they took the vote, they said, Real ID, we'll see you later and they adjourned and they got away with it. Montana, Utah, wrote a couple short little letters telling them, see you later Real ID and they got waivers. Why Maine? Well, we poked them in the eye last year and I am proud of that. Somebody said to me, you can't act on emotions. Well, I am not acting on emotions. It is like when I was coaching, someone said to me, coach, I am going to take that ball and jam in down your throat. Well, that is the wrong thing to say and that is the way I feel about it. I think that we have our rights, they are guaranteed; we live in a free country. Let's keep it that way. Thank you.

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Representative ANNIS of Dover-Foxcroft 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 Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I believe in strong law enforcement and strong public safety laws. I think we need to do everything we can to protect the public safety of the citizens of our state, and that is why I support the Ought Not to Pass Report.

I think the majority did a great job, both sides of the aisle. I think they worked really hard and I think, if you had to go with this kind of proposal, they did a lot in moderating it in ways that I think were wise and thoughtful, but I just respectfully disagree with the entire premise. Because when you ask, why are we being urged to spend a huge amount of money—everybody agrees it is a huge amount of money—why are we being urged to spend a huge amount of money? Why are we being urged to do things that raise the hackles of civil libertarians? Why are we being urged to do that? Why are we being urged to do things which raise—I won't say they violate—but they raise serious constitutional questions. Why? Why on all three accounts? Because we are told it is going to increase our public safety. The problem is that is dead wrong. So we are doing these tremendous things that give us this great discomfort for a premise that is actually false.

I would quote the Los Angeles Police Chief Bill Bratten; I would quote Richard Clark, the former counterterrorism czar, where they said that legal presence, a concept embedded in the Majority Report, harms public safety by driving more people into situations where they are unlicensed and uninsured drivers. So it creates that situation, which harms our public safety, meanwhile, Mohammed Atta probably would have been fine had this entire thing passed and been in place on September 10 or earlier, before 2001. So it harms our public safety, it doesn't do much to help it, but costs us a lot of money, undermines our civil rights and, possibly, at least arguably, raises some serious



constitutional concerns.

Just within hours ago, we passed legislation, I believe, from the Transportation Committee, that creates a residency status here in the State of Maine, which is appropriate. It supports law enforcement, it supports public safety. Great idea, we already passed that, that is good. That is very different from legal presence which will undermine public safety. And embedding this law, as the Majority Report would do, even with, again, an approach I somewhat understand where they go through the Secretary of State, it is still routine technical, and I urge the Men and Women of the House to consider that. It is not major substantive that we are talking about, it is routine technical. I don't want to have something that raises these kinds of questions going through that process, and I would think that people on both sides of the aisle would share that concern. So for those of us who care about public safety, while they did a great job on the Majority Report and I think they are to be commended, I think, for those that care about public safety, the right vote is Ought Not to Pass.

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

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

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

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is to anyone who cares to answer. We turned down Real ID some time ago, about a year ago. Can someone tell me what the difference is between this and Real ID, the actual difference? Does it have to do with a national database versus a Maine database, or what is the real difference between the two? Thank you.

The SPEAKER PRO TEM: The Representative from Falmouth, Representative Savage has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sabattus, Representative Lansley.

Representative **LANSLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I happen to be the author of the Real ID legislation, LD 1138, and to answer the Representative's questions, Real ID, originally and in the state that it is in, had to do mainly with the national database. It was to have one document that was throughout the entire country, one database in Washington, D.C. What they have done is they have actually modified that to keep 50 separate databases, but in order to maintain the integrity of Real ID, to maintain the integrity of the documents within the states, they are requiring that states follow certain guidelines in order to keep the integrity of a document so that it cannot be forged, it cannot be given out, and that is the difference between the two. We have been very, very clear about keeping the two separate all along. They are two separate issues, and they happen to be merged on this issue right here.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Wagner.

Representative **WAGNER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to thank the Representative from Sabattus for his work on Real ID. It is sneaking back again, unfortunately. The real coach and I share something that is coming from an era when the mere thought of having something that smacks of Real ID, a national identity card, was just an anathema. It seemed impossible, totally impossible. It was the stuff of big brother. It was the stuff of what happened behind the Iron Curtain. It was the stuff of what happened in Nazi Germany. Real Americans could never have supported that.

Can you imagine real American John Wayne hitching his

horse outside the Liberal Cup, sauntering in to check and see if people had their Real IDs? Can you imagine real American Jimmy Stewart, as Mr. Smith, coming to Augusta, facing bags full of telegrams, all of which said don't vote for LD 2309? Can you imagine real American Jimmy Cagney up in the rotunda, screaming, Ma, Ma, I've got my Real ID? Can you imagine George C. Scott standing in front of a huge poster of the flag of Maine, flashing his Real ID? I can't. We must nip this in the butt. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ellsworth, Representative Crosthwaite.

Representative **CROSTHWAITE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to debate Real ID, but since that is not the subject under discussion, I will resist that temptation, unlike others, and speak to the bill that is before us.

Let me implore you, as one who came o this country, not a native born son of America, to grasp before it is ever too late the enormous value of our borders, indeed the sacred meeting of America's and, in particular, Maine's international boundaries. Ladies and Gentlemen of the House, this very day, we are deliberating in this place of freedom and nobility, and while we do, thousands of people of all races, nationalities, ethnic origin, and philosophical bent are clamoring, clawing, running and fearing for their lives as they attempt, both legitimately and illegitimately, to get out of their native countries. And, Mr. Speaker, at the same time, millions and millions of people are striving to get into the United States of America. This ought to send a very strong message.

Please indulge me, for just a moment, to take you back some 24 years, if I might share with you my involvement in emigration and immigration. For me, it included continuous trips to the United States Consulate in Canada, my birthplace, and that, for me, was 125 miles one way, every time. It meant processing of a visa, first off, and that is not a credit card; interviews, criminal background checks, fees, photo, fingerprinting, photo retakes, waiting, waiting, and more waiting; phone calls, paperwork, legal documentation and, finally, after several months, acceptance of resident alien status. Complete review of all documents and all personal effects at the Canada-US border. It meant, after arrival in this country, checking in regularly with the US Immigration and Naturalization Department. More and more and more paperwork, more and more and more waiting, tracking our whereabouts for the previous five years, more interviews, more money. Did I mention waiting? More money; nearly six years of naturalization; a final conference, appearance at citizenship court, renouncing loyalty to the land of your birth, the oath of allegiance, gifts from members of the DAR—Daughters of the American Revolution—a United States' flag, a judicial welcome and a reception to your new country. I stand very proudly and gratefully to say that 16 and a half years ago, I finally made my way through this entire process, as did my wife, followed some years later by each of our two sons.

Allow me, with deepest respect, honored colleagues, to challenge you, as American born US citizens, to be aware of your history, appreciative of your birthright, and vigilant in defense of your rights to secure your borders as well as the communities around you. Please do not fall into the dramatic trap of referring to certain people as illegal immigrants. An immigrant is an immigrant, is an immigrant, and any and everyone else who has come to our nation in any way other than the one I have just chronicled for you, is in the country unlawfully. And that, my friends, when we call them illegal immigrants, is a front and an insult to those of us who have done it the right way, the legal way and the secure way. Of course, Ladies and Gentlemen of this

hallowed Chamber, we must require that applicants for a drivers license or for any other privilege or service offered by the state show legal documentary evidence of lawful presence in this beloved nation of yours and, now, of mine. Of course we should do no less than what is prescribed in the bill before us. Of course we should take a courageous stand on this crucial issue. Of course we should be most protective of our heritage, our security, our stability, and our future. And, in order to accomplish this, I would urge you to join me in defeat of the prevailing motion, the Minority Report of Ought Not to Pass, on LD 2309, and move on to accept the Majority Ought to Pass Report. Thank you, Ladies and Gentlemen of the House. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not an issue that I thought I would have to stand on the floor and take the time to make some remarks on. I thought, like many Americans, when after 9/11 happened, and I thought that when we had the Homeland Security Task Force and I have seen my United States Government spend trillions—that is with a “t”—of dollars on homeland security, I thought this was going to be taken care of for us. Not only has it not been taken care of at a state level, it is adequately not covered under the federal level. I face it at an international airport in Bangor every day that has problems and, all of the sudden; we are being asked to hastily report something out. We are being—let me use this word and I will probably get slapped down for it later—we are being held hostage by a government that doesn’t want to give us time to craft good law. They do this to us all the time. Haste does not, in their mind, make waste. Well, you know, I guess maybe I have lived long enough to find out that it has made waste and it will continue to make waste. So I think the bill, I am going to ask you to defeat this Minority Ought Not to Pass, because I have talked to my Chief of Public Safety and to do nothing puts us into jeopardy. I am not in love with this piece of legislation, I think it needs a lot of work, but we will get the opportunity to work on it if the Minority Report Ought Not to Pass prevails, it is dead, and then we are stuck with what we’ve got doing a good job. Thank you, Mr. Speaker.

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

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion in opposition to this bill, generally. I tried to be supportive of this bill. I really sat down, I read it, I met with people on both sides of the issue, and I almost got there, I almost talked myself into it. But every time I have heard myself about to say, yes. I can get behind that, I literally felt sick, I literally felt like I was doing nothing to actually help, but only doing something to buy time, only doing something that, in the end, would not make us any safer and would not make us any stronger as a state or as a nation.

I had a friend from out of state call me about this and said everyone is watching Maine, Real ID, and said, “Emily, don’t you remember September 11th? Don’t you know there are people trying to sneak into this country all of the time? Don’t you know there are people trying to get Maine licenses all of the time?” I took great offense at that because, of course, I remember September 11th; of course I remember how I felt when I knew my father was at the LaGuardia Airport, when I knew my father took that flight to San Francisco several times a month and I didn’t know if that was one of those days; and of course I remembered how I felt when I knew that my father stayed, most often, at the World Trade Center Marriott when he was in New York, which

was very often. I will never forget how I felt because I watched the news reels for the days and weeks and months and years later of torn apart families, of missing friends, missing colleagues. I will never forget how that felt. In fact, I can say to you today that one of the reasons I was so eager to jump into public service, at such a young age, was because I watched that happen, I experienced those emotions and I knew that I needed to do something to make it better, so I ran for office, tried to get educated, watched the news, I tried to give back.

So, again, I say, does this bill help? No, I don’t think that it does. It does not prevent what happened on those days, because what we need in this country is comprehensive immigration reform. We need to come together, with both parties, to pass comprehensive immigration reform at the Congressional level because then we will be making process, then we will be really moving the issue forward that is the real issue. I don’t believe this bill solves any problems, except maybe one that is bureaucratic, and maybe one that has more to do with nipping around the edges and not actually addressing the problem which is comprehensive immigration reform. I don’t like the idea of turning the Secretary of State or anyone who works for him or the future him or her into any kind of immigration official. I don’t believe that is what they do. I do believe the Federal Government has the obligation and the opportunity to work together to pass comprehensive immigration reform and, until they do, I cannot support this, because I believe at the end of the day, when all else fails, the hope is in the states. I believe in states rights and I believe that states have an obligation to stand up, not only when it is right for them but what is right for the country. But when those two things come together and are lined up and we see the burden that this will place on our state, where we already have tough fiscal times, many of which are caused by many things we are required to do by the Federal Government that they do not fund, many of which, whether it is in education or health care, many of those things cause enough financial burden already on our state. If this really is going to help, if I really could believe that this was going to help get us closer to that comprehensive national immigration policy, I would be right with you, but I can’t see it, I can’t get there, and I can’t talk myself into it; believe me, I tried.

I want to thank the Transportation Committee for all the work they did on this because it has been really good work. I think they did the best that they could possibly do in the circumstances in which they were operating, but I do not believe that passing this bill will actually help anything. I believe it will cost us more money; it will cost us a lot of time and a lot of resources that we could be putting towards actually making our state stronger, so that when we are ready to pass comprehensive immigration reform, when we are ready to have a comprehensive way to deal with border security and to deal with international relations that our state will be standing ready to be a part of that. And I plan to stay elected, as long as I can, to be a part of that solution, but today’s solution is not for me and that is why I am supporting the Minority Ought Not to Pass Report and I encourage you all to do the same. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Camden, Representative Miramant.

Representative **MIRAMANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will just speak about the part I know. Working in the airline business, we were, early on, subject to extra screening that is proposed if we don’t go along with this, the extra screening because, of course, we are a threat to airline safety as the flight crew, so we required extra screening. But we were also subject to extra screening when someone wanted to get a promotion within the Department

of Homeland Security. I can think of Las Vegas, Nashville. Suddenly, they were going to be more hyper vigilant than anyone else so we were subject to extra screening, everyone was, and the lines were hours long. That didn't last very long because someone realized that when they make lines hours long, a lot isn't working, not just the program overall. I have heard from people that they are willing to put up with a little extra inconvenience to have something like this, that was threatened on us, go through. They would rather deal with it and have us deal with it and not just give in because it was threatened, and that is what I pass on. In those times, I would go through security four, six, eight times a day. We go through it, things changed. I think we need to do something besides just give into this bill, I don't think it will work. Thank you.

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

Representative **LANSLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As I stated, these are two separate issues which were brought together by the actions of this state. We decided to not maintain the integrity of our documents by allowing anybody to step in and get these documents with whatever means they have. There are at least three individuals who are being prosecuted for bringing folks from out of state, from another state, obtaining documentation through the Social Security Office, then going to the BMV and getting a driver's license. As I said, it is not the security of the document that has been at fault. We have been giving these driver's licenses out to just anybody that goes, who shows up. If you take a look at the states that were given the waivers, who basically have said they are not going to comply with Real ID, the difference is, is they have legal presence in their law—many of them, Montana. In fact, when we asked for our citizens not to be punished in this way, we used exactly their language, and the difference between our document, the driver's license, and theirs was they had legal presence. I was told that right by someone, the individual who actually wrote the Real ID wording that came out, that was brought out by DHS.

This has been a very difficult issue for me because I am very, very much opposed to Real ID or I would not have put the documentation in, I would not have put the legislation in, I would not have gone around the state speaking out against this because of our freedoms. The problem is we have been giving our freedoms away, the document, what we should hold dear to us, we have just been giving out to anybody who would step across our borders and ask for it, and that is wrong. I oppose the Minority Ought Not to Pass. I believe that we should have legal presence. I went down to testify before the Transportation Committee on this legislation and what I opposed in the legislation. The SAVE program, facial recognition, anything to do with biometrics—that brings us closer to Real ID. Legal presence does not bring us closer to Real ID, but everything else in there, it does. The face of the document that we had met the requirement on 10 out of 18 of the items that DHS requires for Real ID. That was enough. In fact, our document was probably more secure than a lot of the states that were given the waiver. Again, it went back to legal presence.

So when we speak about John Wayne and America, I am sure that John Wayne and America would not appreciate that our documents be given out to just anybody who walks in here, I am positive of that, because that is not American, that is not what we are about. We want people to come here legally, we want people to come here and ask for the documents, we are happy to give. Maybe it takes a little bit longer, but that is something that we need to work on. But we are not arguing about Real ID. What we are arguing about is a secure driver's license that we can go

to another state and, reciprocity agreements, they will be able to take our documentation and know that it is not a forged document. They will know that we are legally residents of the State of Maine, that are not just going to another state to get another license from them, because that is what is happening. We had vanloads of people coming up here from New Jersey that were getting our driver's license and taking it back to another state and, because of reciprocity agreement, they were getting another document, another driver's license. That is how 9/11 started, they had 19 different documents. Legal presence is the thing that is going to stop something like that, and I ask you to vote red on the Minority Ought Not to Pass.

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

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Minority Report. I am on the Majority Report and, actually, I am up here to take on the coach. As I said, I am on the Majority Report and I will be voting in favor of passage. My overall concern, though, is for the citizens of Maine and how this will affect them if this does not pass. I certainly do appreciate all of the attitudes and the feelings of the all the people, and I don't blame you for voting anyway that you want, do what you want to do. But at the end of the day, we are still left with the problem and have we provided any answers to all of this? No we haven't, we really haven't.

What can we expect if this Real ID bill is not passed? We can expect, possibly, a special session. We can expect, possibly—this won't be possibly—we will expect the revocation of the Homeland's extension to us, you can expect that. One thing that you can expect, though, is long lines in the airports. You might assume this is an assumption, but when you are adding time to getting on the planes and this method that they have of interviewing everyone that gets on the plane, even small kids, you are going to be backed up for hours. So now you are going to look at the paper one day and see the Legislature is responsible for this. It is not worth it, as far as I am concerned, so I am not going to belabor the point just to tell you I am on the Majority Report and will not vote for this here. Thank you.

The SPEAKER PRO TEM: 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 have heard a few comments here that I just have to respond to.

First of all, can you imagine Chief Red Cloud or my great, great grandfather, Chief Big Thunder, saying here is my Real ID? On the other hand, I also wonder had we had Real ID back in 1492, we would not be in the position we are in today. Those are the positions I am weighing, going back and forth here. There are pluses and minuses on both sides. But I am not an immigrant, although I am treated like one sometimes in my own country and a lot of my native people are treated that way. We have a Jay Treaty that is supposed to allow us to go back and forth over the borders without impediments because we are native people and we are the original inhabitants of this land. I find that, now with the increased security, we are suffering as well because we have students who come to school here in Maine and that travel back and forth, a lot of our people travel back and forth, and they don't happen to have a passport and they wouldn't have this Real ID thing. This security clamp down, I guess you might call it, is indirectly affecting us. I do think that we really shouldn't be giving driver's licenses to everybody. With my law enforcement background, I can't help it; I am a bit conservative in that respect. However, I also think that yesterday we voted on the rights of indigenous people, both here in Maine and around

the world. Well, Maine citizens have rights, too, and we have privacy rights, so I just land on the side that, if I could vote, I would vote Ought Not to Pass. Thank you.

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

Representative **HINCK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, would vote Ought Not to Pass on this LD. It is an "An Act to Enhance the Security of State Credentials." We should watch out. Someone before me said that this is not Real ID. That is correct in part: it is part of Real ID. Some of the provisions came directly from Real ID. The reason why it has been suggested that we should accept it is that the State of Maine may have made mistakes in issuing driver's licenses. I would agree that Maine licenses should go to Maine residents, who meet the qualifications to be drivers here. I also think that the Federal Government should enforce immigration laws.

As we sit back, in Maine, and watch the Federal Government deal with immigration, the first thing we know is, in many respects, Maine is not in the front lines of the immigration controversy and, over and beyond that, it doesn't look as though the Federal Government has been doing its job seriously. One of things that it would do, if it wanted to address immigration problems, is make sure that those who employ illegal immigrants, because they can pay them less, because they can abuse their rights, because they can deny them privileges and rights that would go to Americans, those people would be prosecuted, those people would be part of the picture. Instead, the Federal Government has turned to Maine to conscript Maine in this battle. There is clearly a problem with that. The parts of this law that also are in the Real ID program include using the Federal Systematic Alien Verification for Entitlements program, a notoriously unreliable database. There also is the facial recognition technology referenced in this bill. It is supposed to be studied by Maine and brings us down the road towards biometrics.

The Congressional Research Service examined this question in the last year and said that because the issuance of driver's licenses remains a function of state government, the Act's requirements constitute an affective commandeering, by Congress, of state process, or a conscription of the state and local officials who issue the licenses. That, too, infringes on our liberties here. That study cited the US Supreme Court from an earlier decision and it made very clear that states are not mere political subdivisions of the United States. The US Supreme Court concluded that commandeering the legislative process of states is contrary to our Constitution. I would say that this bill heads in that direction.

Just because there are some good reasons behind some aspects of this bill does not mean we should be encouraged to trade away liberties, our own or the citizens of Maine. I have already known from watching debates like this over the years that every time something is going to chip away at our freedoms, every time it is going to take a piece of our liberties, it always comes in a package that is tied to some public good. We do want security enhanced; we do want our Maine driver's licenses to have integrity, but we don't have to give up our freedom and liberty for that. We don't have to give up rights of ours to get that. I would vote Ought Not to Pass. Thank you very much.

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

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. After hearing a solid citizen, like Representative Crosthwaite's story, having a legal immigrant go through a limited process, proving they are

here legally seems like a small price to pay to be in this great state.

This bill before us, this Minority Report, I urge you to defeat and support the Majority Report. This is not the Real ID. No entry into a national database is required. It establishes legal presence. We are now a global community rather than an isolated state. We need to change the format and administration of our driver's licenses to allow citizens to enter federal buildings and to fly in our airplanes. I think that this is a step we need to take. Thank you.

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

Representative **PERRY**: Mr. Speaker, may I pose a couple of questions through the Chair?

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One is we recently passed a residency requirement for licenses, and does this hit some of the issues that we have about our documentation for a driver's license? I am of the understanding, the driver's license is you have to prove you can drive and follow the rules. If you are going to get a driver's license, you either have to have tested to say you can drive or you show another driver's license that you have tested someplace else to do that. Now, it is becoming an ID of citizenship.

We live on a friendly border with an ally. We have been doing a lot of work about security of border crossing. We now have to—and this is for people coming back and forth to work in my town—show at least two IDs or have a passport in order to be able to cross the border. We have families that live on both sides of the border. We also have had a period of time where, in Saint Stephen, the hospital in our area was the only hospital doing deliveries, and we had a lot of American couples going to Saint Stephen, New Brunswick to give birth and then coming home. Now they were born in Canada to two American parents and brought home. Is this bill, if it passes, going to affect their ability to prove their citizenship?

Another question: Families do live on both sides, and I have a constituent who had called me because they were having a great deal of trouble getting a visa or even a permanent visa or a temporary visa for their grandchild who was living with her mother on the Canadian side, the mother died, the only guardian that she had close by was her grandparents in America. She had no place to go, but it took them close to five years to get a visa for her to legally be there. She went to school and graduated before she got the documentation. Is this going to affect her ability to stay in this country and also the ability to get a license to drive and get health care if she needed it? I think that it does. I would love an answer to get some idea of how much it does, and would ask that somebody answer this. Thank you.

The SPEAKER PRO TEM: The Representative from Calais, Representative Perry has posed a question through the Chair to anyone who may care to respond. Seeing none.

The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I spoke on this in caucus; I won't go back over what I said in caucus, but I did want to respond to a couple of things said by, first of all, the gentleman from Rockland, Representative Mazurek, and the gentleman from Lewiston, Representative Wagner.

Representative Mazurek mentioned the Civil War and the taking away of civil rights at that time, the withdrawal of some of our rights by President Lincoln. He also mentioned the Palmer

Raids in the 1920's and the Red Scares of the 1950's. Representative Mazurek rose and said that real men—real men—would not have allowed that. Sadly, real men did. It was a feeding frenzy in those time periods, the times called for actions, according to so many, actions taken by our government. Upon reflection, however, as years went by, many of those people who got involved with the feeding frenzy decided that perhaps they had gone too far. I, for one, don't want to be participating in this feeding frenzy.

One other thing, we now, and if those goes through, will have a patchwork quilt of legislation across the country, often conflicting, that makes no sense. It will provide no security. If this is such an important deal and to some degree maybe it is, but if this is such an important deal, perhaps the administration and our Congress in Washington should have done something about it in the last six and a half years, instead of sitting on their hands. Thank you, Mr. Speaker and Men and Women of the House.

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

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I only want to take a small piece of this very long debate.

I know that many of us have, in our communities, the experience where we are at the grocery store and one of our constituents says, Congressman, I have a question for you, and we know we are not Congress people, we are members of the Maine Legislature, we serve here in Augusta, but they don't know the difference a lot of times and they will bring up federal issues, with us, as State Representatives. I hope that all of us in this Chamber know that we aren't members of Congress. Now there is a real difference there because, what we are talking about today, we are talking about legal presence and that is an immigration issue. There are some things in the United States Constitution that are strictly federal issues, and there are others that are left to the states; in fact, everything that is not given to the federal government is given either to the states or to the people under the Constitution. There are some issues that are quintessentially federal issues that there is no doubt in anyone's mind, they don't need to even pick up the document, they know. National security is a federal issue, interstate commerce is a federal issue, and immigration and naturalization is a federal issue. So when we talk about legal presence, we have to understand that this is something that the Constitution gives the Federal Government the exclusive right to legislate on. We have to remember, and the reason why I support the Minority Report Ought Not to Pass, is that the Maine Legislature is being asked to pass its judgment on immigration law, about what is legal presence, and we are asking our Secretary of State to become an immigration agent, and we are asking that document that we all hold in our wallets, called a driver's license, to become an immigration document, and I think that that is absolutely wrong under the United States Constitution.

We also have to remember the backdrop for what we are all doing here. The backdrop is that the Federal Government wants a national ID system and they want that ID system on the cheat. They want the states to pay for it, and they want the states of implement it. I would submit to all of you that what we are being asked to do is, we are being asked to implement a national ID system by coercion from the Federal Government, and I think that is wrong because not only is it not within our purview here in the Maine Legislature, but it is a massive expense to this state that we don't have the money to afford. I know other speakers have spoken to this as well, but let's not forget the budget we just passed, let's not forget the cuts that we were forced to make. We

have talked about that so often here on this floor and it seems like we so quickly forget them. Finally, let's not forget about the federal obligations that aren't being paid to the State of Maine right now, special education, not being funded. We just, this year, started to deal with the Federal Government not wanting to pay its fair share in Medicaid, and now we are being told that the Federal Government does not want to participate in its law about an ID system. So not only is not within our purview, not only do we not have the money, but we can't forget all the things the Federal Government isn't paying us for at this time. Ladies and Gentlemen, I urge you to support the Minority Ought Not to Pass Report. Thank you, Mr. Speaker.

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

Representative FAIRCLOTH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will defer to anyone else, like the Chair on the Committee on this point, but the Representative from Calais, Representative Perry, raised a question about whether, I believe, LD 2304 would address some of these issues because Representative Lansley, quite correctly, mentioned incidents where people were abusing our license system. He is right, they were, it is wrong, it is bad, and that is why we passed LD 2304 just hours ago. It really is much more strict than the law we had before. I think it will greatly deter the problem of abuse of our license system, so I think it makes LD 2309, the moving toward Real ID bill, much less necessary.

Secondly, there was another question posed, perhaps a rhetorical one, by Representative Hogan of Old Orchard Beach, where he talked about what we would do in this situation. I would simply offer that when you look at, for example, the State of Hawaii where they do not require legal status, they may have a residency but they don't have a legal status requirement. With that, they went to the Federal Government and simply said that we will analyze these issues, but we are not going to have a legal status requirement, and they were able to get a waiver. So there are alternatives available that do not require that we have federal agents requesting passports of us. We know that because other states have successfully done so. And I particularly feel strongly about this with regard to legal status because, it creates, as Representative Fischer noted, an imposition on the state of a federal level concept that the Federal Government has yet to define, and that would create, I think, problems for our public safety. It would create problems for public safety for it to pass. I thank the Men and Women of the House.

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

Representative WALKER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Listening to some of the comments earlier today, I am not sure if people have actually read the bill as amended. I rise in opposition to the pending motion. I think this bill could very easily be relabeled An Act to Issue a Maine Driver's License Using Some Common Sense, because if you look at what the bill does. Mr. Speaker, I would ask you to imagine a world where an individual arrives in Maine and that individual receives a license or a card which expires the same time that that individual's visa expires. Mr. Speaker, I would ask you to envision a world where, before a Maine driver's license is handed out, it is determined that person is here legally. Mr. Speaker, I ask you to imagine a world where the Secretary of State has the opportunity to determine what documents will be used to establish legal presence. Mr. Speaker, if you can imagine this world, I will ask you to vote against the pending motion and for the Majority Report. Thank you, Mr. Speaker.

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

Representative **HAYES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to try to ask you to imagine a world where a driver's license means you know how to operate a motor vehicle. I am going to ask you to imagine a world, I don't know. Have you read your driver's license lately, because there is a real interesting little line underneath the title of our driver's license, if you in fact hold a Maine driver's license, which reads "Where America's Day Begins." I am kind of proud of that. I think that is a neat way of thinking about where we are all from. I think we have a problem in this country. This is not the right solution. It is not the beginning of a right solution. I support the Ought Not to Pass motion.

This bill, if we enact it, will raise the cost of this driver's license, the one that we hold and the ones that our constituents hold, by 50 percent. It will now, then when we do this, allow me to get on airplane. Hopefully, it won't let me fly that airplane, but it will allow me to go into a federal building. I am very troubled by that. I am very troubled by taking this credential and having it be used for those purposes. There is a federal ID, it is called a passport, and if that is what we need then let's go get one. If I don't want to get on a plane, I don't want the cost of my driver's license to go up by 50 percent. I don't think it is fair to do that for everybody, people who may never get on a plane; people who may be able to avoid going into a federal building, bless their hearts. This is a tax on everybody, whether or not you choose to use it, it is taking a credential and having it used for something entirely different. Because it is more convenient, because it may save us some time in line at an airport, I am stressed by the entirety of it. I would like to imagine a world where we say, we will fix the problem with an appropriate solution. This is not that. That is the world I want to go home to, and I would ask your votes to also support the Ought Not to Pass.

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. Part of me wants to think that, given the price of airfare and travel, only terrorists can afford to travel nowadays, but seriously.

Over 50 years ago, in my confirmation speech, it started out, "These are dangerous times in which we live, when everybody's rights must be protected." Now that was in reference to the Ninth Commandment about bearing folks witness against thy neighbor because, back in those days, the issue was we were concerned about people violently overthrowing the government. There were a number of committees or there was a committee set up to find out if people indeed were members of the Communist Party or ever knew of anybody, and many of those people lost their jobs, many of them committed suicide, others were not able to practice in their professions. Those were times when rights were being infringed upon, and whether we are reaching that moment, I am not sure, but it bothers me that we might.

I come from a fairly conservative part of the state where people are concerned about their rights, their property rights, their rights to bear arms, their rights of free speech and their rights of privacy. I think that, as we find out if you go to the store nowadays, you can't be certain that the information about your economy, your credit and indeed your bank account isn't subject to some hacking and some laws. I think that anytime we enhance the opportunity for data to be taken and, therefore, be given to people who really shouldn't use it, and indeed we have no control over those things. Fifty-five years ago, we didn't have the machines, the technology to hack; we just had committees to

bring people in front of. So I think we need to be very careful and be sure that, again, these are dangerous times in which we live, and indeed everybody's rights should be protected. I would vote for the Ought Not to Pass motion. Thank you, Mr. Speaker.

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

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When this debate first started, there was a fair amount of hyperbole and embellishment employed. You would think that George Orwell was sitting at the keyboard downloading people's personal identification up to a nation database. That is not what this bill is about. This bill is an interim solution to resolve a problem, and we do have a problem.

From 1999 to 2005, there were roughly about 320 to 340 licenses that were given out to folks who were not able to produce a Social Security number. If you are not able to produce a Social Security number at the Bureau of Motor Vehicles, you get a 99999 number to substitute for that. Then in 2006, we suddenly jumped to 1,112 licenses of this type; then in 2007, up to 1,329; this year, at least through February 25, there have already been 150 of them. Obviously, the word it out that this might be a spot where people might be able to acquire of driver's license without a lot of scrutiny because, as it exists now, all you have to do is declare where you live without any proof. We have people living in Deering Oaks, we have people living in the Department of Motor Vehicle office buildings, they are from interesting places. So I want us to concentrate on the fact that this is an interim solution to allow Maine citizens to be able to travel without a lot of added obstacles, and difficulty that they need not have to contend with, so I plea to ask you to defeat the Minority Report. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just need to generally disagree, first of all, with my good friend and colleague from Biddeford regarding the problem that he describes. I don't disagree with the facts that he presented, but rather with the idea that this is a solution to that problem. I think in LD 2304, we have already taken an important step forward in that regard, and we can expect to see a change in the numbers.

I also need to disagree with my good friend from Sabattus that this is about legal status. There are at least five other states that I know of—Hawaii, Utah, New Mexico, Maryland, and Washington—in which legal status is currently not required, and which are not subject to the demands that are currently being placed on Maine. Those states, some of them without asking, have received a waiver. So this is about Real ID, let's be clear. It is about taking the first steps towards Real ID. I think, in fact, that is was my good friend from Naples who really hit the nail on the head, here today, in speaking of this as a step that would buy us some time. But I question even the Fiscal Note on this bill, the \$1.5 million to \$2 million, being a legitimate use of our taxpayers' dollars to buy us that time, when no other state has been subject to these demands, and where the demands appear to be, by any standard, fairly arbitrary and fairly capricious.

I question, also, that the real cost is simply those \$1.5 million to \$2 million. I think we are really talking here, as well, about these arguments have been made and I am not going to repeat them, but the concerns about security, the concerns about constitutionality, the concerns about civil rights. This is what is truly at stake, and I am personally not prepared to spend that capital in order to meet this federal demand, which is about Real ID, which this Legislature overwhelmingly rejected and our Chief

Executive, as well, just one short year ago. I am not prepared, and let me ask this body are you prepared, to sacrifice security when we know that the measure that we are being asked to implement would do nothing to prevent the disaster, the travesty that occurred on September 11, 2001. I am not prepared to give up what a West Point professor has called the largest law enforcement database in the country, a database of all who drive in this state and, collectively, all of the license databases in every state in the country, I am not prepared to give up that important law enforcement tool. I am not prepared to give up security. Nor am I prepared, and I ask my colleagues are you prepared, to give up our constitution and our federal system, because the Congressional Research Service—the federal agency which is in charge of assessing the acts of Congress and their fiscal and regulatory issues, not unlike our own OPEGA—has said that there are at least four different arguments, they are legitimate ones which have been presented already that this Real ID, collectively, is unconstitutional, and I quote: First, because Real ID cannot be premised on Congress's power to regulate interstate commerce, it is a violation of states' rights as protected by the Tenth Amendment. Second, the requirement that Real IDs be used to board federally regulated aircraft impermissibly encroaches on citizens' right to travel. Third, specific requirements such as the digital photograph potentially violate the Free Exercise Clause of the First Amendment. Finally, Real ID infringes upon a citizen's right under the First Amendment to freely assemble, associate, and petition the government.

Again, this is the Congressional Research Service, prepared for members and committees of Congress, writing those words. Are we prepared to give up our constitution and our federal system? Are we prepared to sacrifice civil rights?

And, here, I need to quote, briefly, our Maine Secretary of State: During the 2004 Presidential Campaign, newly released Nixon White House tapes revealed President Nixon asking, after one of the young leaders of the Veterans for Peace movement, who is that John Kerry kid, anyway? Find out about him. More ominously, read the released meetings minutes of senior FBI officials reviewing wiretaps of Martin Luther King, Jr., where those FBI officials, openly contemplated how they could undermine the credibility of Reverend King as an effective leader of the African American community. Those are our federal officials and all of that has occurred before Real ID. I am not prepared to sacrifice civil rights.

And finally, as to the question of cost, it is far more than \$1.5 million to \$2 million of our taxpayers' dollars that are at stake here, because I want to remind this body that I have already circulated to you a yellow paper entitled "Real ID, Real Expensive," which states the Department of Homeland Security's own estimate of Real IDs cost at \$14.6 billion. That is their own estimate. The proposed Congressional allocation, at present, is \$300 million, and what is remaining, what is truly at stake when we are talking about cost, is \$14.3 billion the states are now being asked to pick up, in addition to Social Security offsets, in addition to all of those costs which we are being asked to shoulder, in which the good Representative from Presque Isle so eloquently spoke to already. I am not prepared to give up security, the Constitution, civil rights and to spend \$14.3 billion on our state's tab to do the job of the Federal Government, and I hope you aren't either. I hope you will accept the Minority Ought Not to Pass Report. Thank you.

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. I had no intentions of rising. I rise on two points today: One is that the

name of the Duke has been brought up. Now I don't think he would have voted for Real ID, and I don't think he would have voted for grammar tease baby care, have to belong to a union.

Second, I detest the thought of Real ID. I detest that. I am an American; I have served my life defending the Constitution of the United States. Mr. Speaker, I don't think I should have to have a Real ID, but if we pass, this Minority Report, they are going to force me to have a Real ID because, if I want to fly to Alaska, I am going to have to get a passport and don't you tell me that that is not a Real ID. Thank you.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of the problems that I have with this is we always have knee-jerk reactions in times like the McCarthyism era, when we started saying there were Communists at every street corner, and all of the actors and actresses were Communist and we started to attack them, and then we had a lady from the State of Maine, who fought against them, and saved our rights: Margaret Chase Smith, the first lady nominated to be President of the United States.

Also, we have talked about Montana. Both Montana and South Carolina have told the United States Government to take a hike, and I am saying it nicely. Most of these acts that we have heard, most of the things where we lose our rights, come in times of crisis that are really overreactions. The Alien and Sedition Act, in the early of John Adams, was done to try to destabilize a Democratic-Republican Party, and that is the way a lot of things are being done, I don't think they are really done with any real reason. We also attacked the Japanese during World War II, but putting Japanese-American citizens in jail to punish somebody. We always look to punish somebody. You should remember that any document can be copied by a seventh grader with a computer.

The final thing I would like to say is most of us here, I would be willing to register guns, how many people are ready to register guns? When we say we've got this list, we don't want to register guns, that's what a lot of people will say, but we are willing to register everything we have on a list. I will never vote to deny our right as American citizens of anonymity; therefore, I will not be voting for this thing. Thank you very much.

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

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today because I have heard my friends, who I respect greatly, and I have received messages from back home, from people who I also respect greatly, and I disagree with them and I need to speak. We have had bills here that have been dear to my heart in which I have held my tongue because others have spoken well on it. This is not one I that I expected to, but please listen to my comments.

I am familiar with the high school situation. Imagine two teachers: One of them gives permission slips to go to the bathroom, to their own students if the student has a legitimate need to go. Another teacher leaves the stack of hall slips out for any student to take for any reason, at any time, and the student sometimes abuse the privilege. I guess one of the questions I would ask is should the principal make a directive asking teachers to responsibly issue permission slips to have run of the building? I would submit that he should.

Now the President of the United States is not the principal. In this country we have a federal republic and so, therefore, we have separate jurisdictions. Also, the driver's license here that

we are talking about is not merely a permission slip to go down the hall; it is not, either, just a permission slip to drive. It is an actual identification card. It is our primary measure of identification. I think we are approaching this from the wrong angle. At least, for myself, I am not motivated here by a fear of immigrants. I am very familiar with the history lesson that has been given by several legislators here, and I recognize that the Federal Government, often, has overreacted at the expense of civil liberties in times that they have felt threatened. I am also familiar with nativist and nationalist sentiments that have often gone overboard. No, I am not motivated by a fear of immigrants; I am not motivated by the ultimatum from the Federal Government. I have little sympathy with the policies, especially relating to Maine, of this administration, but I think that should not mold our response to the issue before us, and neither am I motivated by threats of prohibited air travel. I am motivated by the belief that driver's licenses are not just a permission slip to drive, but a true identification card, an ID that can be used as a vehicle to gain other documentation.

This bill is not the Real ID. There are eight criteria of Real ID that have been deemed excessive and that are not included in this bill. I don't want to trade away our civil liberties. Real ID is insidious in its potential consequences. But to vote in this state, it is we that give assent to voting based on the three criteria: age, residency and citizenship. The enemy here is not the immigrant, or not even terrorism; it is fraud, something from which our citizens deserve protection. Whether it is the ballot or the driver's license ID, I say yes to residency, yes to legality, and no to national registration. We can do that without abdicating our privacy rights or our love of the Constitution. I will be voting for an improved version of the Majority Report, and I thank you for your attention.

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

Representative **CAREY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Government doesn't always get it right the first time. After the Revolutionary War, we, as part of Massachusetts, joined the Articles of Confederation and those failed, and they failed because the Federal Government wasn't invested with enough power, so we wrote a constitution. We the people, that is the issue—we the people. Section Eight of the Constitution says the Congress has the power to establish a uniform rule of naturalization—that is what we are talking about: a uniform rule of naturalization. If Congress wants us, through the Secretary of State, to pass driver's licenses that way, okay, but define a uniform rule of naturalization. Again, the founders didn't expect that they would get it right. They set up a way to amend the Constitution. The Fourteenth Amendment says no state shall make or enforce any law which shall abridge the immunities and privileges of the citizens of the United States. That is where we are. We have talked about legal presence, Congress hasn't acted. Where in the Constitution does it say the Executive, if he's unhappy that Congress hasn't acted, shall devolve power from the Federal Government to the states? It doesn't say that. We the people—that is who are talking about, that is what this is about. Who becomes the people, how do we define ourselves as the people. Congress needs to act. Congress needs to say this is how you become a citizen of the United States, then the states or other organs of the Federal Government, at Congress' direction, can enact it, but we cannot take that power just because the Executive Branch of the Federal Government is unhappy with Congress' enacting. Thank you, Mr. Speaker.

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

Representative **RAND**: Mr. Speaker, may I pose two questions through the Chair?

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

Representative **RAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Since the Federal Government feels that it is most necessary for the states to implement the immigration laws, I would really appreciate an explanation as to why they have not come forward and given us—by us, I mean all the states—one uniform definition of legal presence. That is one question.

The second question is when our constituents, our neighbors, go to renew their driver's licenses and they do not happen to possess a passport, and the town hall where their vital records were kept burned down so they have no birth certificate, I would like a list of the things that our constituents, who have lived next to us for 25 years, a list of the documentation that will be deemed acceptable, if this bill passes, that they will then have to get together and bring to, I guess the Department of Motor Vehicles, to get their license renewed. I think that we have gone off the track a little bit, maybe, in our thinking, when we seem to think that this is only going to apply to people who have immigrated from other countries, this—and I do think it is a good chunk of Real ID—if this bill passes, all of us are going to have to jump through all of these hoops. Now, in Maine, I know we have a significant number of people, particular in the northern and western part of the state, who would have an extremely difficult time obtaining their birth certificate. They have probably been trying for years to get it and, for one reason or another, have been unable to do so.

If those two questions could be answered, I would really appreciate it. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Representative from Portland, Representative Rand has posed two questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Those are very good questions. I will be honest, the first one and I think another person may have asked this about the uniform definition of legal presence, I don't personally want the Federal Government to come up with a one-size-fits-all definition, simply because I do think that is when you start getting into this one-size-fits-all, Maine's needs versus others. I have always opposed the legal presence requirements and that is because they do try to fit it into a box, and it gets to the second question as far as what documents are acceptable. We did not define what documents are acceptable. I felt that this was an opportunity. The issue of legal presence is not going to go away. Actually, Maine is one of the only New England states not to have legal presence, and we have always had bills come in that try to take it from model legislation from other states, have tried to really impose it and hasn't looked at all the unique situations. Representative Perry talked about in her situation: Maine has had a very open border; the hospital is on the other side of the border in another country. We need to have our Secretary of State, who understands our needs, define what documents are going to be accepted for this legal presence piece.

So I saw this as an opportunity, I did not see this as Real ID. I would not support Real ID. There are pieces of this that Real ID does ask to do, but does not get into Real ID itself. If you are looking for a fight on Real ID, you are going to have it. If you took a piece of paper and drew a line, that is the timeline, 2017 is when you will be asked to fully comply with Real ID; you are



about an inch into that paper. There are going to be other timelines when there are going to be components that are Real ID that you are going to have to fight with the Federal Government on but, at this point, what you are really looking at is coterminous expiration dates. I will be honest; personally, I don't have a problem if I have a visa for a year, getting a license for a year. That is a commonsense one. Feel free to disagree with me, that if fine, but I think that is a fair one, and the rate would be prorated.

The next piece is and hearing the debate here, that is why we have this debate, is maybe some of these things need to be pushed off, need to be studied and not implemented. It is the photo that is upfront in the process. Many of us have heartache over that, and I think that would be something that maybe should be taken out of the bill. The SAVE system, which someone brought up, the Systematic Alien Verification of Entitlements Program, which whoever came up with that title is truly a bureaucrat. If you can make a more ominous title, I can't imagine. That actually is currently being used—it should not—in the State of Maine by the Department of Health and Human Services. We pushed that off simply because, one Representative already mentioned it, the error rate as well as the cost. We felt like before we engaged into that through this piece, we wanted to know more information. We also pushed off the piece about the biometrics, how do we do that, we wanted to study that.

But the other piece is do we want people having three license under three different names. I mean, unfortunately, a lot of issues have been raised today: Real ID, I am with you, I am opposed to it. Immigration law; immigration law, I will admit also is broken and some of it is being thrust on the states, and it is an unfunded mandate but, once again, I think that is an issue that we can't get into. But I do think that there are many people and other states that have actually done this and have found people, sex offenders that have multiple licenses, so they can avoid detection. The funding source, people have mentioned, and it egregious, I agree: 50 percent increase on the driver's license. The committee said, if we are going to do this, if we are going to fund it immediately, we should be honest for the clearest cost on it and say this is what the Federal Government is making all of us pay for this unfunded federal mandate. I understand there is an amendment coming forward to take that off, because we may not want to go immediately into all the technologies that are being expected of us. Then, the elephant in the room, the lawful presence piece, and I talked a little bit about it previously, which is I personally think I would want to have the Maine Secretary of State define that, what the documents are and find those safety valves. I have gotten up here and I said it, as far as the World War II veteran in Virginia, honorably discharged, I think in fact the courthouse, the vital records were burned down 40 years before he even had to prove he was lawfully, not only a citizen of Virginia but a United State citizen, and there was no way for that person to prove it through the law that was created. So that is why we have given the Secretary of State the rulemaking piece, so he can find those safety valves.

My mother, the other day we were talking about this issue, and she talked about her brother who was a survivor of the Bataan Death March. He couldn't prove that he was in the military after the records were destroyed, in the 1940's and 1950's, at the St. Louis VA Hospital where they were kept. He had to go through hoops. Also, my good friend from Portland, Representative Harlow, talked about what we did to the Japanese-Americans during World War II. My father-in-law is Japanese-American, who served in the United States Army and his parents were in one of those internment camps. All I am

saying is it is not Real ID. If the Constitution is truly being broken, I wish someone would have sued or sued now, I haven't seen that yet, and we have known this has been looming. I understand more than to send a message. I might send a message, I will be honest, and say Ought Not to Pass, but I personally think that, at the end of the day, we have raised issues, very fair, valid issues, but I think that what the committee has come up with is a move in the right direction. I am not going to change everyone's mind; I had some things I had to get off of my chest. I hope I answered a couple of questions and may have raised a couple others. Thank you.

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

Representative **McDONOUGH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I promise not to ask a question, but I do want to make a couple of comments in response to things I have heard this afternoon, and I have the highest respect for every member of this House, as you know, and we can respectfully agree to disagree, which we frequently do on various issues. But this issue is one of homeland security, and I happen to have a passport, so this doesn't inconvenience me if our Federal Government says that I need a passport to get on a plane to fly to Seattle. However, millions of people, thousands of people here in the State of Maine, will be greatly inconvenienced if we don't agree to support the Majority Ought to Pass proposal.

I have heard the Secretary of State's name mentioned today. I have heard people say that we should stick a finger in the eye of the Federal Government. I don't like to stick my finger in the eye of the Federal Government, I would disagree with the government if I feel that they are wrong, but our government is there to represent us as we are here to represent the people of Maine. I don't want to see us sticking our finger or a stick or whatever into the eye of the Secretary of State, because they proposed this, or our Chief Executive. The Chief Executive didn't just fall off the turnip wagon; he is very knowledgeable, he has staff around him that advise him. This was probably not a simple decision for him to make, but he had to make it knowing it was in the best interest of you and I. So having said that, Mr. Speaker, Men and Women of the House, I would ask you to overwhelmingly vote against this Minority Report and support the Majority Report of the Transportation Committee. Thank you very much, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Turner, Representative Sirois.

Representative **SIROIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't get up to speak very often, but I feel I need to weigh in on this one. First of all, I apologize, I did step out for a few minutes and I didn't hear everybody's debate and, when I look around, I guess I wasn't alone.

On a personal level, I am a pretty easy going guy and try to get along with everybody, but if somebody forces me to do something against my will, takes away some of my rights and, adds insult to injury, wants me to pay for something that they should be paying for, I tend to change my attitude quite rapidly, and that is how I feel about this bill. I feel that is what the Federal Government is doing to us, and they are taking away some of our individual rights, some of our state right, forcing something on us and having us pay for what they should be paying for. We just passed a budget that didn't raise any taxes, didn't raise many fees and, now with this, we are going to increase our driver's license by 50 percent, adding more burden to our residents.

Also, we need to stand up to these rights and I just don't feel that we should be letting the Federal Government push us

around. I have heard it said, for many, that this isn't the Real ID bill and I will agree with that. As Representative Marley said, we are probably just an inch along the way, but that is the first inch and once we give in—remember we voted last year to not go along with this—once we given in, it is just that much easier to be pushed around. So I also am supporting the Ought Not to Pass. Thank you.

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Representative RINES of Wiscasset inquired if a Quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

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

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have been sitting here listening to this whole debate—some of you just came back, so welcome—and I am really concerned, and I will be supporting the pending motion because I want to know why our state was singled out.

There has been a lot of conversation about this whole idea of who is here legally and what is the legal status and some states have adopted a code, but Maryland, Washington State, Utah, New Mexico and Hawaii all have no such provision in their driver's licenses. Since our country has no border checks between states and people can get on planes and travel anywhere they like, freely, why is our state being singled out to pay for this unfunded federal mandate to supposedly make us more secure when, in fact, it is just an illusion of security because people can travel here and everywhere in the United States, from Hawaii, New Mexico, Utah, Washington and Maryland, and they don't have these provisions.

I am very disappointed in our Federal Government. We have a United States Senator who is the former Chair of Homeland Security, she has a good friend who is the current Chair of the Homeland Security Committee, and I want to know why our United States Senator hasn't done something to secure a waiver for the people of the State of Maine, when New Mexico's citizens and non-citizens, Hawaii's citizens and non-citizens, and people in Utah and Washington and Maryland don't have to pay for this provision. I can't support the bill, as drafted, because it is singling us out, a poor, rural state in the corner of the country, to pay for something that the Federal Government should be doing itself. I know people in here would be surprised to learn I don't have a problem with a national ID card. Other countries have them; it's not the end of the world. But to tell the poor, little State of Maine that we are going to be singled out to pay for this federal mandate is unfair. Please support me and go on to defeat this measure. Thank you.

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

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think we are making this way too complicated. We need to ask ourselves the question, do we want illegals of any stripe driving with our driver's license? I would submit that we don't. Do we want to make illegals eligible for state education, health care, and state aid to needy families? I would say we don't. We just need to make sure that the people that are driving in the State of Maine are legal residents. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 425**

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

NAY - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Berube, Blanchette, Browne W, Campbell, Cebra, Chase, Connor, Cotta, Cray, Crosthwaite, Curtis, Duchesne, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Hogan, Jacobsen, Johnson, Joy, Kaenrath, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pieh, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

ABSENT - Dill, Duprey, Emery, Moore, Patrick, Pineau.  
Yes, 72; No, 73; Absent, 6; Excused, 0.

72 having voted in the affirmative and 73 voted in the negative, with 6 being absent, and accordingly the Minority **Ought Not to Pass Report was NOT ACCEPTED.**

Subsequently, Representative MARLEY of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report.**

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **ACCEPT 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.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **RAND**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Before we vote on this, I would like to reiterate a question to which I really did not get an answer, and that is: If this bill passes, in this body, in the other body and is signed by the Chief Executive into law, when will it become effective? I am assuming it will become effective three months after we adjourn. If between now, if in three and a half months I have constituents who do not have a passport and do not have a birth certificate, how do they get their license?

Since I am here, I am going to add another little piece of this. What about people who do not drive. How does this all work out? How do they get permission to enter the post office and permission to fly without going through extra security checks?

Nobody is going to be prevented from flying; they just will probably have to go through some extra checks. How does that work if, in real life, we really pass this and, in real life, it becomes law and, in real life, we have thousands of constituents, maybe hundreds of which fall into the category of no passport and no birth certificate? So, in real time, what are they going to do before the Secretary of State comes up with legally accepted documentation?

The **SPEAKER**: The Representative from Portland, Representative Rand has posed a series of questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think my good seatmate from Portland may have stopped talking to me since she is posing them through the Chair, but I think they are excellent questions, and the debate, as I said, went in a lot of different directions. The legal presence definition would not go into effect immediately. The Secretary of State would be asked to report back, no later than November 15, 2008, what the documentation would be. Currently, it is minor routine language. The reason for that is a month later is the December 15 deadline that we have been given as the sort of temporary extension to the longer extension; it is conditional to get to the longer extensions. So immediately, the legal presence thing does not go into effect. The coterminous, I would say, probably would go into effect, and that is simply 90 days after adjournment of session, which I am sure will be any day now. That is the piece as far as your visa and your license expiring at the same time. The SAVE system would not go into effect until October 2009, so that is over a year and a half away, I believe. The duplication of licenses is being studied, the issues of addressing that, so your constituency would not be impacted immediately.

Where there would be impact immediately was the piece that we talked about, as far as, and I know it is easy to say they wouldn't be able to fly or they might be inconvenienced to fly, I will tell you and maybe it is because my name was on this bill, I felt, as the Chair of the committee, I had a responsibility to have this debate so I was willing to put my neck out there and say let's see what's going to happen with this. I have gotten a lot of emails from people, and there are people who have said they have a sick parent out of state, they have to actually fly very regularly, weekly sometimes, to go see him or her, and they actually have already been pulled over once or twice by TSA and they have been told you know, we are just giving you a heads up, that on May 11, if the state does not do x, y and z, that this is going to impact you and there will be secondary searches, so they were concerned. I have had some of those emails; there are also businesspeople that have concerns, as far as who travel even more frequently and how that is going to impact them, and then just families. It is easy to say, for me, individually, it is going to impact me, what 15, 20 minutes; I get to the airport early anyways. I think it is that staggered piece that concerns people as far as you have 25 people and you have a five minute delay, is that going to push some people where they don't get their flight, etcetera. I think it is a real concern, if it is you, the individual that is directly impacted from this, and the airports did say, who were concerned about the line drawn out, but the immediate impact of this would probably be the coterminous piece, once we adjourn, 90 days after session. The other pieces the Secretary of State is coming back with, no later than November 15 of this year, for the review of the Legislature.

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

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

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. When the date certainly does come, and I understand it is a year and a half away, will the population of the State of Maine be required to line up in mass at designated locations to wait in long lines for the national identification numbers? Thank you, Mr. Speaker.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the deposition continues, I will try to answer the highly inflammatory nature of the question. I may need legal counsel but that is fine because one of the points, and my Representative friend who is speaking to me again, did ask the question as far as, how is impact. I have had people say to me, is this simply someone I can point to and I know you are a foreigner and you are going to have to go through these? No. Every single Mainer, every single American—don't misunderstand this—when your license needs to be renewed and it's a staggered cycle, when it is renewed, you will be expected, everyone of us, to prove—and like I said, I don't love this, like any of you—and will be required to take those documents once the Secretary of State has delineated where those documents are to prove legal presence. Don't think any of you will get away without having to prove this. I don't care how long you have lived here that you need to be able to prove legal presence. You knowingly go into to this that that is a piece of this, but there won't be any lines to get you an actual security card and number.

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. 426**

**YEA** - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Berube, Blanchard, Blanchette, Browne W, Campbell, Cebra, Chase, Connor, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Hogan, Jacobsen, Johnson, Joy, Kaenrath, Knight, Lansley, Lewin, Marean, Marley, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pieh, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

**NAY** - Adams, Barstow, Beaudoin, Berry, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Grose, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, Makas, Mazurek, Miller, Mills, Miramant, Norton, Pendleton, Peoples, Percy, Perry, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Mr. Speaker.

**ABSENT** - Dill, Duprey, Emery, Gerzofsky, MacDonald, Moore, Patrick, Pineau, Silsby.

Yes, 73; No, 69; Absent, 9; Excused, 0.

73 having voted in the affirmative and 69 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1020)** was **READ** by the Clerk.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-1020)** and later today assigned.

**UNFINISHED BUSINESS**

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

**HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "B" (H-650) - Minority (5) Ought Not to Pass - Committee on INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish a Health Care Bill of Rights"

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

**TABLED - January 17, 2008 (Till Later Today)** by Representative BRAUTIGAM of Falmouth.

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

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. Yesterday, we took a big step forward in our effort to provide some relief to insurance ratepayers in the State of Maine. With this bill, we will undertake some unfinished business of that effort.

This bill will provide enhanced access to information for consumers as they are out comparing policies, which is a notoriously difficult thing to do given the amount of fine print and numerous subtle distinctions between the different benefits levels, the deductibles, the co-pays and so on. It is a very challenging undertaking to determine whether a policy is a good value or not, and this bill will take a step forward towards providing greater transparency and greater information allowing the marketplace to work better for consumers who are out shopping for insurance.

The second major item in this bill is, in general, to enhance and strengthen the oversight that is conducted by the Bureau of Insurance of applications for increases in premiums. When insurance carriers go to the Bureau of Insurance to file complicated documents showing their claims history, the demographics of their customer base, their expected costs in the years ahead, it is a complicated undertaking, a great deal at stake is at stake for our constituents, and it is wise for us to make sure that those filings are complete and thorough and accurate and that the premium increases are justified under the terms of the law. This bill does not change the substance of what is required; it just enhances the oversight and the review of those rate filing applications. I think it is a good bill. As I said, it is a piece of unfinished business, greater transparency and the greater accountability. It is something that we should all be supportive of. We will talk later on about a piece of the bill that can be removed that has been a source of some objection to some people, but otherwise, on balance, I think it is a very positive step forward to protect consumers in the State of Maine. I hope you will support this bill. Thank you very much.

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

Representative **TREAT:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope you will follow the lead of the Chair of our committee and support the pending motion. This is my legislation and I brought it forward last year

and it is an ongoing effort that a number of legislators, including myself, have put forward over the years to try to provide for greater representation of consumers at the Bureau of Insurance when they consider rate proceedings for health insurance.

Just a couple of quick facts and some facts that were somewhat shocking to me, although I think we all know it because we have been debating health insurance here and the cost of health care, but some statistics that the Kaiser Family Foundation has is that health insurance premiums for workers and employers have skyrocketed by 87 percent since the year 2000, and that is nationwide figure. I know we have been hearing a lot about how Maine's health insurance is so expensive, but it is a problem everywhere and, in Maine, it is of course a problem: In 2001, the proportion of workers receiving benefits from their employers has also fallen, 65 percent in 2001 to 59 percent in 2006, and that is an affordability gap. We have done better in Maine because we have put in place a number of programs, but the costs have continued to go up for individuals, in particular, and small groups who have health insurance, and this legislation is focused on them. This is focused on people who have insurance to make sure that we have done everything we can to make sure that that insurance is affordable.

Now we have already taken steps to increase competition in the market, and I know we are going to be debating additional proposals later on today. This piece of legislation is a separate area which says when an insurance company comes to the Bureau, we want to make sure there is representation for consumers, there is transparency of information, that the companies that come forward really have to prove that they need those rate increases. Just some examples: Since 1993, rate increases for the Anthem HealthChoice Standard and Basic Products, sold in the individual market, have been as high as 23.5 percent, that was in January 2001, and in the past years, they were 14.5 percent and 16.3 percent, in 2005 and 2006, and another 16.7 percent in November 2006. These are cumulative increases so each 16 percent is on top of the 14 percent that was before it, and the 14 percent on top of whatever was before that, so it is easy to see how these costs have doubled and tripled and even quadrupled for many people.

The Chair of our committee, Representative Brautigam, of Falmouth, has gone through specifically what this does but, in general, there is going to be better education of consumers by posting information the web and providing informational materials that consumers can actually understand comparing policies, and we used that as an example in our committee, the very excellent materials put out by the Public Advocate, the rate guide that many of us use to decide which of the many cell phone policies we would go for and the internet policies and whether they should be bundled together or not bundled together. Health insurance is as complicated and certainly more complicated than these other kinds of policies, and we don't have the same level of information provide and the same level of advocacy through the Public Advocate that we have in these other areas.

In addition, the bill provides for 30 days additional notice of proposed rate changes. Many of these rate changes go into effect, and there are always increases, by the way. These rate increases go into effect without a hearing or necessarily any challenge, they just go into effect, so it provides for up to 90 days notice so that people can go out and see if there is an alternative policy or they can go to the Bureau of Insurance and say we think there needs to be a hearing held on this, this affects us too much, we can't afford it, please make the insurance company prove that they need it. It also says that the Attorney General will be able to ask the Bureau of Insurance to hold a hearing and that the Bureau will have to do so, if the Attorney General thinks it is

important enough. Right now, the Attorney General may intervene already, but that is a major involvement on their part. This gives just an additional oversight and opportunity for the Attorney General to say yes, in this case, we think the Bureau should hold a hearing. It also changes the standard of review to put specific provisions that insurers have to prove in order to raise their rates. We think that there should be a high standard, a high bar for establishing that a rate increase is needed, especially when you look at these rate increases of 16 to 25 percent, making sure that the burden of proof is on the insurer, that it is a reasonable and necessary rate, seems to be an appropriate thing to do.

This bill, when it was initially written, got major pushback from the insurers as well as the Bureau of Insurance, and we spent a lot of time rewriting it to make it more acceptable, not only to the Bureau but to insurers, and I have an amendment later on that I think will help the insurers be comfortable with it. But I did pass out to you a letter that the Bureau of Insurance, the superintendent has written, explaining how this is a measure that is acceptable to them and that does provide for greater consumer protection. There are many other states that have much more aggressive representation of consumers, in the form of consumer advocates, who go in and participate in these extremely complicated rate hearings on behalf of consumers. These states include Connecticut, Texas, West Virginia and Florida, and that is only some of them. This bill is really a modest step. It says that the Insurance Bureau will use what they already have in law, an advocacy panel, to represent consumers. It does not add additional costs that putting this into a separate office or separate consumer advocate or the Public Advocate would do. It really is a very measured step, it is a small step. It is not, perhaps, what I wanted initially with original legislation, but I do think it is an important step, and I hope very much that you will join with me in taking this step that will help ensure that our health insurance in the future is as affordable as it can possibly be. And I would request a roll call, Mr. Speaker.

Representative TREAT of Farmingdale **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 Newcastle, Representative McKane.

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I understand the frustration of the sponsor as our rates continually increase double digits every year, it seems, and I appreciate the effort to try to do something about it, but I am afraid this bill is, in my opinion, exactly what we don't need and it is, ironically, so called consumer protections like this bill that have caused the disaster in Maine's health insurance market. I am looking at a handout here from the Consumers for Affordable Health Care, and it talks about our largest insurance company, Trigon, a virtual monopoly that made \$70 million in 2007. Everything we do in this body seems to help that monopoly, it props it up. This bill will, once again, make insurers who are considering Maine think twice about coming to our state because no other state has this kind of regulation.

The handout says that LD 1294 ensures that consumers have a meaningful role in rate hearings. Well, real consumers probably won't be there, but I am sure so-called consumer advocates will be. There are a lot of things that I think are a problem with this bill. It will add administrative cost to both the individual and small group markets. The problem is, and I believe there is a graph that is being passed out now, in the

insurance in Maine is not administrative costs, but it is the growth of health care expenditures, and this bill does not affect health care expenditures in any way. It adds expenses by requiring carriers to pay up to \$50,000 for actuarial services, if it is so requested by the Attorney General. It forces carriers to estimate their rates much earlier, and what this will likely result in is higher rates because you can't see that much further ahead, so you have to put some wiggle room in there and estimate a lot higher. Again, it creates a totally new untested standard of review that no other state in the nation uses. It also requires that proprietary business information, or business secrets, sometimes be made available to competitors.

Maine has taken significant steps to ensure the premium payers are protected from being overcharged. If a carrier pays less than the required amount in medical claims, and there is a required amount in statutes, the carrier must refund the difference to policyholders. This law resulted in the Bureau of Insurance requiring Maine policyholders receive refunded from two carriers this year. Mr. Speaker, I feel this bill is very unnecessary at this time and exactly what we don't need. I ask you to vote against this motion. Thank you.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representative from Hallowell indicated that other Representatives have brought forth similar kinds of legislation in the past; I am one of those legislators.

By way of background, I know you don't want to hear about the utilities business, but in the utilities business the Public Utilities Commission acts as the adjudicators for rate cases and other issues between and among utilities. There is also, in the utilities arena, somebody whose job it is to watch out for you and me and every other regular Mainer. This is the Office of the Public Advocate. The Public Advocate has the responsibility to ensure that when those rate cases happen, when those potential mergers or sale happen that the average Mainer is taken care of and not mistreated in the process.

This is my eighth and final year in the House. Three times, over the course of those eight years, I have submitted legislation to expand the role of the Public Advocate to include insurance issues because I believed that it would be helpful to Mainers to have someone watching out for their interests in the insurance industry, and all three times, not only did the Superintendent of the Insurance oppose that legislation, they rabidly opposed it. I still think it is important for the average Mainer to be watched out for, to be taken care of, to be ensured that they are treated fairly. This legislation doesn't go as far as the legislation I proposed, but I think it is a great start. I think it is a great way to ensure that there is a little bit of protection for you and me and every one of your constituents, and I urge you to support the Majority Ought to Pass Report. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In reviewing this bill and the reference to the Public Advocate and the use of that person in government as a resource, I see nothing in the Fiscal Note that accounts for the cost associated with any consultations or advice, and I see nothing in the Fiscal Note that talks about this new insurance rate watchers guide and those costs. Can somebody explain to me why electric ratepayers would bear any

cost for health insurance?

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

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I can only say that the Public Advocate did not report to the Fiscal Office that there was any additional cost in simply being consulted about how they put together their rate watcher booklet. They have a lot of experience with that, in consultation, as I actually mentioned in a previous debate on a different bill, it is not the same as requiring them to go out and rewrite a whole booklet. They are simply offering advice and that doesn't cost very much, and I think it is perfectly appropriate for their advice to be shared with other agencies.

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

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just have an observation: The electric ratepayers of the State of Maine pays about \$1.25 million a year, and every time we go for the budget review, I hear how there is no room, we are trying to hold the costs down, we are cut to the bone, and not just because of this legislation but other pieces of legislation, yet when there is an extra piece of work, oh, we can manage it with existing resources. So the conclusion I am coming to is that the productivity must be increasing very rapidly, because for a budget that is cut to the bone, there always seems to be a little bit of room to endure a little more work, and I would hope that when we come back and whoever in on the Utilities Energy Committee and the OPA's Office comes in and asks for a rate hike for electric ratepayers to be paying, that we can somehow recognize that and make an appropriate change and charge to where the costs will be. I am not opposed to the OPA's concept and being involved, but I am very concerned that we increasingly move and use ratepayer money, not only for this activity but also to pull E-911 funds, to balance the budget. So I will be passing on this word to whoever is on the Utilities and Energy to watch the budgets closely, there always seems to be a little bit of extra work. Thank you very much.

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 venture to guess that there might be a little bit of a misunderstanding about what the bill contains with respect to the Public Advocate. The bill does not require the Public Advocate to staff rate hearings at the Bureau of Insurance or the play that role in a judicatory role. The only thing the bill does is have the Public Advocate's *Rate Watch Guide* serve as a model for something similar to consumers of insurance products. I just really think that the resources from the Public Advocate's Office for that have got to be infinitesimally small. The other thing it does is it provides a link on their webpage. Those are the only connections to the Public Advocate in this bill at this point. The concept of having a consumer advocate is something that, as both the good Chair of the Utilities Committee has pointed out and the Representative from Hallowell, the concept of having that advocacy there is something that has worked well in the utility area and is being borrowed, but the Public Advocate is not staffing this.

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

Representative **RICHARDSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This was an interesting

bill that was presented to our committee, and one of the memorable things to me was our latest state partner, Harvard Pilgrim, when they presented their testimony that day. Harvard Pilgrim said if this bill passed, they would probably have a short term company in the State of Maine. I have checked with them continuously, up until an hour ago, to see if they had changed their mind, that we had made amendments that they were happy with and, up to this point, there was no change. Men and Women of the House, I think this is a very serious situation and I really do not want to see that relationship hurt.

The second point I want to make is we hear all types of legislation in our committee to basically help consumers and to help them shop. I want you to think about something: Thinking of those consumers, think about actuarials and their presentation and what the website will look like, and can you imagine a consumer going on to that website and trying to figure out what we have just presented in that field? I can't believe it. I do not think we are going to help any consumers out.

The last point I want to make, which to me is probably the most important, is I am not sure we are giving the Department of Insurance any credit. They have done a tremendous job with our rate increases and monitoring this thing, and I think that we have to not forget that situation. Thank you very much.

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

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am just going to give a general statement here; I did sit on a lot of the hearings. While I believe this bill is well intended, I think it adds a level of bureaucracy in cost to the ratemaking process that is really not needed. I think the Bureau of Insurance has done a very adequate job in the past, and I think they will in the future. In a time of budget deficits and a time we are trying not to increase taxes, this bill does not lend itself to much needed cost cutting in Augusta. This is pure and simply increased regulation, which our insurance market simply does not need. What we need to is to attract companies back to Maine, not drive them away, and I do not believe added regulation is the best way to do it; therefore, I ask you to vote against this motion. Thank you.

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

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to comment on a couple of things that have been said: It is certainly true that a number of insurers, including Harvard Pilgrim, were not enthusiastic about the original bill which would have required numerous hearings for all kinds of rate changes. The current amendment does not do that and, as I mentioned, there is something that really sticks in their craw, which is in the first paragraph of the Committee Amendment which relates to a fee that they would have to pay, and if we are able to go to the Majority Report, I will be offering an amendment which will address that and, I think, make this far more appealing to the insurers, including Harvard Pilgrim.

The other thing I would say is that proprietary information is not going to be released to competitors of these companies. The information that will be released is information that is not proprietary information about salaries and other things, and that was a provision of this bill that was actually strongly supported by the Bureau of Insurance. I do think this bill does not add regulation, instead it adds transparency and it adds assistance to consumers in working their way through that regulation, but it does not add any regulation to anybody. Thank you.

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. 427**

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

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

ABSENT - Conover, Dill, Duprey, Emery, Moore, Muse, Patrick, Pineau.

Yes, 85; No, 58; Absent, 8; Excused, 0.

85 having voted in the affirmative and 58 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 "B" (H-650)** was **READ** by the Clerk.

Representative **TREAT** of Farmingdale **PRESENTED House Amendment "A" (H-1018)** to **Committee Amendment "B" (H-650)**, which was **READ** by the Clerk.

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

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment does two things: The first thing it does is it removes a fee of \$50,000 that the Committee Amendment was going to charge any insurer that was filing for a rate increase where the Attorney General intervened in that rate proceeding. This is money that the Attorney General does not have now, and under this amendment they would not get it in the future, but it simply preserves the status quo. We thought it was a good thing to do because it does encourage the Attorney General to get involved in these cases, but it is a lot of money and we know that it does make the insurers uncomfortable, so we are trying to make this more amenable to them.

The second provision of the amendment simply requires insurers to post the five most frequently used policies, their most popular policies for small groups and individuals, on their website, and these would be linked to the Bureau of Insurance. This, combined with what was in the Committee Amendment which is educational materials prepared by the Bureau, will be very helpful to the public, particularly if we have the more competitive marketplace that everybody wants with the reinsurance and other proposals that are out there, this will give consumers actual information so that they can compare the policies of one insurer with the policies of another insurer, or compare policies that a single insurer has with each other. It is transparency, it is more information, it makes the market work

better, it is a good proposal and I hope you will support it. Thank you.

**House Amendment "A" (H-1018)** to **Committee Amendment "B" (H-650)** was **ADOPTED**.

**Committee Amendment "B" (H-650)** as Amended by **House Amendment "A" (H-1018)** thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-650) as Amended by House Amendment "A" (H-1018)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-667)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Restore Competition to Maine's Health Insurance Market"

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

TABLED - February 5, 2008 (Till Later Today) by Representative **BRAUTIGAM** of Falmouth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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 bill has been a presence in this building for quite some time, probably about 14 months or so, it has been discussed, we had numerous work sessions on it in committee, and it has been discussed in the halls and every conceivable location. There was a lot of information out there; some of it is not reliable as the other aspects of it. But here, as we talk about it in this Chamber, I hope we can answer all of the questions that have arisen and get a square understanding of this bill, and why many of us on the committee recognize the good intentions and the thought that went into the creation of this bill but could not accept it as a solution and, instead, adopted certain aspects of it in a bill that was enacted last night and signed this afternoon, but felt that the best interest of our consumers, the future competition of insurance carriers in the individual market in Maine—consumers who are sick, consumers who are healthy, consumer who are old, consumers who are young, consumers in our urban centers, consumers in our rural areas—balancing all of those interests and needs, we could not go as far as this bill goes in eliminating a system that we have in place and have had in place in the state for over a decade.

What does LD 1760 do? LD 1760 would establish a high-risk reinsurance pool based on a model from the State of Idaho. People applying for insurance, health insurance in the individual market, would undergo a health questionnaire, and if they were determined to have a preexisting condition listed in the bill—there are numerous of them, I can't pronounce most of them but there are many, you can read them yourself—or if there are other circumstances that the carrier decides merit putting these people in a separate pool, that is what happens from the start, the applicant is put into a separate category of insurance. They are not denied insurance, but they are given a separate kind of a policy. The premium for that separate policy has to be between 25 and 50 percent higher than everybody else's policy. The benefits for that separate policy, the co-pays, the deductibles, the cost sharing, all the other complicated aspects of health

insurance policies are left to be determined by a board that oversees the high-risk pool. It is funded by an assessment and the assessment has an initial amount, but if the pool incurs extraordinary costs that it cannot pay, the assessment can be increased without further legislation. I would note that in many states with high-risk pools, that is exactly what has happened, assessment have gone well beyond the initial amount allocated and benefits have been reduced with time.

The second major feature of LD 1760 is to address these so-called community ratings, the modified community rating that we have in this state, the rating bands, which is really just another way of saying how much discretion does the insurance carrier have in charging more for people on the basis of their age of their place in the state or their occupation, or whether they use tobacco or what kind of health they are in, can they charge more or can they charge less? Let me just say something about rating bands and community rating. Strict community rating, where everybody is charged the same price, is not something that we have in Maine. Insurance carriers are allowed to charge more for people they feel will be more expensive. They are allowed to charge less for people who will be less expensive in their estimation. But the amount of discretion they have is an important factor. An unlimited amount of discretion will allow them to price expensive people, meaning sick people, out of the market, and have decided, as a policy in this state, to give some discretion and right now in current law it is a 50 percent increase, but the bill that we enacted and will sign today has a 2.5:1 rating band, more discretion than has previously been allowed under law. There is a bit of confusion about the rating bands in this bill, however, because the bill itself has one set of rating bands and there is an accompanying concept that has another set of rating bands, and I am going to be constrained to talk about the bill that is actually before us, the rating bands which are a ratio of 5:1 from the community rate which is, for all intents and purposes, an elimination of rating bands and more discretion than any insurance carrier would ever even use as we are told by the Bureau of Insurance, allowing them to price insurance up on basis of rating factors, an enormous amount, five times the community rate, and down by a similar amount. Again, these would be for preexisting conditions that are listed in the bill.

I think there is no question that this bill would provide a way to reach out to those people who are likely to be younger and healthier, just like the bill we enacted yesterday and signed into law today. On the high end, I think there is no question. In fact, the advocates of this bill acknowledged that one of the intentions of this bill is to increase premiums on older people and people who are likely to be sick or who are sick. That is one of the intentions of this bill: medical underwriting and asking people to pay more if they happen to be older. It doesn't matter if those people have been paying into the insurance system their entire lives on the basis of some degree of equity, now the rules are going to change. Now that they are older the rules have changed, you know are going to be subject to an extra increase so we can bring some of those so-called young immortals into the marketplace.

There has been a great deal of myth about Idaho. Well, actually, Idaho has way more uninsured people for its population than Maine does, and its rate of leaving the individual market, the individual market shrunk by 2 percent in Idaho in 2005 and it actually grew in Maine in 2005. We were presented in committee with some information from something called E Health Insurance, gave us some typical policies from Idaho. I was looking at this last night, and it is not something I came up with, dated May 8, 2007, a typical premium from Blue Cross of Idaho \$220, sounds pretty good. Let's look at the details: In network coverage, a

deductible of \$2,000; well, that's not too bad. Co-insurance, 20 percent after deductible; well. Office visits: specialists not covered, periodic health exam not covered, periodic OBGYN exam, basic health care not covered; baby care, not covered; mental health, not covered; primary doctor, not covered; prescription drugs, generic, brand name, nonformula, mail order, only if admitted to the hospital; outpatient lab and x-ray, not covered; outpatient surgery, 20 percent co-insurance after deductible; it goes on and on. Labor and delivery and hospital stay, \$5,000 deductible, separate from your other deductible. Well that is a great deal for health insurance. The only thing worse than paying a lot for health insurance is paying a lot not to be insured, I don't think we want that type of coverage here in Maine.

I also want to say that the title of this bill, To Restore Competition to Maine's Health Insurance Market, if there is going to be competition in Maine's health insurance market, it is going to be one of the carriers that has expressed an interest in being here already, and I can tell you that we are working hard with Harvard Pilgrim, but Harvard Pilgrim has written that Harvard Pilgrim supports the bill that was passed and enacted already and opposes this bill because, this bill, LD 1760, will serve as a barrier to new competition in the marketplace because of the way the high-risk pool is established. The high-risk pool favors those carriers with deep and broad experience in this market who have experience doing medical underwriting, and new competitors coming in greatly prefer a system that does a retrospective reimbursement with reinsurance, and all this stuff that we examined in committee and that is exactly why the bill that we enacted yesterday contains the provisions it has. Aetna, I think these have been distributed to your tables; Aetna has also put in writing that if you do not believe this will enhance the marketplace for insurance in Maine.

I think there is a bit of irony, at least among some of the people who are promoting this bill, because they are some of the same people who talk about, at certain times, the need to bring in free market factors. But really, a high-risk pool that is established by statute and the funding mechanism is in the statute, is a government created entity that absorbs the risky patients out of the insurance market and puts them into a separately government created program. That high-risk pool created by this statute would not exist without this statute. It is a government creature. So trying to appeal to people who want to see the market work well, I would ask you, let's expect a little bit more out of our insurance carriers, let's expect them to insure the sick along with the healthy, let's keep them all in the same pool, I think as a larger issue, with respect to establishing a separate track for our constituents. Even if, at the get go, the separate track is sort of like a separate but equal, even if there are some protections there, with time, the protections that are given to people in the regular market won't necessarily match up with the people in this other sort of artificial pool. When that artificial pool runs out of money, when money is tight, when medical costs go up, they are going to feel the pinch in that artificial pool, that separate pool, their benefit caps are going to be put in place. They won't get the same protections as the people in the regular pool. I personally feel there is a moral imperative, but I also think that there is a policy imperative to create the largest possible pool so that everybody's costs are shared. I think that is the essence to insurance, to keep everybody in one pool, as big as possible; it's stable and it works. A smaller separate pool is not a solution to any of the problems that we have here in the state and in individual policies.

I also need to clarify that you cannot have this bill and the bill that was signed into law this afternoon. They do not work



together, they cannot coexist at the same time, they are two different approaches, there are some similarities, but they simply cannot exist at the same time. They have different rating bands, they different reinsurance. If you pass both, we would really have quite a hash. You would have two separate assessments, two separate risk pools. I just cannot even imagine how that could possibly be sorted through. So let's give the law a chance, last night, the one that we have already supported. Let's let it work. Let's see if that market opens up a little bit. Let's see if those premiums can come down because of the reinsurance, as we expect that they will. I look forward to trying to answer any questions that the body might have, I appreciate your serious consideration of this serious issue, I appreciate your good faith and to work together to get to some common ground on this issue and I appreciate your support on this bill.

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

Representative **PILON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 1760 is a reinsurance risk-pool, and I have heard my good friend, my colleague from Falmouth, mention or use the word high-risk pool, and it is not a high-risk pool. It is a reinsurance risk-pool, it is a hybrid, and it is a proven model that has been used in Idaho since 2000 and it has been used successively. In 2000, in Idaho, the market is where Maine's market is today. In a death spiral you have skyrocketing premiums, deductibles that are on an average of \$7,800. In the individual market, I must reiterate the word individual because, earlier today, I received a yellow sheet of piece of paper on my desk here and it was Aetna saying, on their letterhead, "the current New Hampshire law allows for health statements and seating of anticipated bad risk in the small group market." Small group market. So this letter that was sent out at the request of Representative Brautigam should not confuse the members of this body because this applies to the small group market, and not be confused with what we are trying to resolve and create a new market in the individual market. So this, in fact, is a distortion of the bill at hand today. Aetna is addressing the small group market; LD 1760 addresses the individual market, a totally different issue. But the Idaho program was in a death spiral, Maine is in a death spiral in the individual market, and they instituted this reinsurance risk program, they were able to entice companies to come back into their marketplace, their rates came down, more participation, more people came into the marketplace, their deductibles came down, even the people that were considered high-risk and were in that reinsurance pool, their rates came down.

My good friend from Falmouth made the comment that their premiums in that reinsurance model, their premiums skyrocketed. That is not what is going to happen here. There is a cap. In LD 1760, they will pay no greater than 40 percent of the community rate, 40 percent up and 40 percent down, which in fact is, if you are a healthy risk and you are taking care of yourself, you are going to be rewarded, you are going to be actually rewarded and you will pay less than the community rate, so if the community rate is \$100, you will pay \$60. So there is an incentive to take care of yourself. Unlike the system today, everybody is subsidizing the unhealthy market, so we don't have young healthy people participating in our health insurance market because they can't afford to buy the premiums because they are subsidizing the unhealthies. Here is an example: There are roughly 43,000 people buying insurance today in the individual market. Of that, I perceive that there is approximately 2 percent or about 860 people that would actually qualify for the reinsurance risk program, so 42,140 people are actually subsidizing 860 people. We have actually turned our individual

market upside down to subsidize 860 people. Is that fair? I don't think so—42,140 people are paying exuberant rates to subsidize 860 people. The only way to smooth out the rates, make it fair for 42,000 people so that everyone can afford insurance is to institute some kind of reinsurance risk pool and, even those 860 people, they will see their rates come down. Carriers will come back into the marketplace, create some competition, and everyone will be able to afford insurance. Bottom line is does this body have the courage to vote this in? Last night they did. Last night they had the courage to vote to approve \$58 million for Dirigo to support 13,600 people. Do you have the ability to help 43,000? Plus there are another 130,000 people that don't have insurance at all. Now some of those people could be us. If you are termed out or if you choose not to run again, you and me could be buying insurance in the individual market next year, we could be one of those 130,000 people, and we could be buying insurance in the individual market, paying \$5,000, \$10,000 or \$15,000 a year with a \$7,800 deductible, and we will be included in those figures. Do we have the courage to pass 1760? Its way overdue—its way overdue. The individual market needs some relief. I hear everyday, when I have the opportunity to go home, I hear it from my constituents and they say help us with health care reform. Do we have the courage to pass it? I urge members to vote against the Acceptance of the Majority Ought Not to Pass Report so that the House can Accept the Minority Ought to pass as Amended Report, and I request a roll call.

Representative **PILON** of Saco **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** 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 Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The consumer that has Representative Pilon for a friend doesn't need any enemies, and as far as yesterday, what went on in this Chamber, Representative Pilon, you were not here, and I have all the roll calls here. You were not here for one roll call on the insurance bills, you weren't here for one roll call on Dirigo, so don't stand up here tonight and tell us all about what we voted on yesterday because you didn't vote on one of them; you were absent.

As far as your bill, 1760, the potential of victims of this bill/law of yours is everyone. If you are elderly and have almost any preexisting conditions—diabetes, high blood pressure, a prevailing illness, a disease, cancer, stroke, or a high risk of physically demanding occupations, or you live in certain areas of the states—you would be subject to drastic premium increases. I have been sitting here for six years, listening to all of this talk about helping the consumer, and I don't see Anthem Blue Cross Blue Shield blowing town; WellPoint has got them right here where they want them with no competition. And when we had the courage, on both sides of the aisle, to support Dirigo five years ago, Anthem turned around and took the job and then turned around and paid their Chief Executive Officer a bonus of \$42.5 million. And to top it off, now, I get an orange sheet across my desk from the Maine Chamber of Commerce. When have they ever been for the consumer? They are for big business; they are for WellPoint, Anthem and the rest of them. So don't stand over there and tell us what you did yesterday or how good this bill is, when you weren't even in this Chamber. Thank you, Mr. Speaker.

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to start out by

thanking folks, on both sides of the aisle, for sticking with us last night. Whether or not you voted for 2247, it was enacted. I have to say that the good Representative from Saco, who has put this bill forward today, I think, could probably take some credit. He spent the last three years, at least, if not more than that, being dogged about our need to take on market reform, to talk about these issues, about reinsurance pools, when many of those of us on my side of the aisle would have said absolutely not, we are not considering market reform, we are going to do other things.

I have to say, last night, I am very proud of the market reforms we did pass. We passed a reinsurance pool that puts a very similar dollar amount, if not the exact same dollar amount into reinsurance, somewhere between \$11 million and \$13 million. That reinsurance goes to subsidize the same high cost claims of the Pilon bill, it just does it in a different way; it does not create a reinsurance pool, it does not create a high-risk pool. We passed changes in the community rating so that you can rate people higher and lower based on age, while we put in protections to protect the oldest people so that they would not see significant increases. We created a young person pilot program, which was further amended by the other body that will allow pilot programs for people under 30 years old that will change some of the mandates, that will allow much lower cost insurance for people in that age group. Forty-four percent of the uninsured in Maine are under 30 years old. Some of these are kids; a lot of them, I think, are in the 20 to 30 year range, people like my little sister who does not have health insurance right now because she can't afford it. She has asked for the rates for the high deductible policies from Anthem, she sees \$300 a month and says it's not really worth it for me; I can't afford it right now on my salary. I think, while I am not making any promises that this young person pilot and these changes are going to cause young people to rush into the market, I think it will cause us to have some more affordable plans that will cause some younger people to join this market. I think we all know Maine is an older state, it is a rural state, it is part of the major reason why our health care costs are more expensive, and we don't have enough young people buying into the market to help spread the risk. This is exactly the same issue that the good Representative from Saco is trying to deal with in his bill, but there are some significant differences.

The bill that we are discussing right now allows changes in the community rating based on health status. That is a major departure from where we are in the State of Maine today. Right now, you cannot rate based on health status. In other states where you are allowed to rate based on health status, women under 40, we are likely to get pregnant. And despite rumors that even the good Representative from Saco has asked me about, I am not pregnant, but I could become pregnant and, therefore, my health status shows that I could be charged more for insurance because I might become pregnant. Pregnancy is very expensive for insurance companies to pay for, whether or not you have a regular birth process or an irregular one that costs a lot more money. My dad is recovering from prostate cancer, he is 53 years old. If we were allowed to rate based on health status, he would be charged significantly more for his health insurance because he had prostate cancer. He is in recovery, he is doing well, he has a high deductible policy from Anthem, he has paid a lot of his own costs, but most of the costs that he has had through his treatment have been paid for by the insurance company. The point of his insurance is to share the risk, whether you are healthy or sick, we all pay in. And when you are sick, you hope it is still there for you. But again, this would allow us to rate based on health status. Anybody who has diabetes, who has had a major heart disease problem, has had cancer; it would

allow you to charge a higher rate no matter what your age is.

The difference between the bill we passed last night and the bill we are talking about today is the way the reinsurance pool works. The reinsurance pool, in the bill we passed last night, takes risk across the board; it doesn't create a pool of sick people who are separated. It basically says to the insurance company, if you spend a lot of money on very sick people, we will reimburse about 50 percent of that cost, between \$75,000 to \$250,000. So we are going to send probably about \$11 million to the insurance companies, no matter who is in the marketplace, to try to stabilize the individual market, and we hope this will help to lower costs. What this bill that we are debating right now would create is a separate pool. When you apply for insurance, your insurance company will send you a questionnaire: Do you have diabetes? Have you ever been sick? Do you have cancer? Are you overweight? Do you smoke? Do you drink? It will figure out what your likely health status is. If you are somebody who has had a serious illness and you have seen the sheet probably go across your desk, you will be put into a separate high-risk pool. At this point, the bill does not tell you what is going to happen to the people in this pool. It is not clear if the same benefits will be covered for those people, so the people on that list, whether they have had open heart surgery, they have AIDS, they have a serious medical condition, it is not clear what parts of their treatment will be covered in the future. That will be left up to the board, a new entity that will be created, a reinsurance board entity, I can't remember the exact term for it, but that board will be allowed to determine what benefits you would receive. These, again, are the very, very sickest people in the State of Maine, we are going to put them in a separate pool and say you are going to be paying more, probably a lot more, and I am not quite sure exactly yet what benefits you will receive. That is huge, huge risk for the very sickest people in the State of Maine.

So I think you have heard fully why I am not in support of this bill. I do, again, want to say I think we have taken a step forward in trying to stabilize the individual market with some commonsense measures that protect consumers, especially older consumers or sicker consumers. I think this bill goes too far. Again, I want to thank the good Representative from Saco. I think he has moved this debate forward, but I think this is too far forward. This is putting many, many Mainers at serious risk, and Mr. Speaker, I don't believe that is a risk that we can take so, when the vote is taken, I encourage you to vote green. Thank you, Mr. Speaker.

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

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have heard some very good arguments here this afternoon and a lot of fact.

The first thing that kind of struck me was when Representative Brautigam said we have had this system in place for over a decade, and that is correct and our rates have gone higher now for over a decade, so that did kind of strike me for starters. Health insurance costs are at a crisis level in the state, as we all know. LD 1760 is a bipartisan bill, I believe, that should not only aim us in the right direction of needed free market reforms, but it should also be able to work and coordinate with the needs of DirigoChoice. I don't quite agree with John on that; I think there is a way that they could coordinate together, at least work together. Without the market reforms, Dirigo will remain a restricted and heavily subsidized product, as it has in the past.

This bill modifies community rating to a broader band, allowing more flexibility in underwriting which, in turn, will help attract companies and competition back to Maine and that is what we sorely need. DirigoChoice has now moved one step

closer to being market based, which is good, and eliminated the controversial savings offset payment, which, in my opinion, is also good, in favor of a set rate. That part, as far as DirigoChoice is concerned, is an improvement. This bill being presented may not be the end all, fix all bill, but it should move us in the right direction to get us on the right road to lowering health insurance in Maine. We certainly haven't been on it so far.

I also do not want to see 14,000 people get thrown out of Dirigo without insurance, that would be wrong, but the funding has been the problem from the beginning. If this bill succeeds in lowering rates for all Mainers, it will also succeed in lowering the rates for Dirigo; its subsidies are based on current rates. If the rates come down, subsidies will come down. I also heard talk about people going into a—it's not actually a pool, it is a reinsurance type pool—people going in there with their rates going higher. In most cases, their rates have gone down, if you look around the country, because the whole insurance rate structure has come down and brought the pool rates down with it.

It may come to pass in the future that the citizens of the United States will demand a national health insurance program, and if done right, I do not oppose that. The Federal Government's failure has put us in the quandary that we are in now, trying to fix health insurance state by state with different ideas, all of us trying to do our best. The true free market solution, in my opinion, will have to be national in scope, not state by state. But for now, moving both DirigoChoice and LD 1760 towards a market based solution, is really the best choice we have unless we would like to remain with the same high rates we have had in the past 10 years. We need to put partisan politics aside, which clearly we can see happening, and do what is best for the people of Maine. I thank you for listening.

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 would just like to point out how much I yearn for the day, when I serve in the Maine State Legislature, that we can spend two days talking about how to stay healthy as we have for two days on how to pay for when we are sick. Thank you.

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

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, just a quick word about the bill we passed last night: That was a new funding mechanism for Dirigo. That was, in my opinion, the basic intent of that bill. There is a minimal amount of reform, but it is unlikely to be enough to show any real difference that will bring competition back to our market that left when the mandates and community rating and guarantee issues were implemented in the 1990's.

I want to thank the Representative from Saco, Representative Pilon, for bringing this bill forward, which represents a true compromise and a viable alternative. I believe it is our last chance in this Legislature for any real health insurance market reform. My first choice was not this bill; I wanted to see more, which some referred to yesterday as drastic and radical. This is a lot softer, but it has proven to work in other states. In other states that do have these mechanisms, the enrollees in them—and these are the top one percent, the most expensive health care consumers in the health insurance pool—pay less than healthy people do in Maine for health insurance. So we keep talking about these people who are segregated into this awful pool, they are paying less than their young kid who is healthy in Maine. It doesn't make sense, does it? But the system works, that is why.

As far as rating bands are concerned, it is a simple concept: If you charge the same amount for health insurance to young and healthy people that you do to older, sicker people, the young and healthy people drop out because they can't afford it. It is real simple. That just concentrates the pool, it is called adverse selection, we get more older, sicker people into the pool and the health insurance companies pay out more claims and then they have to file for higher rates, and they get them. They have been getting them every year, here, because that is what we have, that system. Most states don't have any community rating bands. We are just talking about widening the ones we already have. This bill doesn't eliminate them, but it would give those who are at less risk the benefit of their age and their youth and their healthy lifestyles.

The intent of this bill is to prevent our health insurance market from collapsing. I am sure that this represents a compromise. It is exactly what we need right now, and it is our last chance. It has been shown to work elsewhere; it can work in Maine's health insurance market; it is modest reform. Thank you, Mr. Speaker.

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

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. On Monday morning, we had Reverend Cleaves, and she led us in prayer that morning, and part of her statement included these thoughts: that we are charged in this body to do the greatest good for the greatest number; that is our responsibility.

When we look at trying to address the cost of health insurance in Maine, our goal is, obviously, to try and make premiums more affordable. That is where the greatest hue and cry comes from, that our health insurance is too expensive. It is too expensive for individuals; it is too expensive for businesses. And, in fact, as the BRED Committee was traveling around the state the past six months previous to the start of the session, we found that the biggest single inhibitor to business expansion and business relocation in Maine was the cost of health insurance. So that is the goal, that is the objective that we should keep our eyes on, to try to come up with a way of reforming the individual market and we are talking the individual market here, not the small group market, the individual market. That is why we are going to take our first stand to try and lower the cost of health premiums in Maine.

The bill that was previously passed, last night, does anticipate or theorize that folks in the 20 to 30 age range will realize a 37 percent decrease in premium, folks in the 30 to 40 age range would realize an 11 percent decrease in premium; however, when you are talking about the decile of 40 to 50, there was no anticipated decrease in premium, which means that in that decile they will be paying the same rate they are paying now, which is considered too high and not affordable. So the goal, then, is to try to be able to affect the cost of premiums across all age levels, and if you are looking at a model that includes a reinsurance pool, then you have to assume that, yes, more healthy people will pay a lower premium than less healthy people. It is only logical that that makes sense. But just as a high tide raises all boats, low tide should lower all boats; it should be able to decrease the cost of premiums across the board. Thereby, those folks, who would be paying more because they are not as healthy or they have health conditions that don't allow them to get the lowest rate, should still be competitive at least with what they are paying now, which is already at a point where people are uncomfortable. So how much more will they pay if we go the route of trying to broaden the community bands? And, remember, this is theory; it is theory that what was passed last night will realize the reductions that they have stated. At a meeting that we had

earlier today, the actuary for the Bureau of Insurance did recognize that the theory behind this is that if you lower the bands across the board, that, in theory, yes it would bring premiums down. So there is an element of taking a leap of faith here to look at what is the best methodology to try and find the lowest premium for the broadest population of the citizens of Maine, and I am willing to take this course because I think it has the best potential to lower premiums for the most people in the State of Maine.

It has been mentioned that there is a monopoly in Maine, as far as individual market is concerned, and I guess 93 percent probably qualifies as pretty darn close to a monopoly. But if you are going to try to resist the monopoly way, then you have to have other competitors in the market. And right now, unless there is less adverse risk opportunities for another insurance company to come into the State of Maine, such as State Farm that already offers individual insurance products, I don't think we are going to see that competition, and the monopoly is maintained.

Also, there was some discussion about what was happening in Idaho, and it is true in Idaho there are some issues, but it is in the group insurance market. The individual insurance market has been successful. Also, take into consideration what you are looking at. Are you looking at lower premiums? Are you looking at lower number of uninsured? They are connected, but they are different. For example, in Maine, we've loathed the number of uninsured people because we have taken advantage of using MaineCare, essentially, as a third party insurer, and taken advantage of the federal money that comes with MaineCare to get more people onto MaineCare, and get them off of uninsured rolls. Now, Idaho may have more uninsured, but it may be and I am theorizing, I don't know if this is the case, I am just making an assumption here, that maybe Idaho hasn't been as aggressive in moving folks that are uninsured onto federally aided Medicaid programs. I think the bottom line that you want to consider is what has the best potential to try and make health insurance in Maine more affordable. I believe that LD 1760 has that potential and is a route that we should take advantage of, and I would advocate that you vote against the Ought Not to Pass motion that is before you. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise somewhat reluctantly to oppose the motion and support the bill, and I say reluctantly because this is very much, to me, a second choice solution to what we all know is a very serious national problem with our health insurance system. My first choice answer is a mandatory, universal national system, in which people aren't left out of our health insurance network. What we have today, however, really is a patchwork of health insurance systems. And I want to say a little bit about how this bill, which I am supporting today, fits in to that broader landscape of health insurance.

I want to begin by just looking at what some of the big pieces are: We have a Medicare plan that provides primary coverage for those who are 65 and older. We have a Medicaid, in Maine a MaineCare program, that is a means based program for those most in need. We have large employer coverage, which is created by companies for larger employers for their own employees. And then we have a small group market which is for smaller employers, it is a regulated small group market. All of those things are totally unaffected, all of those pieces of the landscape are totally unaffected by the bill that we are looking at here. This bill only deals with individual purchases of individual policies, not people covered by employer plans, MaineCare or

Medicare, so it is that segment.

Now that segment has a unique aspect to it: It is by far the most voluntary area of insurance. People have a choice, at some level, whether they are going to buy insurance or not, and that choice is a choice between assessing the cost of what a health insurance policy is going to cost, relative to the likely need for claims for support for a need for services. And people make that assessment and make a choice of whether to buy the insurance. Now, when the Representative from Saco, Representative Pilon, and others who have spoken about this, talk about a death spiral in the individual health insurance market, it is a death spiral that is resulting from the fact that the pool of people who are getting covered is getting less and less healthy over time, and that happens naturally based on the fact that it is a voluntary choice on whether to buy the insurance. So if I think I am relatively healthy and I look at the cost of a policy that is fairly high, I decide to opt out, I decide to go without insurance, and those who are more likely to have health care needs are the ones who buy the insurance and stay in the pool. As a result, the pool is made up of people who require more health care and higher claims, and in turn, the premium that needs to be charged to cover that pool of people gets higher. As the premium gets higher, again, people reassess; people who are in the pool reassess and say, my gosh, this is getting even more expensive for me now, maybe I should decide not to go without insurance. So you lose more of the healthiest people out of the pool, and it gets gradually sicker and sicker and less healthy and less healthy and more expensive and more expensive, and that is the notion of the death spiral in our health insurance markets. Now the way the health insurance market, I think, has tried to control this to a point has been by making deductibles much, much higher so that there is less of the selection going on at these very high deductible levels. But you do see people, now, more likely to choose \$15,000 deductibles than some other level, and it just, in my mind, is not a healthy market.

This is a bill that in varying forms has come before the Legislature in each one of the sessions I have been here. In fact, one of my first floor speeches in this Chamber was on this bill, and I believe my speech sounded quite a bit like the speech that we heard just a little while ago from the Representative from North Haven, Representative Pingree. I was on the other side of this, and philosophically, I am still very much divided on this and I do believe, as I said at the beginning, a mandatory universal nationwide system has got to be the first choice right answer. Short of that, however, and I the reason why I have changed my mind over the course of the time I have been here, is I think our individual health insurance market really has gotten to a point where it is not a helpful market. So I think we need a change to make that market work, even though I don't like some of the ways that this bill is doing it, I just don't see another way to save a market that just doesn't seem to be working very well. That is why I am voting no on the Ought Not to Pass motion, and I am supporting the bill. Thank you very much.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have been in agreement with Representative Pilon that we do have to do something about the individual insurance market but, at this point, I am in disagreement with this bill. I think that we have done something significant. In the bill that was passed and signed into law that included Dirigo, one of the things that when we brought Dirigo forth was to help the small group and individual market. And, at that time, we had one major insurer, only one, because Harvard Pilgrim had left, there were others who had left

the individual market. We have had an insurer come back. We have had some increases activity in the individual market.

My concern about this, with the health rating and the bands that occur to this, is that this will affect the rural areas most. This is where our older people are; this is where our poorer people are, and this also where our not so healthy people are. If you look at the demographics of this, we are very definitely going to affect those areas. We already have a higher community rating in the rural areas. We are going to add that even more, and when I saw angina pectoris as being a high risk, I was really kind of surprised because, quite honestly, that is very treatable and preventable. I mean, I have a father who, in his early 60's, had angina pectoris, got treated, took his cholesterol, he is going to be 96 in June and he has never had a heart attack, but he will be high-risk. He has never been hospitalized for that, but he is high-risk. He would be paying a lot more until he was able to retire.

I am going to ask that we pass the Majority Ought Not to Pass Report, and that we give the opportunity for the Dirigo program and the cost savings that go with the rest of the legislation that was passed to work, because we did find one of the major cost increases in the market is the cost of health care. Please vote with the motion ahead of us. Thank you.

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

Representative **PRIEST**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I frankly was skeptical of market reform, and I still remain skeptical of market reform. The Dirigo bill is an experiment, as far as I am concerned, and it is an experiment I am willing to look at to see if it works. I have my doubts as to whether a free market is going to exist in Maine with its small population and its high health care costs, but I am willing to try it.

Representative Pilon's bill, in my estimation, simply goes too far. I am very concerned about health status because health status can affect your rates at the time you get on the policy or at the time your policy is renewed, and if you are in that pool rated for health status, your premiums can go way up. This bill will subsidize insurance companies for their risks and that is an experiment and I am willing to do it. There is no subsidy for the person whose health care costs are going to go up because they have been said to have angina or they get cancer. Insurance is supposed to cover risks, otherwise why in the world have insurance.

There is also the question about cost, health care costs. This is going to lower premiums, we are told, and Idaho is looked at as an area which would lower premiums. In 2006, Maine, as I said before, spent about \$8.3 billion in health care costs. New Hampshire spent \$1.5 billion less than what we spent. Idaho spent about \$6.2 billion, over \$ 2 billion less than us. Insurance rates have got to cover health care costs; you can't get away from that, so our rates are going to be higher than these other places. Should we control health care costs? Of course. This bill will help control, any bill will try to help control administrative costs, whether that is done through market reform or single payor or some other fashion is to be determined, but all those reforms will only cover about 25 percent, and you will still have 75 percent of the cost that will stare you in the face and require serious and hard decisions which, frankly, we have yet been unwilling to make. So if you really want to lower health care costs and health care premiums, that is where you have to start. I am very concerned that this frankly goes simply too far. The Dirigo bill is an experiment.

Finally, if we are going to look for competition in that area, if we are really going to look for competition, you have to ask yourself why three out of the four potential insurance carriers

here oppose this bill. They don't think it is going to increase competition, and that is serious concern if you believe in the free market system, because three out of the four potential health insurers oppose this bill. You have to ask yourself why that is the case and why they are opposed to it—Harvard Pilgrim, Aetna and Sigma—so you have to ask yourself why that is.

Finally, let's take a look at Idaho. In the individual market is there intense competition in Idaho? Eighty percent of the health care market, in the individual market, in Idaho is handled by two carriers, both of whom are nonprofit. That may be one definition of competition, but it doesn't seem to be a vigorous competition. So I am just not convinced that this bill is going to bring us competition. I urge you to vote to accept the Majority Ought Not to Pass Report. Thank you.

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

Representative **TRINWARD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be supporting the pending motion because I find LD 1760 to be scary.

Eight years ago, this past January, I was diagnosed with breast cancer. It was a trying and difficult time for me, and it was very important for me to know that I had access to quality, affordable health care, and it made all the difference to me and my family during my recovery. If this bill passes and I leave this body for some reason, I will go into the individual market and I will go immediately into a high-risk pool and that is scary, but that is not the only thing. I happen to be the mother of three daughters in their 20's, and if any of my girls would be fortunate enough to come back to Maine, their family history would put these healthy, athletic young women also into a high-risk pool, and that is scary. But Men and Women of the House, the real scary thing in this is this: Breast cancer will affect one in eight women in this country—one in eight. That is your neighbors, your sisters, the women sitting beside you, and the women back at home. So join me today and vote for this motion, and when you do, vote for your wives, for your mothers, for your sisters, your daughters and your granddaughters. Thank you very much.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Before I speak against this bill, in support of this motion Ought Not to Pass, I would like to say, in all fairness, to the good Representative Pilon that, had he been here yesterday, I am sure he would have known exactly how to vote on all of the bills that came before us, and if there was anything that kept him away from this Chamber, I can assure you that it was rooted in principle and values and possibly constituent services. But whatever kept Representative Pilon out of this Chamber yesterday, it had to be honorable, I an assure you of that.

Representative Pilon knows that I am opposed to this type of market reform. I certainly understand from a consumer perspective, the health care crisis in Maine and in the nation. I will grant you that I don't know it from the very high level of actuarial service or from the executive office of any insurance industry; I certainly do not know the crisis from that perspective.

A lot have mentioned, here today, about the need for something to happen on the national level, and while this is somewhat tangential, as it has been mentioned a number of times, I would like to urge you all to call your State Representatives and urge them to engage in a Joint Resolution memorializing Congress to support the John Conyers-Dennis Kucinich bill, HR-676. That will get us there; that will get us where we want to be on a national level. But barring that, the kind of reform that I support is the kind of reform that will tend the

needs of the people of the State of Maine.

My understanding of this bill and this type of market reform is that it certainly will make insurance affordable for me, but as was pointed out by the Chair of the Insurance and Financial Services Committee about an hour and a half ago, it would leave me with less of a promise of access to health care; it will certainly give me the illusion of access to health care, such as we have today with catastrophic health care plans. I think the marketplace is an important place, and if I conduct business in the marketplace with my money and I take risk, I am certainly entitled to make a profit. But this is an industry that already makes, as we recently learned, Anthem, just in Maine alone, \$75 million in profit—\$75 million in profit and this includes the burden that they bear for providing care to that population between the ages of 60 and 65.

Mr. Speaker, I have a question that I would like to pose through the Chair to Representative Pilon regarding his numbers. He indicated that there were roughly 860 consumers of health care in the individual market, a market which, I believe if I wrote the number down correctly, is comprised of 42,160 members of which 860 consume a significant portion or are responsible for a significant portion of the claims. Now, I would like to know if, at one point, those 860 members were once a member of the group that doesn't use claims. In other words, I would be a member that doesn't use claims right now. I don't file any claims; I pay a lot of money through my tax dollars for the health insurance that the State of Maine provides me for my service here in the Legislature. But, quite honestly, I don't use it unless I absolutely have to, and yesterday I did, as many of you know. But I don't use it; we strive not to get ill and not have to use it. But when I do reach that age, 60 to 65, and I may need to use it, I am concerned that those are the very population that have been paying for many years, they have been paying for many years into a system and not filing claims. And now the insurance industry, when those folks need it the most, wants to move them into a high-risk pool which will be paid for, ultimately, by small group and large group and taxpayers and everybody else, the risk will be mitigated for the insurance industry, the services that they may be eligible for may be reduced or cost more money, and yet the insurance industry will continue to make greater profits.

Again, that is my question. My concern is reform so that health care is more accessible to the population. My concern for market reforms to make the industry more profitable is virtually zero. So if you could answer that question, Representative Pilon, I would appreciate it.

The SPEAKER: The Representative from Berwick, Representative Burns has posed an extended and somewhat editorialized question through the Chair to the Representative from Saco, Representative Pilon. The Chair recognizes that Representative.

Representative PILON: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I will try to decipher Representative Burns' question. I think, first of all, this is, again, Representative Burns, the individual market is just the individual market. It is not pulled into the small group, the individual group and the large group market. So once you file your application and you are admitted into the individual market and you have been paying your premiums for many, many years and all of the sudden you start submitting claims and the company starts paying out claims, they are not going to all of the sudden decide you are a high-risk. You have been admitted, and they are going to pay your claims and not decide, well, this insured is an adverse risk so now we are going to categorize him as a high-risk, and we are going to put him in that high-risk category. That is not how this works. I hope I have answered your question

correctly or adequately.

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

Representative CONNOR: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the Acceptance of the Majority Ought Not to Pass Report and do so certainly in good faith and with a lot of respect for the work of the members of this body. But when I look at where we are today, what we did last night, and I am not sure if that bill has been signed yet, I don't know if anyone has mentioned that, but what we did last night, I hear folks say the current bill, 1760, goes too far, and I would like to propose that the prior bill did not go far enough.

The good Representative from Falmouth, Representative Brautigam, talked about for over a decade we have had protections. If we are over a decade or probably a little less than decade, we have struggled with the cost of insurance in the State of Maine. What that has led to is 130,000 people that aren't insured in the State of Maine. So when we talk about moral impeditives and policy imperatives, I think we need to look at the 130,000 people that are not covered in the State of Maine.

We heard earlier, under a policy within one of the high-risk pools, I suppose, of all the items not covered—not covered. I want to repeat: 130,000 people in the State of Maine are not covered. This bill, in my own estimation, I may not be an expert but I do pretend to be one, is that I think it increases the odds that some of those 130,000 people not covered will become covered.

There was a question posed earlier about why three out of four of the potential companies that will provide insurance in Maine, why they oppose this. One of my answers, as I read this piece of paper from Aetna that opposes 1760 is not even talking about the market insurance that we are talking about. This is small group. Maybe that's why they oppose it; maybe they didn't understand the bill, because this bill is about the individual market. This is individuals that cannot afford care in Maine.

I also heard some talk about how this is going to bring young immortals into the marketplace, I believe was the quote. Just yesterday, we passed a bill that was signed earlier by the Executive, and that actually had the same goal of bringing young immortals into the marketplace, so I would, with your permission good Chair, pose a question.

The SPEAKER: The Representative may pose his question.

Representative CONNOR: Thank you, Mr. Speaker. If the prior bill is going to bring young immortals into the marketplace, why can't this bill bring young immortals into the marketplace?

The SPEAKER: The Representative from Kennebunk, Representative Connor has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Pilon.

Representative PILON: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. Actually, this bill is broader than Representative Pingree's bill in that Representative Pingree's bill has a pilot program that attracts young people up to age 30. Last year, the Insurance Committee passed the bill that allows dependents to stay on their parent's policy up to the age of 25, so if you are still dependent on your parents, if you are still at college or living at home, you can remain on your parent's policy up to the age of 25. So 25 to 30 is really their only target market, and I think, with my 20 years of experience in the insurance industry, that really is a limited market in Maine. For the most part, those 25 to 30 year olds are still kind of in a transient stage of their lives, and they are either in school, have taken a job, have moved out of Maine because we don't have any jobs. In the 2247 bill, their anticipation is that they are going to write a lot of business or attract a lot of applicants and write a lot of policies

between the ages of 25 and 30, which frankly, I don't think there is going to be enough of those policies to be underwritten in that marketplace, to offset the burden of the higher risk or older population to bring the premiums down. That is their hypothesis, if you will, but that assumption, I don't believe, is valid. And I hope that answers Representative Connor's question.

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to make a couple of quick cleanup points and disagree with my good friend, a few seats to the left.

First of all, he was discussing how the reinsurance program and the market reforms that were passed last night would impact the overall market. We have been in two or three debates about this subject, especially hot and heavy over the last two or three weeks, but I just want to make it clear that the young person pilot program in one small part of the market reforms we passed last night. It allowed people under 30 to be in a young person pilot program; insurance companies could decide to offer separate products those people. That is one small part of it. I would actually add to that the dependents up to 25 bill, passed by the good Representative from Gorham, an excellent bill, it is true that some people between 20 and 25 will take advantage of that, but a lot of people's parents just can't afford to keep them on their policy. So while I am sure that will help some young people in the State of Maine, it won't help all the people between the ages of 20 and 30.

The bigger issue here is that both the bill we are discussing right now and the bill we passed last night create reinsurance pools that predict to spend about \$11 to \$13 million each to take some of the risk out of the individual market. The exact same dollar amount is being subsidized under both bills, so the results have to be somewhat the same. In addition, both bills change the community rate, actually a very similar amount, except the bill we passed last night allows rating changes based on age, but age alone. The bill that we are talking about right now allows age and health status to be considered.

The last point I want to make, I just want to disagree with my very good friend from Kennebunk, talking about the number of uninsured. I think the number of uninsured in this state and in this country is something every person in this body, hopefully in legislative bodies across the country, should be concerned about. One thing that we should be proud of is Maine has one of the lowest rates of uninsured in the country. I won't give Dirigo full credit for that; we have a significant Medicaid program, we do have a lot of employers who provide insurance, but through a variety of things, Dirigo, Medicaid, and employer based coverage and people in the individual market, we have one of the lowest rates of uninsured in the country. We are one of the only states in the country where the rate of uninsured has gone down. So of course, I am concerned with the 130,000 people in Maine who don't have insurance, but to say that market reforms that look like what other states are doing is going to cause our number of uninsured to go down, I don't think is entirely accurate. Either way, the goal for all the bills we have been talking about with market reform is certainly to bring younger people into the marketplace because they can't afford insurance now. The question is how to you penalize those people who are older, who are sicker, who have a family health status or a personal health status that is going to cost them a higher rate? I think that this bill goes too far. I think it will penalize those people, many of the sick and old in the state, and Mr. Speaker, again, I encourage the House to accept the Majority Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to respond to Representative Woodbury talking about individual insurance, because at age 56 and my wife is 53, we started to build a new home and retire at that young age. I turned around and bought an insurance policy with Blue Cross Blue Shield for her and one for myself, and thought I had covered all bases. I turned around and she winds up with back problems, she goes into the hospital and gets operated on, comes out. Blue Cross Blue Shield tells the hospital and the doctors an okay on one overnight that she wasn't covered at the time. So around and around I go with Blue Cross Blue Shield, not for profit, individual policies.

I contacted a Senator friend of mine up here; he said I will talk to the lobbyist. That went on and on and they finally told me I think you'd better see a lawyer. Well, at our volunteer fire department, we have a lawyer that is a fireman. He told me to bring all of my stuff down to his office, and I did, and he contacted Blue Cross Blue Shield; their lawyers blew him off. So he turned around and asked me for a check for \$82 to file a lawsuit in Springvale District Court, which he did. A very short time later, Blue Cross Blue Shield paid the bills and told me what deductibles I pay and to drop the lawsuit. But guess what? My friend the fireman, the attorney, told him we'll drop the lawsuit when you pay me \$1,000 for representing Mr. Campbell. They said no way, so the lawsuit stands. But the good part was they paid the \$1,000 and the bills were paid. I thought I did everything the right way, but the big insurance company, once again. The Senator up here told me they are doing that to all these people with individual policies. How about the poor guy that has a policy and he is scared to go and see a lawyer because he is afraid it will cost him another \$17,000, which the insurance company is trying to duck out of. So don't tell me, you are preaching to the choir when you talk to me about insurance companies and individual policies. Thank you, Mr. Speaker.

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Representative **CANAVAN** of Waterville 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. Madam Speaker, Ladies and Gentlemen of the House. I just want to correct a couple of comments that have been made by some of my fellow colleagues. The Representative from Brunswick made a comment that with the Representative from North Haven, when the new program that they passed yesterday or today with market reform is implemented that Aetna and Sigma will be coming into the individual market. Aetna and Sigma do not have an individual market in the State of Maine, so unless they are going to introduce a new product in the State of Maine, Aetna and Sigma currently are not providers of the individual market, so I think that that is something that we need to clear up.

Also, we keep hearing the phrase unhealthy Maine, Maine is an unhealthy state. I believe that one of the contributing factors to this term unhealthy Maine is, in the individual market, people have \$7,000, \$10,000, \$15,000 deductibles that before they can even go to the doctor and have a checkup or a colonoscopy, what I call preventive care services, they have to go and pay for those services out of their pocket. So I believe that these large deductibles are contributing to this unhealthy Maine, because

people are not going to the doctor for checkups, colonoscopies, or any of what I call the preventive treatments, because they have to pay for these out of their pocket. With LD 1760, deductibles will come down, premiums will be affordable; people will have the ability to go to the doctor, have a checkup, get back on line and have these preventive services, have the ability to have preventive services, have colonoscopies, and we will get away from the phraseology of Maine is unhealthy, no more unhealthy Maine.

Then my good friend from Waterville has made the assumption that her daughters, if they move back to Maine, will be excluded from having the ability to buy insurance. Well, I don't believe that tonight we can make that assumption here in this body. I think that we all have to wait and see how this plays out, and quite frankly, we are politicians; we are not underwriters, we are not insurance people. So I would say to my good colleague from Waterville that that is an invalid assumption, we can't make that assumption here.

Finally, my good colleague, good friend North Haven, in her proposal, the band ratings that are in her proposal are not, quite frankly, wide enough to attract new companies to come back into the marketplace; that is why LD 1760 needs to be passed. My bands are, quite frankly, wider, more attractive for companies to come back into the marketplace. Her proposal are not wide enough, companies are not going to be attracted to come back into the marketplace. Thank you, Madam Speaker.

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

Representative **FINLEY**: Madam Speaker, may I pose a question through the Chair?

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

Representative **FINLEY**: Thank you Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have heard that it is not going to affect those with Medicare and those that are elderly; I have heard that it is. Indeed, my question is, is it going to affect the supplemental insurance that people purchase, who have Medicare, and if they are high-risk, is their premium going to be increased? Thank you.

The SPEAKER PRO TEM: The Representative from Skowhegan, Representative Finley has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Madam Speaker. Madam Speaker, Men and Women of the House. I am just rising to try to answer that question.

First of all, I hate to say bad news, but when we talk about older people, in terms of these bills, older people often means people over the age of 50. I think a lot of folks in this Chamber would be among those groups, under any of these bills, who could be paying a higher rate based on their age.

In terms of Medicare and Medicaid, Medicare especially, as I am sure the good Representative from Skowhegan knows well, those people's rates are set by the Federal Government. Obviously, many senior citizens and older people buy supplemental policies from insurance companies. This would impact those people buying in the individual market, so it does apply across the board. Thank you, Madam Speaker.

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

Representative **BRAUTIGAM**: Thank you Madam Speaker. Madam Speaker, Men and Women of the House. Just a few cleanup points and an observation: One, the comment that Maine has 130,000 who are not covered with insurance, we need

to do better than that, we can bring that number down. But I have to say, if we had an uninsured rate at the same rate as Idaho, we would have over 200,000 uninsured. That would be 70,000 additional people without insurance, if we are going to use Idaho as a model and we are going to emulate them. We have fewer uninsured than all but 45 other states.

Secondly, a comment was made a moment ago that the rating bands in the bill that was enacted and signed this afternoon are not wide enough. Again, I have to confess some confusion here. We have two different proposals here: One with a 5:1 rating band which is in the bill, and one with an amendment which is a 40 percent rating band, much, much narrower, which is not currently before us. The rating bands that are in this theoretical proposal that is not before us are actually allowing less flexibility to the insurance carrier than the rating bands we enacted yesterday. So if the problem is we need wider rating bands, we need more flexibility, actually the amendment that would be coming forward to clarify the comments about the bill which is apparently no longer the real proposal, those would actually go in the wrong direction. So I think that has to be clarified.

A couple of speakers, earlier, talked about minimal reform, and one speaker, my friend from Newcastle, referred to the same amount being charged to younger people as to older people. That is not the law in Maine, and it hasn't been the law in Maine for a long time. You are allowed to charge older people 50 percent more in Maine; it is not the law that is the same amount. And with the expanded rating bands, it is 2.5 times more and that was referred to as minimal reform—2.5 times more for older people on the basis of their age. That is major, major difference, the discrimination on the basis of age, and it is something that we are going to live with.

My good friend from Biddeford, for whom my esteem could not be greater, but I have to disagree. It is not simply our one task to reduce premiums. We have to balance a variety of different values, the quality of the product that is given to us. If we wanted to have Mega Life selling insurance up and down Maine to everybody with these products that they don't stand behind, with very minimal coverage, with very few benefits and with very tiny little networks for available providers, I'm sure we could go in that direction. We could bring premiums down. We are looking for the best balance of value, coverage, making sure people have access to insurance; yes and price, along with that, but I don't think we can put any one of those different values in isolation.

Another little statistic: High-risk pool states across the country, uninsurance rates of 15 percent and in states that don't have high-risk pools, uninsurance rates are 13 percent. High-risk pools are a compassionate alternative in places that don't actually require their insurance carriers to cover the sick people. It is a compassionate thing to do in those states. I have no problem with a high-risk pool, I just don't think it is a substitute, I don't think it is a means of individual market reform. It is just a compassionate thing to do for a few people who have no other options.

Now one final observation: Insurance companies, the business of insurance is to privatize profits and socialize risk. It is their business to privatize the profits and to socialize the risks to other entities. It is a morally neutral thing, they are a company that are making profits, but our business, as policymakers, is to stand up when that begins to harm our constituents and to say no, we are not going to have you shifting your risk onto everybody else. Thank you very much.

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



Representative **SAMSON**: Thank you Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This was going to be a longer speech, but I am going to editorialize. Why am I opposed to the Majority Ought Not to Pass Report? I am thinking of those constituents, those taxpayers, the hardworking families that are in the middle. They are not rich, they are not very poor, they can't afford insurance. We need to bring the costs down for everyone. Who is going to protect them from the big, bad insurance companies? Fortunately, we just passed the bill of rights. I think that will go to address a lot of those problems referenced in an earlier speech. We need to think about the people that do the working, the people that pay the taxes, the people that are left uncovered by our current situation. Those folks need our help. This is the only way we have at our disposal to do that. I would urge you to defeat this motion and pass this bill. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Kennebunk, Representative Connor.

Representative **CONNOR**: Thank you Madam Speaker. Madam Speaker, Men and Women of the House. I do sincerely apologize for adding to this lengthy debate. I will admit I was surprised that my question was answered. I do want to touch on probably three very quick points, and hopefully we will move towards some voting.

The Representative from Auburn brought up that there are some protections in place. It is important to note that just as when we see Anthem looking to have a 17 percent hike in their rates a couple of months ago, that all of that goes before the Bureau of Insurance. There are entities that are in place already, that will remain in place, that have a role to make sure that the rates are not hurting people, I guess, is the best word.

The other piece we talked about earlier, the good Representative from Brunswick said that the rates would go up and we don't know where. We do know that the premiums are going to be 25 to 50 percent higher, so if it is \$100, it would be \$150 for somebody else. So the notion that it is an astronomical, we don't know where the numbers will go, we do have a sense of where they will go. They will be no higher than 50 percent of what the "normal band" is.

The good Representative from North Haven talked about what would happen to young women in the 20 to 30 range who may find themselves in the good presence of a baby in the womb. I am looking at the restricting health care thing that has been produced, and again, this is talking about how we would, if this bill were to pass, look at grouping these folks for reinsurance. I don't see gestation or pregnancy on the list. I think we need to be clear that some of the information about all of the bills is misinformation, not necessarily or in any way purposeful, but that insurance is a complicated, complicated thing, as we have heard.

Lastly, the bill of rights that was just moved forward by the good Representative from Hallowell, I believe, I think does actually lend us to be in a better position as we go forward for all of this. I hope you folks will support my red light against this motion, so that we can talk about the amendment which is a better bill than what we presently passed and had signed today. Thank you.

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

Representative **HAMPER**: Thank you Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. We are into this now, an hour and thirty-five minutes. A quick reminder: this is exactly what the Prosperity Committee had recommended, the Unanimous Prosperity Committee Report.

Second thing, it is time for me to invoke scripture, Ecclesiastes 6:11. The more the words, the less the meaning,

and how does that profit anyone? Thank you, Madam Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Saco, Representative Pilon. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? The Chair hears no objection, the Representative may proceed.

Representative **PILON**: Thank you Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I hope this is my last time. Anthem writes 93 percent of the individual market. Last year, they submitted a request to increase their rates 17.5 percent; the previous year, the same request, approximately 18 percent; and the previous year before that, approximately the same amount. This is an opportunity to correct that trend, bring new carriers in the marketplace, and reduce premiums and deductibles. I urge you to support my motion. Thank you.

Representative **VAUGHAN** of Durham **REQUESTED** that the Clerk **READ** the Committee Report.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Durham, Representative Vaughan.

Representative **VAUGHAN**: Thank you Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. There are a lot of folks in this body that are, well, scared, scared of the wrong thing. You hear a lot of the same misinformation that I heard on presenting my bill. Is this the best bill, the best offering of a free market reform? No, that was my bill. Is it the only chance we have, is it going to work? I don't know; it is sort of experimental. Do we know it works in Idaho? I'm not sure that we are doing everything they are doing in Idaho. One thing I am sure of: I hear people remarking that Maine has such a low incidence of uninsured. Well, we have around 800,000 folks insured in the State of Maine with private insurance. About 40,000 of them are in the individual market, which is who we are talking about; 130,000 uninsured are also who we are talking about. Unfortunately, about a quarter of the state's population is on MaineCare, Medicaid. Folks, Medicaid is not insurance, it is medical welfare, and you are using those statistics to skew the overall amount of the uninsured in the State of Maine. As a result of that, when we talk about the higher provider costs, one of the things that is driving the cost of the providers is how much free health care we are giving away and how much uncompensated care and how much under compensated care the state is responsible for. Guess what happens? Those costs get passed along to the people that are paying the freight, the people that have health insurance. That is called cost shifting, and that is one of the reasons, as has been correctly identified, why health insurance is so high in this state. Will this bill reduce premiums? Madam Speaker, I would like to pose a question to the good Representative from Saco.

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

Representative **VAUGHAN**: Thank you, Madam Speaker. How much will this bill reduce premiums, which, after all, is the whole point of doing it?

The **SPEAKER PRO TEM**: The Representative from Durham, Representative Vaughan has posed a question through the Chair to the Representative from Saco, Representative Pilon. The Chair recognizes that Representative.

Representative **PILON**: Thank you, Madam Speaker. It is anticipated that I can guesstimate that the premiums would be reduced by maybe 30 to 40 percent of what the current rates are, and that is truly a guesstimate. I can tell you that in New Hampshire, these are just examples, in New Hampshire, for a 26 year old, a \$5,000 deductible, in Maine, they are paying \$275; in New Hampshire it is \$112. A 40 year old with a \$5,000

deductible in Maine is \$343 and some change; in New Hampshire it is \$181. So actuarially, the numbers that we have been looking at probably have 30 or 40 percent decrease.

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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 Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 428**

YEA - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, 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, Ayotte, Beaudette, Beaulieu, Browne W, Cebra, Chase, Cleary, Connor, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, MacDonald, Marean, McFadden, McKane, McLeod, Millett, Muse, Nass, Pilon, 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, Conover, Dill, Duprey, Emery, McDonough, Moore, Patrick, Pineau.

Yes, 79; No, 63; Absent, 9; Excused, 0.

79 having voted in the affirmative and 63 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

**ENACTORS**

**Resolves**

Resolve, To Conduct an Updated Study of the Feasibility of Establishing a Single-payor Health Care System in the State

(H.P. 790) (L.D. 1072)

(H. "A" H-662 to C. "A" H-644)

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

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**Acts**

An Act To Amend the Charter of Northern Maine General  
(S.P. 930) (L.D. 2322)

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.

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**Emergency Measure**

Resolve, To Create the Blue Ribbon Commission To Study the Future of Home-based and Community-based Care

(H.P. 1436) (L.D. 2052)

(S. "B" S-649 to C. "A" H-795)

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

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**Acts**

An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters

(H.P. 1510) (L.D. 2131)

(S. "A" S-646 to C. "A" H-734)

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

On motion of Representative PINGREE of North Haven, was **SET ASIDE**.

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

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**Acts**

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

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

(S. "A" S-647)

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.

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**Acts**

An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics

(H.P. 1585) (L.D. 2219)

(S. "A" S-601 to C. "B" H-939)

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.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License" (EMERGENCY)

(H.P. 1662) (L.D. 2304)

**PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "B" (H-994) AND "C" (H-1006)** in the House on April 14, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-994) AND SENATE AMENDMENT "A" (S-645) in NON-CONCURRENCE**.

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

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Reference was made to Bill "An Act To Amend Motor Vehicle Laws"

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

In reference to the action of the House on April 15, 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 MARLEY of Portland
- Representative MAZUREK of Rockland
- Representative BROWNE of Vassalboro

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

Representative PERCY: Thank you, Mr. Speaker. Regarding Roll Call No. 395, LD 2095, I would like to be recorded as yea. Regarding Roll Call No. 396, LD 1858, I would like to be recorded as yea. Thank you.

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

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

Representative BURNS: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Had I not been here so late last night, I would have been here early enough this morning that I would have cast a yea vote on LD 2219, "An Act to Promote Transparency and Accountability in Campaigns and Governmental Ethics," Roll Call Vote No. 424. I would have voted yea. Thank you.

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

Representative SILSBY: Thank you, Mr. Speaker. On Roll Call No. 426, LD 2309, I wish to be recorded as yea.

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

Representative MacDONALD: Mr. Speaker, had I been present in the Chamber when we voted on "An Act to Enhance the Security of State Credentials", LD 2309, Roll Call No. 426, I would have voted nay. I wish to be so recorded.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-1020)** - Minority (5) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act To Enhance the Security of State Credentials" (H.P. 1669) (L.D. 2309)

Which was **TABLED** by Representative PINGREE of North Haven pending **ADOPTION** of **Committee Amendment "A" (H-1020)**.

On motion of Representative PIEH of Bremen, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass**

**as Amended by Committee Amendment "A" (H-1020)** Report was **ACCEPTED**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-1020)** 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. 429**

YEA - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Browne W, Campbell, Cebra, Chase, Connor, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, Marley, McDonough, McFadden, McKane, McLeod, Millett, Mills, Muse, Nass, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

NAY - Adams, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Mazurek, Miller, Miramant, Norton, Pendleton, Peoples, Percy, Perry, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Mr. Speaker.

ABSENT - Berube, Conover, Dill, Duprey, Emery, Kaenrath, Moore, Patrick, Pineau.

Yes, 70; No, 72; Absent, 9; Excused, 0.

70 having voted in the affirmative and 72 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, Representative PIEH of Bremen moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** 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 Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 430**

YEA - Adams, Barstow, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Grose, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Mazurek, Miller, Miramant, Norton, Pendleton, Peoples, Percy, Perry, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Blanchette, Browne W, Campbell, Cebra, Chase, Connor, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher,

Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, Marley, McDonough, McFadden, McKane, McLeod, Millett, Mills, Muse, Nass, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

ABSENT - Berube, Conover, Dill, Duprey, Emery, Kaenrath, Moore, Patrick, Pineau.

Yes, 70; No, 72; Absent, 9; Excused, 0.

70 having voted in the affirmative and 72 voted in the negative, with 9 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, Representative TARDY of Newport moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative FAIRCLOTH of Bangor **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 Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just because of the confusion, back and forth and back and forth, we are in the position of Accepting the Majority Ought to Pass as Amended Report.

Additionally, I would like to simply state that I believe that if we move forward with this, and I believe it is important that we have this, not this debate, this vote, that there may be a forthcoming amendment that people may find addresses some of their concerns. Thank you.

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. 431**

YEA - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Blanchette, Browne W, Campbell, Carter, Cebra, Chase, Connor, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, Marley, McDonough, McFadden, McKane, McLeod, Millett, Mills, Muse, Nass, Perry, Pieh, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

NAY - Adams, Barstow, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Casavant, Clark, Cleary, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Grose, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, MacDonald, Makas, Mazurek, Miller, Miramant, Norton, Pendleton, Peoples, Percy, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Mr. Speaker.

ABSENT - Berube, Conover, Dill, Duprey, Emery, Kaenrath, Moore, Patrick, Pineau.

Yes, 75; No, 67; Absent, 9; Excused, 0.

75 having voted in the affirmative and 67 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

Representative MILLS of Farmington **PRESENTED House Amendment "B" (H-1026) to Committee Amendment "A" (H-1020)**, which was **READ** by the Clerk.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. My feelings on this matter are strong; they are as strong as any who spoke before me today in the lengthy debate on this issue. But today, I wanted to just kind of scream out is this my country; is this my democracy that puts us in this position; is this my Federal Government that brings this to this place, this confusing, mixed place that we are at; is it our government, our own government that demands we pass particular laws in violation of our own apparent will, our own government that we can no longer determine our own fate and help determine the fates and fortunes of the good people we represent who elected us to come down here?

Men and Women of the House, I was certainly tempted to speak earlier today and to talk to you about the law, legal ramifications of Real ID, on the Tenth Amendment, supremacy clause, federal preemption, the Constitution, all of its wonderful clauses. But now my speech is not about the law or the Constitution, it is only about choices: ours and our constituents. We have been told earlier that we had basically no choice but to vote for the underlying measure in order to force compliance with something called a Systematic Alien Verification for Entitlements program, etcetera, something that may well impose on our meager budgets the strain of yet another federal obligation, to transform our motor vehicle workers into immigration spies, uncompensated, unpaid pawns of the Federal Government, to deter and dissuade good people seeking refuge in our state from extreme misfortunes elsewhere, to spy on them and require documents at which they have perhaps no way of having, to render all of our people suspicious of one another, distrusting, against our grain.

Sunday night, on 60 Minutes, we heard about the Chief Investigator of Corruption in Iraq who has been forced to seek asylum in the United States, I don't know if you saw it. A guy who waits for a permanent visa at this moment, a very heroic individual who was imprisoned and tortured by Saddam Hussein, who exposed fraud and misuse of United States' funds in the millions and millions by the bureaucrats in Iraq. Now he hides, he seeks safety, asylum, in our country. If he comes to Maine, I hope he already has a driver's license.

We were told the legislation is necessary to protect our national security, that is to say what the bureaucracy in Washington defines as our national security. And the good Chief Executive on the second floor has exceeded to the relentless demands of the United States Government and the bureaucrats in Washington in good faith, and he says he has no choice. So I thought there really was no good way to vote on the previous motions. Make no mistake about it, if you were voting red, you meant you were depriving our people of their rights; if you voted green, you are depriving our people of their rights.

Like a lot of other people in this body today, I really felt like having a tea party. I have always been proud of my country. I have always held my head up high and tried to be a good citizen. I have tried to cooperate. I sit right next to a great patriot, the good Representative from Jay, a war hero, and I sit whisper distance from a member of the Greatest Generation, the good Representative from Kittery, also a war hero and patriot. Real ID is not what these good people fought for, risked their lives for,

lost friends, loved ones and comrades for. Real ID is not what they sacrificed for, it is not what my country stands for, it is not what our country is about.

So today, earlier, I kind of felt like taking a walk, I wanted to take a long ride away from here. I felt like taking a trip on a jet plane, a trip to nowhere, with or without a passport. I was most uncomfortable today in exercising my right to vote. I would like to have left, and perhaps a few of you would have joined me, remaining in the great Hall of Flags where I might have a cup of tea, sit quietly at peace with my own soul and maybe just read the Constitution. Instead, I voted Ought Not to Pass. But now, after great thought and a fair amount of work, I present an alternative, what I think and believe is a good faith alternative, a good faith attempt to accommodate the needs of our citizens so that they might not be denied their right to travel; so that they might not be denied entry into our federal courthouses to exercise their federal constitutional rights; access to our Social Security offices, federal buildings; access to our armories and other federal edifices, all paid for by tax dollars, all housing some of our most treasured rights. This amendment is a choice; perhaps that of a lesser entrée, a meal that is not rare by medium rare, a kinder, gentler version of LD 2209, and I offer it up with no hors d'oeuvres or flavoring. The amendment, I shall say, simply eliminates the immediate fiscal impact of the bill. It strips all of the license fee increases out of the bill—all of them. There is no net fiscal effect in this biennium. So it does not require the Secretary of State to reconfigure his computers, for instance, to accommodate changes in photography and what not, which was a very costly item in the Committee Amendment. Instead, it requires a much more thoughtful, deliberative approach. It gives the Secretary of State and us time to look at the most least cost expensive modes of implementing some of the things that we probably ought to implement. It gives us time to consider exactly what other states have done and how they may have avoided some of the costs we discussed earlier today. It is a choice, that is all, an act of good faith, which I hope will meet with your approval, the other body's approval, the Chief Executive's approval, and I hope will tame the unkind demands of the current administration in Washington and allow our citizens their full freedoms in this state. I hope you will follow my green light. Thank you.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-1026) to Committee Amendment "A" (H-1020)**.

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-1026) to Committee Amendment "A" (H-1020). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 432**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Browne W, Campbell, Carter, Casavant, Cebra, Chase, Clark, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Eaton, Eberle, Edgcomb, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hill, Hogan, Jacobsen, Johnson, Jones, Joy, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Muse, Nass, Norton, Pendleton, Peoples, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson,

Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Treat, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Berry, Boland, Bryant, Burns, Cain, Canavan, Carey, Cleary, Dunn, Fischer, Hayes, Hinck, Jackson, Miramant, Percy, Pratt, Theriault, Trinward.

ABSENT - Berube, Conover, Dill, Duprey, Emery, Kaenrath, Moore, Patrick, Pineau.

Yes, 124; No, 18; Absent, 9; Excused, 0.

124 having voted in the affirmative and 18 voted in the negative, with 9 being absent, and accordingly **House Amendment "B" (H-1026) to Committee Amendment "A" (H-1020) was ADOPTED**.

Representative CAREY of Lewiston **PRESENTED House Amendment "A" (H-1025) to Committee Amendment "A" (H-1020)**, which was **READ** by the Clerk.

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. You have before you an amendment that seeks to reconcile how I am conflicted with this issue, I echo a lot of what Representative Mills has said and I respect the leader of our state who is trying to find a solution to this problem that we find before us. At the same time, I am reconciling that with a grave concern that I have about the US constitutionality of what is before us today. The Constitution sets forth, in Article 1, Section 8, that Congress and Congress alone shall have the power to establish a uniform rule of naturalization—a uniform rule. What we have today is not uniform. What we would do is different than what New Hampshire would do is different than what Montana need not do and what Florida would do. We should have a uniform rule, and once we have a uniform rule, I will gladly comply with what my Federal Government is asking me to do in this, so that is the Amendment before you. Thank you, Mr. Speaker.

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

Representative MARLEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to thank the constitutional professor from Lewiston; he has talked quite a bit about the Constitution. This is personally the exact reason why I am voting against the pending amendment, because I do not—we spent an hour and a half talking about Real ID and the national database, so now we are going to allow Kansas and Nebraska and Senators from Oklahoma to define legal presence for us? I mean, I said this from the beginning: I do not like the idea of legal presence, but if I am going to accept it, I want the Maine Secretary of State to define legal presence

The good Representative from Calais, Representative Perry, talked about a unique situation because, in Maine, we had and unfortunately we don't any longer, an open border. The hospital in that section of the state was on the Canadian side. How do we expect someone from Washington D.C., who is there representing their state, their constituents, to understand the uniqueness of what we are trying to do. I think this is dangerous, it runs counter towards the arguments we are to oppose the entire idea of Real ID. I think it is a dangerous precedent. I appreciate the Representative trying to move this forward, but either you want a rubber stamp, national security card or you don't, and this is creating it. I very strongly oppose this, and I hope you will vote red on it.

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

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a very interesting and intriguing idea, I hadn't even heard about it before just a moment ago. But as I said earlier on the floor, I would support a national ID card. A national ID card means you have standards, one uniform standard, so I will support this amendment because it would move the country in the direction of a uniform standard. I don't understand how we are supposed to tell ourselves that we are safer by adopting individual states having all of their own ideas about what constitutes the right documents. There should be one rule that everyone follows. So I will be supporting the good Representative from Lewiston, and I hope you will follow my light. Thank you.

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

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I joked earlier today about how many of our constituents mistake us, at times, for members of Congress because they don't know the difference. I was certainly kidding, but it does happen often, I think, to many of us that people don't understand. But I, all kidding aside, want to bring people back to when we all stood here in this Chamber in December, on December 4, possibly, of last year, and we all raised our right hand, and we said we would uphold the Constitution of Maine and the statutes in Maine, and that we would uphold the Constitution of the United States and the laws of the United States. That is our promise.

So we can joke about whether the Representative from Lewiston is a constitutional scholar or not, but one of the things when you get elected office is that you are an arbiter of the Constitution, every one of us gets to determine what the Constitution means. We don't get to pass finally on what that Constitution means; the courts do. But every one of us, every Representative in every state around this country takes an oath of office about upholding the Constitution; every Executive in the United States takes an oath about upholding the Constitution. And what the gentleman from Lewiston has said is a very good point: Article 1 of the Constitution lays out what the powers of the Federal Government are. And as I said, quintessentially, interstate commerce, national security, immigration, are wholly things that the Federal Government should do and, under the Constitution, they could delegate to us to do those things. But he makes a good point: How can we have a uniform immigration policy in America if Maine chooses one and Iowa chooses another, Washington chooses one and Arizona chooses another? This is not our responsibility, and when the gentleman from Lewiston stands and says he thinks this is a constitutional problem, I agree with him. Because we raised our right hand and we made a promise to the people of the State of Maine that we would legislate on things that we thought were within our power, and I agree with him that immigration policy is not within the power of the State Legislature here in Maine to deal with, nor should it be. I encourage you to support this amendment.

Representative **BARSTOW** of Gorham **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-1025) to Committee Amendment "A" (H-1020)**.

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

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

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for misspeaking about where the gentleman from Lewiston is from. We may all have to be arbiters of the Constitution, but evidently,

we do not have to be scholars about geography here in the State of Maine, so I certainly apologize.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-1025) to Committee Amendment "A" (H-1020). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 433**

**YEA** - Adams, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Burns, Cain, Canavan, Carey, Casavant, Cleary, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, Makas, Mazurek, Miller, Norton, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Mr. Speaker.

**NAY** - Annis, Austin, Ayotte, Babbidge, Barstow, Blanchette, Browne W, Campbell, Cebra, Chase, Clark, Connor, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, MacDonald, Marean, Marley, McDonough, McFadden, McKane, McLeod, Millett, Mills, Miramant, Muse, Nass, Pieh, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Silsby, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

**ABSENT** - Berube, Bryant, Carter, Dill, Duprey, Emery, Kaenrath, Moore, Patrick, Pineau.

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

69 having voted in the affirmative and 72 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-1025) to Committee Amendment "A" (H-1020) was NOT ADOPTED**.

**Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026) 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 **FAIRCLOTH** of Bangor **REQUESTED** a roll call **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026) thereto**.

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

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Real quickly, a little bit of history that I know for this country is that it was founded on people taking a stand against corruption and tyranny. That is kind of what has peaked my interest in ever running for politics, and I think that some of us should reach down deep and get some intestinal fortitude and vote against this.

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-1020) as Amended by House Amendment "B" (H-1026) thereto. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 434**

**YEA** - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Blanchard, Blanchette, Bliss, Browne W, Campbell, Casavant, Cebra, Chase, Connor, Cotta, Craven, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gerzofsky, Gifford,

Giles, Gould, Greeley, Hamper, Hanley S, Haskell, Hill, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, MacDonald, Marean, Marley, McDonough, McFadden, McKane, McLeod, Millett, Mills, Muse, Nass, Perry, Pieh, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Simpson, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

NAY - Adams, Barstow, Beaudoin, Berry, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Clark, Cleary, Conover, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Grose, Harlow, Hayes, Hinck, Jackson, Jones, Koffman, Lundeen, Makas, Mazurek, Miller, Miramant, Norton, Pendleton, Peoples, Percy, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Mr. Speaker.

ABSENT - Berube, Dill, Duprey, Emery, Kaenrath, Moore, Patrick, Pineau.

Yes, 81; No, 62; Absent, 8; Excused, 0.

81 having voted in the affirmative and 62 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1020) as Amended by House Amendment "B" (H-1026)** thereto and sent for concurrence.

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

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

**REPORTS OF COMMITTEE**  
**Committee of Conference**

Report of the 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)

has had the same under consideration, and asks leave to report:

That the House **RECEDE** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577)**. **RECEDE** from **ADOPTION of COMMITTEE AMENDMENT "A" (S-577)** and **INDEFINITELY POSTPONE** same.

That the House **READ** and **ADOPT COMMITTEE OF CONFERENCE AMENDMENT "A" (H-1024)** and **PASS THE BILL TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (H-1024)** in **NON-CONCURRENCE**.

That the Senate **RECEDE** and **CONCUR**.

Signed:

Representatives:

FARRINGTON of Gorham  
NORTON of Bangor  
MUSE of Fryeburg

Senators:

BOWMAN of York  
MITCHELL of Kennebec  
MILLS of Somerset

The Committee of Conference Report was **READ** and **ACCEPTED**.

The House voted to **RECEDE** from **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-577)**.

The House **RECEDED** from **ADOPTION of COMMITTEE AMENDMENT "A" (S-577)**.

**Committee Amendment "A" (S-577)** was **INDEFINITELY POSTPONED**.

**Committee of Conference Amendment "A" (H-1024)** was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee of Conference Amendment "A" (H-1024)** in **NON-CONCURRENCE** and sent for concurrence.

**ORDERS**

On motion of Representative CONOVER of Oakland, the following Joint Resolution: (H.P. 1686) (Cosponsored by Senator BARTLETT of Cumberland and Representatives: ADAMS of Portland, BOLAND of Sanford, BRAUTIGAM of Falmouth, BRIGGS of Mexico, CARTER of Bethel, CASAVANT of Biddeford, CLARK of Millinocket, CLEARY of Houlton, CRAVEN of Lewiston, DRISCOLL of Westbrook, DUNN of Bangor, EATON of Sullivan, FAIRCLOTH of Bangor, HARLOW of Portland, HINCK of Portland, JACKSON of Allagash, JONES of Mount Vernon, MILLER of Somerville, MIRAMANT of Camden, PERRY of Calais, PIEH of Bremen, PINGREE of North Haven, PRATT of Eddington, PRIEST of Brunswick, SCHATZ of Blue Hill, SIMPSON of Auburn, SIROIS of Turner, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, WAGNER of Lewiston, WEBSTER of Freeport, WEDDELL of Frankfort, WOODBURY of Yarmouth, Senator: SCHNEIDER of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO ENACT LEGISLATION TO ENSURE HEALTH CARE FOR ALL**

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

WHEREAS, every person in Maine and in the United States deserves access to affordable, quality health care; and

WHEREAS, there is a growing crisis in health care in the United States of America, manifested by rising health care costs, increased premiums, increased out-of-pocket spending, the decreased competitiveness of our businesses in the global economy and significant worker layoffs; and

WHEREAS, most health insurance access is provided through employment, and health insurance premiums have grown 4 times faster than worker earnings over the last 6 years; and

WHEREAS, Maine ranks 5th in the nation in access to health care and 2nd in quality and is committed to maintaining access to affordable, quality health care for all Maine people and all Americans; and

WHEREAS, forty-seven million Americans lack health insurance, with 129,000 people in Maine without health insurance; and

WHEREAS, even those insured now often experience unacceptable medical debt and sometimes life-threatening delays in obtaining health care; and

WHEREAS, those without health insurance suffer higher rates of mortality and a decreased quality of life; and

WHEREAS, access to consistent, preventive health care saves lives and dollars; and

WHEREAS, one-half of all personal bankruptcies are due to illnesses or medical bills; and

WHEREAS, the complex, fragmented and bureaucratic system for financing and providing health insurance consumes approximately 30% of United States health care spending; and

WHEREAS, access to affordable health care will improve the competitiveness of businesses and the viability of our health care providers; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully urge and request that the United States Congress enact legislation to ensure the availability of health care for all Americans that guarantees quality, affordable health care coverage for every American; and be it further

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

**READ.**

Representative TARDY of Newport **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**: The Chair recognizes the Representative from Oakland, Representative Conover.

Representative **CONOVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In this late hour, I will keep this brief. We do want to move things along tonight. This Joint Resolution was put in because I felt, I know many of you feel, that health care reform is a difficult challenge. There are no easy solutions. We have experienced this here in the State of Maine. We have passed some bills this session and prior sessions that have shown great leaderships nationally, yet 47 million Americans and 136,000 Mainers still go without health insurance. Eighty percent of those are working people. We all know that we can do better. So this Joint Resolution is an attempt to send a message from the State of Maine that has shown its great leadership in health care reform, to send a message to Congress that the states are doing the best we can to try to face this national health care crisis. We need help, we need some federal action.

If you look at all the countries around the world and you compare our health care system to them, we are not up to par to even some third world countries. Over in Europe, it is not unusual to have universal health care reform. They look at us and say, what is it with the United States, Ladies and Gentlemen of the House; what is it with the world leader; what do they not understand that they can't get there where we have, where France and Germany and Canada haven't got there.

Many states across our country have been working as laboratories on health care reform at the state level to try to put pressure. It is affecting our economy; our businesses are suffering, we are having a hard time competing globally. I think the Joint Resolution, the text of it, which a number of members of the IFS Committee worked on, says a lot about our message. I ask the Clerk to please read the Joint Resolution. Thank you, Mr. Speaker.

Representative **CONOVER** of Oakland **REQUESTED** that the Clerk **READ** the Joint Resolution.

The Clerk **READ** the Joint Resolution in its entirety.

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

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise very briefly

to speak against this Adoption. We were just reminded by our honorable from Presque Isle that we are frequently confused for Congressman. I don't think everybody got the message. Mr. Speaker, this is a federal issue. There are 11 whereas' here; there are all different kinds of concepts that are being mixed in here; it doesn't make a lot of sense; it is a federal issue. This is not something we should be talking about, certainly not at this late date in the Legislature, and I would ask you to vote against the Adoption. Thank you, Mr. Speaker.

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

Representative **FLOOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When I look at this, I see this as something that I have heard many people say for many years, is that we should be trying to maximize and standardize our health care system at the federal level. When I read this, word for word, in deference to my friend who just spoke against this, I read this thing that we respectfully urge and request the United States Congress to enact legislation to ensure availability of health care for Americans. I don't see that as a terrible thing. I know that people probably had documents like this many years ago when they developed the Social Security System and Medicare, and I see this as a respectful request to the United States, very much different than other request that I have seen developed in this hallowed hall for other things. I see this as a respectful and honest request to look at something in an intelligent way, and I support it. Thank you.

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. 435**

**YEA** - Adams, Ayotte, Babbidge, Beaudoin, Beaulieu, Berry, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Jones, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Rines, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Beaudette, Browne W, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Fletcher, Gifford, Hamper, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, McFadden, McKane, McLeod, Pinkham, Plummer, Richardson W, Robinson, Sykes, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

**ABSENT** - Barstow, Berube, Blanchard, Dill, Duprey, Eberle, Emery, Hogan, Jackson, Kaenrath, McDonough, Moore, Patrick, Pineau.

Yes, 103; No, 34; Absent, 14; Excused, 0.

103 having voted in the affirmative and 34 voted in the negative, with 14 being absent, and accordingly the Joint Resolution was **ADOPTED**.

Sent for concurrence.



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

Representative **CARTER**: Mr. Speaker, when I was busy shuffling papers on my desk looking for the amendment, I missed Roll Call Vote No. 433. If I had voted quick enough, I would have voted yea. I would like to be recorded as yea. Thank you.

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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 PIEH of Bremen, the House adjourned at 8:40 p.m., until 9:00 a.m., Thursday, April 17, 2008 in honor and lasting tribute to Samuel C. Pennington III, of Waldoboro and United States Army Sergeant Nicholas A. Robertson, a Maine native.