

MAINE STATE LEGISLATURE

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

Volume III

First Special Session

April 1, 2008 - April 18, 2008

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House Legislative Sentiments
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Pages 1358-2163

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST SPECIAL SESSION
12th Legislative Day
Thursday, April 17, 2008

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

Prayer by Honorable Herbert E. Clark, Millinocket.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 48)

ORDERED, that Representative Patricia A. Blanchette of Bangor be excused April 14 and 15 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Jacqueline A. Lundeen of Mars Hill be excused April 14 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Elaine Makas of Lewiston be excused April 9 for health reasons.

READ and PASSED.

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 Allow Direct-to-consumer Wine Sales"

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

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

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

TABLED - April 15, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **FURTHER CONSIDERATION**.

Subsequently, on motion of Representative TRINWARD of Waterville, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

SENATE PAPERS

Bill "An Act To Remove Barriers to the Reorganization of School Administrative Units" (EMERGENCY)

(S.P. 931) (L.D. 2323)

Committee on **EDUCATION AND CULTURAL AFFAIRS** 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**.

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

Non-Concurrent Matter

Bill "An Act To Establish a Health Care Bill of Rights"

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

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-650) AS AMENDED BY HOUSE AMENDMENT "A" (H-1018)** thereto in the House on April 16, 2008.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative BRAUTIGAM of Falmouth, the House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Restore Equity to the Maine State Retirement System"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451) in the House on April 15, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451) AS AMENDED BY SENATE AMENDMENTS "E" (S-621) AND "G" (S-652)** thereto in **NON-CONCURRENCE**.

Representative TUTTLE of Sanford moved that the House **RECEDE AND CONCUR**.

Representative WOODBURY of Yarmouth **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative WOODBURY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. If we Recede and Concur on this motion, this bill is going to go forward and I think that would be a mistake for this state. I want to talk a little bit about how Maine's Public Employee Retirement System works right now; I want to talk a little bit about the demographic challenges that we face as a state and as a country; and I want to talk about another public retirement program and what it has done in recent years to try to face the challenges. I think there is a fundamental inconsistency between the challenges and what we are doing in this bill to change our policy.

How does Maine State Public Retirement System work right now? The normal retirement age is the retirement age of 62. Employees can choose to retire younger than age 62 and receive a reduced amount of benefit. The reduction is what is called an actuarially fair reduction. The actuarially fair reduction means that the actual cost of the benefit to the state stays the same. The reduction in the annual payment amount exactly compensates for the additional years that people will receive the benefit. So in some sense it is giving people a choice with no additional cost to the state, of whether to retire at 62 or younger, 61, 60, all the way down to 55, and that is a perfectly legitimate choice to have if it is done in an actuarially fair way, as the current Retirement System does. What this bill will do is to make the reduction in benefits for retiring younger smaller than an actuarially fair amount, so that by retiring younger, it will cost the state more and in fact induce people to get the maximum amount out of their retirement system by retiring as young as age 55. Alright, so that is an introduction to how the policy works today and what this bill proposes to change.

The demographic situation in the United States: At age 62 today, this is the age when we get normal retirement benefits in our public retirement pension system. At age 62 today, life expectancy is 20 more years, so what we put in place is a system which is designed to provide retirement income support for the last 20 years of an individual's life. Now this was not true when the System was first put in place, but what we have is people living longer every year, and the rate at which life expectancy is increasing is between two and three months every year. We have a system where, in effect, we are enabling people to spend more and more and more years of the portion of their life supported by a retirement income program. I don't believe this is a sustainable situation financially for this program, or frankly for the country, to think that we are going to have retirement at these ages.

There is second demographic factor that we haven't had to face until this year: This year, 2008, is the first year when the Baby Boomer Generation moves into being age 62 and moves into being eligible for Social Security benefits and, in this case, for normal retiree benefits under our program. In just the 20 years and this is a nationwide statistic, but in just the next 20 years, the number of people age 62 and older is going to grow from 45 million to 80 million people. It is a huge growth as a result to the fact that this baby boom bulge in the population is moving into these ages of retirement, and we are going to have to find a way to support that through our Social Security system, our Medicare system and so forth. It is one of the biggest and most fundamental challenges, I think, we face as a country, and I think we face for our people here in Maine as a state.

Third thing I want to talk about is what another well-known retirement program has done in anticipation in some of these changes and that is the Social Security program. The Social Security program had a normal retirement age of 65; not 62, 65. All the projections said that this was a completely, financially unsustainable place to retain the normal retirement age as people were living longer, as the baby boomers moved into retirement. And so the Social Security System was changed so that the normal retirement age was incrementally moved up to age 67, and that is what most of us are facing, a Social Security System in which the normal retirement age is 67. The reduction, if you want to retire younger than 67, is approximately, actuarially fair, so that, again, people can have the choice to take their Social Security accrual and decide what retirement age works best for them, but without a cost to the System as a whole. They have a 67 normal retirement age now, and they have an actuarially fair reduction for retiring younger than age 67. Still, all the projections say that the Social Security System is unsustainable with a 67 year old retirement age, and here we are with a public pension system in Maine where we are talking about making it financially most desirable to retire at age 55. I just don't think it is the right place for our state to be going; I don't think it is a sustainable system for retirement programs, here or nationwide, and that is why I think we need to not proceed with this bill. So I urge you to vote against the Recede and Concur motion, at which time, I would propose to Indefinitely Postpone this. I am not moving that at the moment, Mr. Speaker; I just am asking that people oppose this motion. Thank you.

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

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I guess this all just depends on where you come from. I guess people in my line of work, if you are an EMT or police work, our average life expectancy is 59 1/2 years old, so I guess it is a matter of where you come from.

This bill, as I mentioned before, addresses one of the major benefit reductions imposed by all cliff retirement members. It has been supported by the Maine State Employees Association, the Maine Principals' Association, and the Maine Education Association. As I mentioned, I think it is a matter of simple fairness and equity, and I would ask for your support.

Essentially, what the amended version of the bill does is it lessens the penalty from 6.5 to 3 percent for all members of the Retirement System, who were employed on July 1993 but did not have 10 years of credible service. They are known as the rug people, with the rug being pulled out from under them. That was proposed by Senator Raye.

The second amendment that is proposed by Senator Mills directs the Maine Public Employees Retirement System, the Commissioner of Financial Services, and the State Employees Association to design a unified pension and benefit plan to apply to all state employees and teachers that are first hired after December 31, 2009. The task force must submit their report on the design of the plan, together with proposed implementation of legislation to the Labor Committee by December 10, 2008. A committee may report out a bill to the First Regular Session of the 124th Legislature. Essentially, this gives us time; this issue is not going to go away. It allows them to come back to us next year with a plan and allows us to work on it. Once again, I think it is a simple matter of fairness, and I ask for your support.

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

Representative JACKSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First off, this plan wasn't to get down to 55; that would have been the special retirement plan that law enforcement has. This is still going to be at the 60-age limit. It just seems that this is another case of people pulling the ladder up after they gotten to the top. Maybe Representative Woodbury would like to take away their health insurance so that these people die off quicker and we wouldn't have any retirement paid at all. Mr. Speaker, I ask that this be tabled to later today.

On motion of Representative JACKSON of Allagash, **TABLED** pending the motion of Representative TUTTLE of Sanford to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

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

Bill "An Act To Restore Equity to the Maine State Retirement System"

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

Which was **TABLED** by Representative JACKSON of Allagash pending the motion of Representative TUTTLE of Sanford to **RECEDE AND CONCUR**. (Roll Call Ordered)

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

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

The SPEAKER: The Representative may pose his question.

Representative BABBIDGE: Thank you, Mr. Speaker. Mr. Speaker, regarding, I believe it is S-652, the so-called Mills Amendment, my question is should this study go forward and be implemented next year? Those of us who want to be fair to those people that were affected by the reductions in retirement for those that served between 1983 and 1993, so-called rug people, is it possible that those rug people would be benefited for one year and then, as a result of this study if implemented, all of that would be lost as we go towards Social Security? That is the

question I am asking, Mr. Speaker, if somebody would be willing to answer.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As the Chair of the Labor Committee, I would hope that wouldn't happen. I think that the unfortunate position that we are in is that we are trying to address the concerns of people that had the rug pulled out from under them in 1993. I think that when we get the group together and they make recommendations, I would think that the committee and the next Legislature would do the right thing. I think that this issue is important enough to go forward, and I think that unless we adopt this study, it won't be done and that would be a big mistake for not only all the employees in the state, but the State of Maine as a whole. So I would ask that you allow us the opportunity to do that and support the motion to Recede and Concur.

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have heard a lot about fairness and we absolutely need to be fair. We need to be fair to the Maine taxpayer, too, because remember, if we make the benefits too good or if we have losses in our investments, it is the Maine taxpayer, by law, that is required to make up the difference. In the Labor Committee, the last time we looked, that fund that is invested to pay those future benefits had lost almost \$1 billion for its high. It went from \$11.5 billion to \$10.6 billion. That is what is in the Retirement System fund. And if the stock market goes south and we make the benefits too good, it is the Maine taxpayer that is going to have to make up the different. Now I think we need to think about fairness to the taxpayer. Thank you.

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, I want to commend the Representative from Yarmouth for his very scholarly analysis of the bill before us, including amendments, in contrast with Social Security. He is absolutely on target. The concern I have and I won't go through the last debate here again, but I appreciate where those of you who voted for the bill in its earlier amended fashion the other night, I feel some of you did that with the understanding that you would be seen more favorably by teachers and state employees for doing so, and that perhaps the Appropriations Committee would have to take the unenviable step of killing the bill in the Appropriation's table process, which I feel we will inevitably have to do anyway, but I do want to appeal to your objectivity just a bit. What we are asking, and Representative Thomas has inferred it, we are talking about investing in the original bill a couple hundred million of paper assets, over the next biennium, and \$305 million of General Fund obligations through the year 2028. The Raye Amendment, which is the first of the two on this bill this morning, would reduce that long-term obligation by \$73 million, still leaving us with a \$230 million, plus General Fund push or tail that would have to be absorbed over the next 20 years.

Further, it reduces the \$15 million cost in the next biennium, but marginally; we are still looking at a fairly substantial cost in the out biennium. So again, I know where you are coming from, I appreciate the issue. I was caught in the middle of this issue myself, and I can personally attest that it is not fun seeing your

benefits change in the middle of your career. However, it was done to return the System to a solvent position and to go forward on an actuarially sound basis. We are kind of trapped in that notion that we have got to pay for what we commit to, and I hope you can see that big picture obligation here this morning.

I commend the two Senators who offered the amendments, and the comments made by Representative Tuttle are on target. That amendment that Senator Mills offered is a good assignment and would be a worthwhile task, but it would have to stand on its own to receive my support, and I think it would be a worthwhile investment in time and focus. But again, I can't leave you here today thinking that this bill can go sliding through with strong majorities and let the future worry about the cost, because it will come to the Appropriation's table, I say no way in good conscience we can turn temporary paper assets into a huge \$230 million obligation over the next 20 years. I hope you will consider that in the context of your vote this morning.

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 like to speak in support of this bill and bring up a few more facts from my experience.

I am a retired state employee, and I am also fully vested from previous work in the Social Security System. As a retiree, I cannot collect from the Social Security System because of the funds I received from my state retirement, and neither can I collect survivor's Social Security from my husband's Social Security. So we do have some adverse impact on us when we retire as state employees.

My district, District 83, has a number of state employees living there. Many of them have come to me when we had our budget crisis. I serve on Health and Human Services; we had \$200 million cuts that we had to make to the state budget. Many of them who have been there at work, state employees, for a number of years are receiving high salaries and benefits. They said, "Pat, you know if we weren't dinged quite so much for retiring a little early, we feel we could make a contribution to the state budget crisis by retiring now and the state not having to pay such high salaries and benefits. Leadership knows that I came to you earlier on with real concern about our budget." And I said, "Please look into if we offered some kind of retirement incentive, could that help us with our budget?" And I think this bill answers that question.

There have been concerns with some of the administrators in state government that what does this mean for our state services if a number of people retire who have all this experience. I can tell you that many of them will not get out of the workforce totally. I think I am an example: I continue to work when I am not here in the Legislature; I work in public health, in public health dental clinics for nonprofit organizations, who cannot afford to pay for benefits, who cannot afford to pay the high salaries that professionals, like myself, make. Because of my retirement, I continue to serve in the public health capacity for those organizations and for those people who might not to be able to have afforded it if I was not a state retiree. I strongly suggest that this could save us money and that it could keep our productive workforce. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Fourteen years ago, I left teaching to come down to Augusta to achieve fame and fortune, neither of which seemed to have reached me.

I had 29 years in the Retirement System, and I believe I was

the highest paid teacher in my system. When I left, I was replaced by a teacher who was starting. She started in Brewer at 45 percent, thereabouts, of what I was earning, saving the system a good deal of money. She came in; she was paying the same into the Retirement System as I paid. She did the same work, same number of hours, same number of kids. But for these past 14 years, she has been in the system as a second-class citizen, different than those who came into the System prior to 1983. Retirement will come at 62, I believe; if it comes earlier than that, she takes a 6.5 percent penalty, can't afford to retire. She will not be one of those who is able to get out and open the door for a younger teacher with more energy to come in and do the job. I would ask you to support this bill.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am one who voted against the measure when it previously came up for vote, just a few short days ago, maybe even yesterday, but it comes back from the other body with two laudable amendments that address some of my original concerns about the bill, and I will be supporting the motion to Recede and Concur.

The two amendments that are now on the bill, as placed in front of us, do two things: One, it limits the scope of the fix, the cliff fix to those, the so-called, rug people, so it fixes the problem for those who had not yet vested as of July 1, 1993, when the controversial action took place and retirement benefits were changed to the detriment of the then employed teachers and state employees. I think that is the right thing to do. I think that is the right thing to do. My problem with the earlier proposal was that it encompassed everybody since then as well, the eyes wide open people, the people who accepted employment with the state or as a teacher in our state on or after July 1, 1993, and that proposal was too financial burdensome in my book. So the fair thing to me is to look at the rug people and that is what the proposal in front of us now does.

It also adds a proposal to look at the Social Security System only for those who will commence employment as teachers or state employees on or after some certain date in 2010 and will not—this is the concern I heard expressed earlier—it will not touch anybody who is currently in the System or who begins in the System between now and that date in 2010. I think it is a very laudable thing. It will and can and has the great potential to address the common complaint that we hear when we go door to door: Every teacher and every retiree in the System who says how come I got this pension offset; how come I can't get my deceased spouse's Social Security? It addresses and has a great potential to concretely address the disparity we hear about between the retired teachers, who have to pay 55 percent of their retirement health insurance costs, and retired state employees who don't have to contribute the same that the teachers do. So those two amendments address my earlier concerns with the bill as a whole, and I will be supporting the motion to Recede and Concur for those reasons. Thank you.

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

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

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rose a moment ago, with some alarm, needing some clarification. My concern

was that we will be taking care of the so-called rug people, who I desperately want to help, but at the same time I was concerned about creating an entirely new class. But the good Representative from Farmington is exactly right: The amendment, S-652, applies only to new hires after December 31, 2009. So I just want to, at this time, change the tone of my attitude here and make sure you understand that I think it is very important that we agree to this motion, Recede and Concur, and I ask your support. Thank you.

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

Representative **BERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion as well, and I do so as the sponsor of the Joint Resolution, which almost every last one of us voted for a year ago, memorializing the Federal Government to do something about the Social Security offsets, to repeal the Social Security offsets, which the act of those offsets in the late 1970's and early 1980's broke faith with not only Maine's and a few other states' state workers, teachers, federal employees, police, firefighters, but which also drained what is cumulatively billions of dollars from Maine's economy and made it harder for us to attract qualified people to those professions. To that federal insult was added a state injury in the early 1990's, and it was the breaking of faith with state employees and teachers who were hired between the dates discussed, under one set of circumstances and agreements, and that faith is what we are talking about restoring today.

I think that Maine can financially honor our commitments to those people, and we should certainly not be led to think that because the Federal Government has not chosen to honor its own commitments that we need to also make that choice, that we need to add insult to injury.

Just a few days ago, this body voted to go much farther than we are now under the current motion, possibly going to go, so I think it is all the more important that we support the Recede and Concur motion; that we do honor our commitments to those individual who were hit, not once but twice, first by the Federal Government and then by the state. I ask that my colleagues support the Recede and Concur motion for all of those people. Thank you.

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

ROLL CALL NO. 436

YEA - Adams, Annis, Ayotte, Babbidge, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Chase, Clark, Cleary, Connor, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Giles, Grose, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Knight, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, McDonough, McFadden, Miller, Mills, Muse, Nass, Norton, Pendleton, Peoples, Percy, Perry, Pieh, Pingree, Piotti, Plummer, Pratt, Priest, Rand, Richardson D, Rines, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Sykes, Tardy, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Austin, Beaudette, Beaudoin, Berube, Browne W, Cebra, Cotta, Cray, Crosthwaite, Curtis, Fischer, Gifford, Gould, Hamper, Jacobsen, Johnson, Joy, Lansley, Lewin, Marean, McKane, McLeod, Millett, Pinkham, Prescott, Rector, Richardson W, Robinson, Rosen, Samson, Sarty, Thibodeau,

Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Barstow, Conover, Duprey, Emery, Gerzofsky, Greeley, Hayes, Miramant, Moore, Patrick, Pilon, Pineau, Strang Burgess.

Yes, 99; No, 39; Absent, 13; Excused, 0.

99 having voted in the affirmative and 39 voted in the negative, with 13 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

CONSENT CALENDAR

First Day

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

(H.P. 1668) (L.D. 2308) Bill "An Act To Stabilize the Department of Inland Fisheries and Wildlife's Bureau of Warden Service and Fisheries and Hatcheries Division" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1031)**

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

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

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

Bill "An Act To Allow Direct-to-consumer Wine Sales" (S.P. 781) (L.D. 1987)

Which was **TABLED** by Representative TRINWARD of Waterville pending **FURTHER CONSIDERATION**.

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

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

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

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

ROLL CALL NO. 437

YEA - Austin, Babbidge, Beaudoin, Beaulieu, Berube, Bliss, Brautigam, Cain, Campbell, Chase, Connor, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgcomb, Farrington, Fitts, Giles, Grose, Hamper, Harlow, Haskell, Hinck, Jacobsen, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, McFadden, McKane, Miller, Mills, Muse, Nass, Pendleton, Peoples, Pieh, Pinkham, Piotti, Prescott, Priest, Rand, Rector, Richardson W, Rines, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Thomas, Treat, Wagner, Walker, Watson, Weaver, Woodbury.

NAY - Adams, Annis, Ayotte, Beaudette, Berry, Blanchard, Blanchette, Boland, Briggs, Browne W, Bryant, Burns, Carey, Carter, Casavant, Cebra, Clark, Cleary, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dunn, Faircloth, Finch, Finley, Fischer, Fisher, Fletcher, Flood, Gifford, Gould, Hanley S, Hill, Hogan, Jackson, Johnson, Joy, Knight, Lansley, Lewin, Marean, Marley, Mazurek, McDonough, McLeod, Millett, Norton, Percy, Perry, Pingree, Plummer, Pratt, Richardson D, Robinson, Simpson, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Trinward, Tuttle, Valentino, Vaughan, Webster, Weddell, Wheeler, Mr. Speaker.

ABSENT - Barstow, Canavan, Conover, Duprey, Emery, Gerzofsky, Greeley, Hayes, Miramant, Moore, Patrick, Pilon, Pineau.

Yes, 66; No, 72; Absent, 13; Excused, 0.

66 having voted in the affirmative and 72 voted in the negative, with 13 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Representative TRINWARD of Waterville moved that the House **INSIST**.

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

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the Insist motion that is before us right now for several reasons. I think that this bill has been in front of this Legislature every year that I have been involved with it, and perhaps going back before, and there is always that we are going to look at it and think about it. I think people are concerned about underage drinkers. The last teenager I met deciding to underage drink was not going to go for mail-order wine. That is one point.

Another is there was a recent Supreme Court hearing that states that you could not require shippers to ask for ID; however, you can require the sellers to ask for ID. UPS, amongst many others, is very willing to ask for identification if it is on the papers that are going out. So that is another reason to do it.

It will also help our small wineries in this state, because they will now be able to ship wine out of state, and that is an important issue to those of us who support the agricultural community.

Also, I like wine and the wine I like to drink, I can't get. So it is helpful to me personally, although I probably won't benefit from it, so I encourage you to vote against the pending motion, and I request a roll call.

Representative **PIEH** of Bremen **REQUESTED** a roll call on the motion to **INSIST**.

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

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

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There are 14 farm wineries, presently, in Maine, and I will read you the towns and cities that they are currently located in: Casco, Winterport, Franklin, Lewiston, Gouldsboro, Brooksville, Yarmouth, Bar Harbor, Union and Lincolnville. Those communities have businesses that are limited in how they can do business. The Supreme Court has ruled that Maine can't give preferential treatment to those farm wineries and how they do business. But if somebody comes here to Maine and visits one of those wineries and then goes home and decides they liked what they got in Maine, presently, we do not allow them to ship wine from Maine to another state. The reason we can't do that is because we can't give preferential treatment to our own state wineries over an out of state winery that might want to do the same, so we just say none of them can do it. Now that is perfectly legitimate, and that does fall within what the Supreme Court says are the limits as to how far a state can go when they regulate the distribution of alcohol. But for those of us on the Legal and Veterans Affairs Committee that have heard this argument, it is compelling that we should enable our farm wineries to have access to a market.

Now this bill has been worked over and over and over again in this Legislature, and in its present form, it closely is parallel to the national model legislation that comes from the NCSL. It is not perfect; no legislation that this House ever does it perfect. And I have committed to working the summer on making changes, if

necessary, with those people who object. But one of the objections is over the fact that minors could have access to alcohol, but the Supreme Court, in the *Granholt v. Heald* decision, said that states provide little evidence that the purchase of wine over the internet by minors is a problem. Indeed, there is some evidence to the contrary: A recent study by the staff of the FTC found that 26 states—that was when the *Granholt v. Heald* decision was done; there are now over 30 states—currently allowing direct shipments report no problems with minors' increased access to wine, as opposed to beer, wine colors and hard liquor, because states have the ability to regulate alcohol within their borders at any level they choose, which means we can stop minors from accessing hard liquor and beer and wine colors through direct shipment. We are perfectly unable to do that and the Supreme Court supports that.

Fine wines are a commodity that there are certain individuals who want access to certain products that they can otherwise not get through this distribution system that we presently have. This bill would enable people to access a market that they presently cannot. I urge you to defeat the Insist motion so that was can go back to the Recede and Concur. I chose not to speak on the Recede and Concur because I didn't want to linger here in this House any longer than we have to. We have been forced into this situation now. Thank you, Mr. Speaker.

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

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

Representative WEBSTER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Having served on the Maine Association of Substance Abuse Providers and worked closely for a number of years, as a younger person, as a substance abuse counselor, I bring some interest to this topic. I also happen to enjoy a glass of wine every once in awhile and have some very good friends who have lobbied me, rather politely but firmly, regarding their desire to be able to purchase wine from distilleries or from wine growers in other states, having made the trip and liking to bring wine home. I am sympathetic to the desire of my colleagues and friends to wish to be able to have that convenience; however, I am concerned, and I will be very brief in my concerns.

A National Academy of Science's report found that 10 percent of teenagers receive alcohol through home deliveries. In 2004, Massachusetts Attorney General sued online retailers for shipping companies providing alcohol to underage college students. A recent Supreme Court case that affects Maine, says that Maine cannot require companies to verify the age of buyers; we cannot place the responsibility on UPS or FedEx or others to assure the age of the person receiving the shipment. The problem inherent with this legislation is that overseeing who does the ordering and who receives the product is a problem at best. So I guess then the question becomes do we as legislators, as adults, as responsible citizens have a responsibility to address the problems and issues of substance abuse in this state, or do we as legislators and responsible adults choose convenience over the wellbeing of young people in our state?

Substance abuse is a monkey on the backs of many people. I ask you to think very seriously about whether you want to allow a work group to try to solve this in such a way that we can address the needs of my friends and your friends, who would like to be able to have the convenience, while we assure the safety

and wellbeing of young people and our state and address this problem in a reasonable fashion. I would remind you, once again, that in 2008, a company was sued and fined in Massachusetts for having sold alcohol online to young people in Massachusetts and not having verified the age. It is happening. To what extent, we may quibble over that, but the reality is we, as leaders, have to make a decision about whether we are going to focus on convenience or on safety. I think our job is to be responsible and to lead. Thank you.

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

Representative WEDDELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Two years ago, around that time, before I ran for elected office, I thought I read in my local paper where this bill had been passed, but obviously I was wrong because we are talking about it here today. It was a bad bill then; it is a bad bill now. Alcoholism is on the rise here in Maine. If this bill passes, the mailman will be coming to your front door with a package of booze. There are young people in these houses, these people are our future. This is a bad bill. We cannot let this happen.

Now, I understand about business—I was in business for a few years—but to make a few bucks on alcohol dealing with our young people, I think, is wrong. Now the folks back home are going to want to know how I am going to vote on this bill, and I think I ought to have the ups and downs on this one. Thank you, Mr. Speaker, for letting me speak here, and thank you, Ladies and Gentlemen, for hearing me out.

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

Representative GOULD: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the motion to Insist. Since the 1930's, in this state, Maine has operated under a three-tier system. And as the good Representative from Pittsfield has said, this attempted and run around this system has come up session after session. In fact, we on LDA dispensed with this issue just last year. Does that Ought Not to Pass last year create an emergency because, after all, this is the short emergency session?

The proponents have told you that there are multiple safeguards in place to protect against the delivery of these products to underage drinkers, multiple safeguards like the good Representative from Freeport, Representative Webster, alluded to, safeguards that Massachusetts has in place. And yet those safeguards certainly did not stop wine.com nor their carrier FedEx from delivering more than once to the under aged. Those safeguards included a signed contract with FedEx that they would check ID, extra pay to FedEx for doing so, the placing of labels on the package informing the carrier that the package contains alcohol and that the driver checks ID, that they verify age, record driver's license numbers and other identification, and FedEx itself require special labels to be placed on the package. Nonetheless, they continued to deliver to the under aged.

I believe I have heard proponents tell you that minors will not order expensive wine; I have my doubts about that. Nonetheless, the bill does not say thou shall not ship from the bottom shelf. Today, it is bottom shelf wine; tomorrow it is bottom rack beer, the underage beverage of choice, and that, Mr. Speaker, would constitute a true emergency. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

Representative DILL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The three-tiered system has failed to prevent substance abuse. I think we would all agree that drinking has been a problem, is a problem, and will continue to

be a problem until we really get at the root causes of underage drinking. Mr. Speaker, I would like to pose a question.

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

Representative **DILL**: Thank you, Mr. Speaker. The question is do we as a state allow tobacco and prescription drugs to be ordered on the Internet?

The SPEAKER PRO TEM: The Representative from Cape Elizabeth, Representative Dill has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak in opposition to the pending motion. I want to go back to the comments that were made earlier by the Representative from Pittsfield, very solid, logical remarks to support the bill itself and to defeat this motion.

I see this from several perspectives: The work that I do on the BRED Committee supporting businesses, small businesses in Maine, the rural economy. The key to survival for many farms in Maine is diversification. Winemaking is a very legitimate and credible business to be in. We need to access markets that are legitimate. This is not about making a few bucks on alcohol on our young people or was said. It is not an attempted end round around wholesalers, which is what we are talking about. This is about access to markets in a legitimate, reasonable way for Maine's small farms.

I also come at this perspective as the mother of three children. Friday you got to meet my 21 year old son; yesterday you got to meet my 18 year old son. My 12 year old daughter is currently too cool to come in and page, but some of you may have met her when she was younger. Access to alcohol by our youth is a real issue for Maine; it is a real issue in my family. I have had to deal with it with both of my sons. I anticipate it will be an issue when my daughter is of the age old enough for alcohol to be enticing and still illegal for her. I do not see the legislation we are looking at as a threat to that. Neither of my sons are going to order alcohol online, it is too easy to get it other ways. My job as their mom is to cutoff the access that they get from their friends. That is where they are getting their alcohol from.

I see the bill we are looking at, LD 1987, as a legitimate method to help Maine's diversified agricultural economy, which grows the entire Maine economy in a way that does not endanger my children or yours. Please defeat the pending motion. Thank you.

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

Representative **CAREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to follow up on what Representative Fitts, the Representative from Pittsfield, has said in our committee and share some of the conversations that we have had in committee about this, really going exactly to this issue of how do you prevent minors from acquiring alcohol though direct shipment. I commend the Representative for trying to find a way. This is not the way. This assigns liability to the postmen and to the companies that deliver the wine. As Representative Gould has pointed out, FedEx, in another state, has a very specific procedure to follow in exactly this case, and they are often not followed and the liability rests on the person who delivers the package. The second point I would make has been forgotten, I will rise again.

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. I will start this with the infamous I will be brief, which scares everybody. All we hear is that alcohol tax drives people to New Hampshire. Will this now drive people nationally, so our small businesses will be hurt, also?

The SPEAKER PRO TEM: 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 won't say I didn't intend to rise, I really didn't intend to rise, but I did want to try to answer the question of the Representative from Cape Elizabeth, and I am going to try to answer it with some vague recollections from my time as the Chair of Health and Human Services and maybe the good Representative from Calais can correct me.

In order to get a prescription, whether it is over the Internet or otherwise, you need a prescription from a doctor that has to be legal, so there is that requirement if you need a prescription. In terms of tobacco, we do have a licensing of online tobacco. Maine actually had a law that required a signature to prove that you are 18 years old, and my recollection was we either lost in federal of US Supreme Court. We could not require UPS to ask for a signature. They oppose that, they didn't want to be in the business of asking for identification for tobacco, so I think we have the same issue here. Thank you, Mr. Speaker.

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

Representative **TRINWARD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Maine has a three-tier system. The three-tier system is a distributor, a retailer and a buyer. This will be a substantial change of policy and a huge carve out to the three-tier system. The reason for that is the three-tier system is based on a face to face sale. The face to face sale allows identification to verify the age; it allows collection of sales tax and bottle bill compliance. If we were to change the system, it would be a huge change for our system.

Maine is also a controlled state. By a controlled state, I mean that alcohol sales are regulated by the government of the State of Maine and controlled by the State of Maine. Most of the states, in the 30 states that are listed, that have direct wine sales are considered open states, and that means that their alcohol distribution is not controlled by the government. For these reasons, I wish that you would support the committee's opinion and follow the policy that we have continued to have here with the three tier system, and vote to Insist. Thank you.

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

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to make this brief. I intend to speak later on, probably more at length, about something that is considerably more significant.

It has been mentioned, as we talked about this earlier throughout this discussion, yes, if somebody is caught illegally providing wine to a minor, yes, they can be sued, they can be fined. Currently, purchasers in the State of Maine are denied the opportunity to some of the, if there is any such thing as a fine wine, they are denied the access to those because they can't get them if they can't get them off the shelf. At the same time, many businesses in the State of Maine are denied the opportunity to do fair business around the country because our laws, which differ from those of 30 other states.

Realistically, and quite frankly, I didn't look like I was 21 when I was probably 30, I didn't have any facial hair. I didn't walk into a grocery store or a package store to purchase alcohol. If I suppose I had wanted to do that, I had somebody else, that of

legal age, walk in and do it for me. That opportunity, unfortunately, is not denied to our youth today, and while we should make every opportunity to, when we catch that, to deal with it and we do. Quite frankly, a merlot or a cabernet would not have been my choice when I was underage, I don't think it would be the choice now, and quite frankly, if you want to get alcohol, you can. I think this is a good message to allow our businesses around the State of Maine, trying to make money like they do all over the country to do it would be a good thing, and I appreciate the good Representative from Pittsfield's comments and I agree with him completely. Thank you, Ladies and Gentlemen. Thank you, Mr. Speaker.

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

Representative **NASS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I heard that this was not an emergency. I just heard that maybe there were bills that were more significant than this one. But I rise in opposition to the motion because of my love for open spaces and small businesses.

I have neighbors who have spent a good five years trying to put in their vineyard. They had an opportunity to sell their land to make it into a huge development. Instead, they are struggling to maintain this land so that it is there for the future. They know that they will never be able to grow enough grapes to produce enough wine for a large distributor. They would like to be able to sell wine from their home, in the small shop where they now sell goat's milk soap and everything else to stay afloat until the vines are big enough to produce enough grapes for the wine that they could be able to sell.

I, too, have raised two sons. I know that they were quite capable of finding an outlet for some party events. And, as a parent, we have to be vigilant of what our children are doing and how they are spending their money. They certainly would not have been ordering super duper wine. I personally favor things like Arbor Mist that they sell in not even a wine store, so I really don't know about the fancy wines because I have no taste for them. I do know there are people who are receiving wines by mail now, and it certainly is happening around the United States. I hope that you will consider the small businesses, the people who want to keep their land and contribute to the economy of Maine with agricultural ventures. 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 rise with just a point of information regarding the question asked by the good Representative from Cape Elizabeth, Representative Dill, and this doesn't entirely answer the question. But I think it is relevant, certainly, that the Supreme Court is currently examining a case that looks at whether Maine and roughly 40 other states, which either prohibit or severely restrict Internet tobacco sales, are in fact allowed under US law and the United States Constitution.

It might be helpful to those of us who are still wondering how to vote, to keep in mind that that ruling, which is expected in the next few months, will help to change the landscape and perhaps give us a better sense of how we could go forward in this area, if we want to, in a future Legislature. I also rise to request permission to pose a question through the Chair.

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

Representative **BERRY**: Thank you, Mr. Speaker. My question is simply this: Why is it that the legislation that we are currently considering is restricted to wine? If it is a good idea, why would we not extend that same courtesy, if you will, to

Internet retailers of, for example, malt liquor, beer or spirits?

The SPEAKER PRO TEM: The Representative from Bowdoinham, Representative Berry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will take a crack at it. Wine is a unique product for Maine in that it is an agricultural product, the grapes are grown here, the wine is produced here and the market is limited, much different than the case for beer and hard liquor. We do have a hard liquor manufacturer or two here, but they have access to a market that these small wineries do not have. And that is reason why this is focused on wine, wine is somewhat unique. There are people who enjoy scotches and single malt scotches and those are unique in themselves also, but they don't have the market limitations that small wine producers face. The reason that this bill is brought forward is so that Maine wineries have access to a market that they otherwise wouldn't have, and it has to be open to everybody because the Supreme Court says that it violates the Commerce Clause for us to uniquely single out and give special preference to a Maine winery over somebody from another state. That answers that question.

I would like to continue on another thought, Mr. Speaker. One of the issues that continually comes up in this discussion is this issue of access to alcohol by minors. But there is another layer to this that hasn't come up in this discussion and I wanted to bring it to the members' attention. Federal law requires that a manufacturer, a winery, has to have a federal license in order to produce the product. That federal license has a lot of contingencies placed upon it, one of which is that they have to abide by the laws of the states in which they sell or that license would be revoked. If Maine puts restrictions on where that wine can be delivered and how it can be delivered, those wineries and those suppliers have to abide by those laws or their federal license would be revoked. In this bill, we require the direct shipper gets a license here in order to legally sell here. That license can also be revoked and their privilege to sell that product to people in Maine would end, so there are many layers where we regulate how this product would get in the hands of somebody that shouldn't get it.

We also include in the legislation the requirement that the shipper they use follows certain standards. There are labeling requirements, there are signature requirements, and those requirements are placed on the seller. They have to use a shipper that will live by those rules. I think it takes care of the problem. If you require that that signature in the transaction, the signature has to be made by somebody 21 or older who can produce an ID, the case is closed and you are not violating the Commerce Clause and you are not taking and going into this tobacco decision, it is a whole separate issue. Thank you, Mr. Speaker.

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. I rise to answer Representative Berry's question, in gracious disagreement with the Representative from Pittsfield.

There are distilleries in Maine that make vodka. Cold River Vodka in Freeport makes it from potatoes grown in Fryeburg. As you know, there are many small brewers in the State of Maine, and there are many that have beer of the month clubs. Now whether or not they grow the hops in Maine or not is a decision for them. This is a question of equity; this is a question of equity

across all types of alcohol. The courts have ruled on Maine's three-tier system. They have said that Maine, because Maine has a distinct and clear three-tier system, that Maine has discretion to set alcohol policy. This would eviscerate that three-tier system, remove that, and for all intents and purposes, we would be looking at, if not the removal of the three-tier system, a vastly, vastly changed one, and one that goes far beyond the inconsequence which goes far beyond what we are considering today.

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

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a former member of the Legal and Veterans Affairs Committee, this did come before me when I was on here two years ago, and as the good Representative had mentioned, every year that she has been here, it has also come before this House. This has always been defeated and one of the reasons is that many people have come before you and said that they urge you to support the small businesses, the small wineries in the State of Maine. I also urge you to support the small businesses in the State of Maine. I urge you to support the 5,000 small convenience store owners that we have here in the State of Maine that also sell wine. This has been something I know I have talked to, to many of the people in my own community that have wine, that fear that their sales will go down. So it is those 5,000 businesses, also, that I am supporting on here.

The other thing is that we have heard many people who say that they cannot get the wine that they want here in the State of Maine. Well, first of all, how does that support our Maine wineries if somebody is saying they want this bill so they can get a special brand of wine from outside the State of Maine? That certainly is not supporting our Maine local wineries here. Right now, we have over 4,500 brands of wine or labels of wine available here in the State of Maine, so if somebody cannot pick from 4,500 different brands, then I am a little amazed that they have to go outside to get this.

I have also heard some people, one Representative say if this was available, there is a certain wine I like in California and I would buy it by the case. Well, again, how does that help our local Maine wineries? It certainly is going to be hurting the local grocery store on the corner that is making their living from that.

The other thing is that, also, Maine wineries can ship out of state. If you are standing there in the winery and you live in California or Colorado or anyplace else, you can ship as much wine home as you want to while you are in the store.

The other thing is that it has been a stretch for me, but as I recall, when I was on the committee, one of the important things that we did do is we made a carve out for Maine farm wineries so that they could ship out of state, and that is my impression. Mr. Speaker, if I may, can I pose a question through the Chair?

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

Representative **VALENTINO**: Thank you, Mr. Speaker. I guess my question would be is there a carve out for Maine wineries at this time to ship out of state?

The **SPEAKER PRO TEM**: The Representative from Saco, Representative Valentino has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you to Representative Valentino for the question, I was just about to rise to speak on this particular issue.

Maine has a carve out for the Maine small wineries, the farm

wineries, and that carve out is that they do not participate in the three-tier system. We do allow them to sell their wine directly; they do not go through a distributor. So when you go to their wineries, they can sell their wine. The wineries in Maine are selling all of their wine. There are not huge quantities of wine that they are complaining that are not being sold. We also have provided a carve out for the mini brews that are also in Maine, the local breweries that are brewing their own beer. They are also allowed to sell their beer without going through the three-tier system. And again, we have another carve out for the vodka. So we do have carve outs for the businesses in Maine that are producing local spirits and wines in the state. We have already provided carve outs for them, we have already provided ways for them to sell their alcohol. They cannot sell wine directly by the Internet, however, but they do have carve outs that they do not have to participate in the three-tier system. Thank you.

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

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wasn't going to rise on this, and I am sorry I am going to. I just believe that we live in a global marketplace, we can't ignore that. We live in global marketplace, and we need to encourage economic development and economic growth through consumers having the ability to purchase what they want through the Internet and helping our businesses to sell in the global marketplace. I think we cannot ignore that reality that we face today. Thank you, Mr. Speaker.

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

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In response to the Representative's questions, Maine farm wineries cannot direct ship, because Maine cannot set laws that are distinctly unique to Maine wineries in respect to how they are able to access the market, compared to wineries from outside the state. That would violate the Commerce Clause and the *Granholt v. Heald* decision. In that regard, Maine wineries are not able to ship through the mail, they have to do it in place. It is true, however, that we have set a carve out that allows them to bypass a section of the three-tier system, which would require a manufacturer to go through a distributor. They are allowed to sell directly without having artificially transferred their products to a distributor and then back to the retailer. Thank you, Mr. Speaker.

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

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just one point on this that I would like to make regarding the Internet shipments that concerns me, and I have not heard all the testimony that the committee has, but traveling to California and Oregon, there are, as we all know, enormous wineries in other parts of the country with an awful lot of financial resources. My concern would be that the market here for our own businesses might be swamped by the power and resources of those wineries to come in and be able to afford major advertising in sales here. 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 know this debate has been prolonged, and I just needed to say a couple of words. This handout is very persuasive. In having discussions with people

that run variety stores and beverage companies in my community, they have persuaded me that this is not a good bill at this time. So I rise to support the motion to Insist for those reasons. Thank you very much, Mr. Speaker.

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. I just heard someone say would the demand outstrip the local refineries to meet that demand. In my travels, I can never recall anyone saying that I wanted to order a bottle of wine from Maine. I have heard, of course all of France and California, but can somebody tell me how much demand that they actually think there would be for that? 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 Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is, I think, the first time in my career as a legislator, I wish we could have a Senator speak to the issue. The sponsor of this bill is my Co-Chair on the BRED Committee, Senator Bromley. I am going to answer the question with information that I have learned while standing behind the glass listening to the debate.

The two issues that we have here are the concerns for our youth and the concerns for Maine's agricultural economy. To directly answer the question that was asked, if you buy wine all year from your favorite winery here in Maine, which you can do, and then you go to Florida for the winter, you cannot have it shipped to you down there. You are out of luck until you come back.

The other point that was raised earlier is that we don't need this because Maine's wineries are already selling their capacity. It is an interesting argument because what happens next is growth, and when you are selling your capacity, you expand, you grow, you create more of the product, you create more jobs, you get more land back into agricultural production. This is not a problem; this is a very good thing.

The final point to make, in some of the arguments that I have heard, is that Maine vintners are in favor, strongly, of this bill; they want to see it pass. So don't be concerned that they will be hurt by the bill, they do want it, definitely.

To wrap up, again to address the issue of our youth, I want to give you, again, the perspective of the bill, my good friend and Co-Chair Senator Bromley. Her background is as a social worker. She has served on the Substance Abuse Commission. I want you to listen. She is telling you that she has five alcoholics in her family; she understands the concerns people have. She sponsored and passed the interlock bill to reduce drunk driving issues, and she is a supporter of Maine's small farm wineries. This is the perspective that brought this bill to you, and I hope that you will take that into consideration as you weigh the issue. Thank you.

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

Representative **CONNOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As many of you know, I do not drink, but I rise in opposition to the motion to Insist.

I would like to speak to the comments of my very dear friend

and the good Representative from Saco. I think it is important that the people who live here, the folks that elected us also have a voice. I support our convenience stores. There were things I did in this Chamber yesterday that supported business that made some people unhappy, so I am not in any way against Maine businesses. But I am also for Maine people. Maine people want a choice of what they drink in their home, and I think that if we were to move forward with this bill, the vintners, as the good Representative from Monmouth just said, support this. I think that many of the people that I represent, because they have written to me, support this, that we need to move forward, pass this.

In my youth, I may have, I don't drink now but maybe before, and there are many ways that kids access alcohol. We don't want to say let's close all of the liquor stores and then they can't access alcohol, so this is yet another avenue that we as parents, families, teachers, educators, legislators, need to work with our kids about the dangers of alcohol or what it can do to you. But I don't think we should say to the rest of the folks that use it appropriately, sorry, we can't do this. Again, I respectfully hope that folks will reject the motion to Insist. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just very briefly, I just want to respond to the point that was made about convenience stores, and I can assure you there are a number of people in my district who are very supportive of this bill. The types of wine that they seek to buy on the Internet are not sold in convenience stores.

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

Representative **BEAUDOIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I cannot believe that I am going to say this, but I am: I concur with Representative Connor and his comments. Thank you.

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

ROLL CALL NO. 438

YEA - Adams, Annis, Babbidge, Barstow, Beaudette, Berry, Boland, Briggs, Browne W, Bryant, Canavan, Carey, Ceбра, Cleary, Craven, Cray, Crockett, Crosthwaite, Curtis, Dunn, Faircloth, Finch, Fischer, Fisher, Fletcher, Flood, Gifford, Gould, Greeley, Hanley S, Hill, Jackson, Johnson, Knight, Lansley, Lewin, Lundeen, Marean, McDonough, McLeod, Millett, Norton, Percy, Perry, Pingree, Plummer, Pratt, Richardson D, Robinson, Sarty, Saviello, Simpson, Sutherland, Sykes, Tardy, Theriault, Trinward, Tuttle, Valentino, Weaver, Webster, Weddell, Mr. Speaker.

NAY - Austin, Ayotte, Beaudoin, Beaulieu, Berube, Blanchard, Bliss, Brautigam, Burns, Cain, Campbell, Carter, Casavant, Chase, Clark, Connor, Cotta, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Farrington, Finley, Fitts, Gerzofsky, Giles, Grose, Hamper, Harlow, Haskell, Hinck, Hogan, Jacobsen, Jones, Joy, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, McFadden, McKane, Miller, Mills, Muse, Nass, Pendleton, Peoples, Pieh, Pinkham, Piotti, Prescott, Priest, Rand, Rector, Richardson W, Rines, Rosen, Samson, Savage, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Thibodeau, Thomas, Tibbetts, Treat, Vaughan, Wagner, Walker, Watson, Wheeler, Woodbury.

ABSENT - Blanchette, Conover, Duprey, Emery, Hayes, Miramant, Moore, Patrick, Pilon, Pineau.

Yes, 63; No, 78; Absent, 10; Excused, 0.

63 having voted in the affirmative and 78 voted in the negative, with 10 being absent, and accordingly the motion to **INSIST FAILED**.

Subsequently, Representative FAIRCLOTH of Bangor moved that the House **RECEDE AND CONCUR**.

Representative CAREY of Lewiston **REQUESTED** a division on the motion to **RECEDE AND CONCUR**.

Representative GOULD of South Berwick **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

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

ROLL CALL NO. 439

YEA - Annis, Austin, Ayotte, Beaudoin, Beaulieu, Berube, Bliss, Brautigam, Burns, Cain, Campbell, Carter, Casavant, Chase, Clark, Connor, Cotta, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Farrington, Finley, Fisher, Fitts, Gerzofsky, Giles, Grose, Hamper, Harlow, Haskell, Hinck, Hogan, Jones, Joy, Kaenrath, Koffman, MacDonald, Makas, Marley, McFadden, McKane, Miller, Mills, Muse, Nass, Pendleton, Peoples, Pieh, Pinkham, Piotti, Prescott, Priest, Rand, Rector, Richardson W, Rines, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Thibodeau, Thomas, Treat, Vaughan, Wagner, Walker, Watson, Weaver, Wheeler, Woodbury.

NAY - Adams, Babbidge, Barstow, Beaudette, Berry, Blanchard, Boland, Briggs, Browne W, Bryant, Canavan, Carey, Cebra, Cleary, Craven, Cray, Crockett, Crosthwaite, Curtis, Dunn, Faircloth, Finch, Fischer, Fletcher, Flood, Gifford, Gould, Greeley, Hanley S, Hill, Jackson, Jacobsen, Johnson, Knight, Lansley, Lewin, Lundeen, Marean, Mazurek, McDonough, McLeod, Millett, Norton, Percy, Perry, Pingree, Plummer, Pratt, Richardson D, Robinson, Sarty, Simpson, Sutherland, Sykes, Tardy, Theriault, Tibbetts, Trinward, Tuttle, Valentino, Webster, Weddell, Mr. Speaker.

ABSENT - Blanchette, Conover, Duprey, Emery, Hayes, Miramant, Moore, Patrick, Pilon, Pineau.

Yes, 78; No, 63; Absent, 10; Excused, 0.

78 having voted in the affirmative and 63 voted in the negative, with 10 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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:

ENACTORS

Emergency Measure

An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License

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

(H. "B" H-994; S. "A" S-645)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 135 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend Teacher Confidentiality Laws

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

(CC. "A" H-1024)

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.

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

Acts

An Act To Restore Equity to the Maine Public Employees Retirement System

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

(S. "E" S-621 and S. "G" S-652 to C. "A" S-451)

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. **ORDERED SENT FORTHWITH**.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess who wishes to address the House on the record.

Representative **STRANG BURGESS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. If I had been in my seat instead of running up the stairs to meet my school kids here, I would have voted yea on LD 1693. Furthermore, in reference to Roll Call No. 335, on LD 1540, I mistakenly voted nay, and I request that the record reflect that I intended to vote yea.

Acts

An Act To Allow Direct-to-consumer Wine Sales

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

(C. "A" S-575)

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

On motion of Representative TRINWARD of Waterville, was **SET ASIDE**.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-575)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-1032)** to **Committee Amendment "A" (S-575)** which was **READ** by the Clerk.

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

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

The SPEAKER: The Representative may pose his question.

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

Mr. Speaker, Men and Women of the House. Before we vote on this, I would appreciate if someone could just explain what this amendment does.

The **SPEAKER**: The Representative from Newport, Representative Tardy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. House Amendment "B", filing number 1032, amends LD 1987 to insert following wine, malt liquor or spirits. It just opens, if we are having wine by mail, it just includes which was the original intention when the bill was filed two years ago, to include malt liquor and spirits.

When this went to court two years ago, we were held harmless because we treated all areas of alcohol the same. So now, by adding and amending this, since we have passed it, it includes all areas and we will be treating everyone the same. The State of Maine has several mini breweries that actually participate with malt by mail and malt beer clubs, and this way they will be able to participate in those. Thank you.

Representative **TARDY** of Newport moved that **House Amendment "B" (H-1032) to Committee Amendment "A" (S-575) be INDEFINITELY POSTPONED.**

Representative **CAREY** of Lewiston **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-1032) to Committee Amendment "A" (S-575).**

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

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be voting in favor of the Indefinite Postponement of this amendment. There were two arguments we heard on the floor a couple of hours ago: One was the issue of the risk to our youth, which I don't believe to be a problem with vineyards. I don't see value on that issue in expanding it to cover these other items. The second issue we debated was the value to Maine's vineyards, to Maine's agricultural community. Again, it is not benefited by this amendment. I believe this amendment was debated thoroughly down at the other end of the hall and found to be not worth adding, and I believe that to be the case at this time. Again, because of the two arguments we have already debated, it adds no value to either. Thank you.

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

Representative **CAREY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be voting against this motion to Indefinitely Postpone this. What is good for the goose is good for the gander. There are small businesses in Maine who distill spirits and who brew beer. If we are concerned about 22 vineyards, we should also be concerned about those small businesses. Finally, changing this will fundamentally change the three-tier system. We need to make sure that we go through and do it in a way that is fair and consistent, and this amendment would do that. Thank you, Mr. Speaker.

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

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let's take this for what it is: This is an attempt to put a poison pill in the bill. There is no legitimate reason why this bill needs to be contaminated with the discussion of hard liquor and malt beverages and beer.

Those manufactures in Maine that are presently producing hard liquor, produce at a volume that fits into our current three-tier system, they don't need any of this assistance, and there is no legitimate argument that would justify making that change at this time. If one would want to make the argument in committee that there was a need, I think there will be a time in a later session of this Legislature where anyone can bring that idea forward and have it properly vetted in committee. Thank you, Mr. Speaker.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill came out of committee in a poison pill form. I have been opposed to direct wine sales to homes, beers, spirits, malt liquors, whatever you name. I have been in the retail business for 35 years, have spent a good deal of that time on being trained on how to sell or distribute alcohol and liquor to people that are of a legal age. All of the sudden, because we need to enhance our agricultural products the sales of such in Maine, we are willing to open the door and deliver poison to the front door of every home our there that wants it. I have heard the stories; I have cried the sympathy tears for people that say that children won't drink high-priced wine. There is nothing in this bill that limits the sale of these wines to the high-priced wines. They can order the cheapest thing they want and have it delivered to their door. A teenager and their friends will do anything. We have spent millions, absolutely millions of dollars on preventing our children in this state from drinking. Because we think we are depriving one or two people that don't want to go to one of the three-tiered distributors and have them order a specialty wine for them, we are going to hurt their feelings. Oh, I am just shattered by the thought of it. What I am shattered by the thought of is that you don't know what your children are doing, because you are busy trying to earn a living. There isn't a day that I've been in this House in seven and a half years that I haven't heard everybody say Maine is a bad state to live in, two or three people have to work in order to make ends meet. Well, you are still doing that. You are still doing that to order that specialty wine that is delivered to your front door that your children can get a hold of.

The **SPEAKER**: May I please delay you for just a moment, Representative. The pending motion is the Indefinite Postponement of House Amendment "B". That specifically deals with an expansion now of this allowance to malt liquors and other spirits. The debate before us at this moment is whether we should Indefinitely Postpone the expansion to malt liquors and other spirits, not the description of the wine. The Representative may proceed.

The Chair reminded Representative **BLANCHETTE** of Bangor to confine her debate to the question before the House.

Representative **BLANCHETTE**: Thank you, Mr. Speaker. We should not only Indefinitely Postpone this, we should bury this bill so deep in the archives that it is never seen again. I think everybody has my message. Children don't need this; let's kill this bill and put it to bed. It was poison the day somebody gave birth to it in the Revisor's Office. It is even more deadly now because it is grown multiple legs. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-1032) to Committee Amendment "A" (S-575). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 440

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchette, Bliss, Brautigam, Briggs, Browne W, Burns, Cain, Campbell, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven,

Cray, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgcomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Muse, Nass, Norton, Pendleton, Perry, Pieh, Pilon, 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, Treat, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Wheeler, Woodbury.

NAY - Berry, Boland, Bryant, Canavan, Carey, Crockett, Gould, Jackson, Percy, Pingree, Pratt, Theriault, Trinward, Webster, Weddell, Mr. Speaker.

ABSENT - Berube, Blanchard, Duprey, Emery, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Tibbetts.

Yes, 123; No, 16; Absent, 12; Excused, 0.

123 having voted in the affirmative and 16 voted in the negative, with 12 being absent, and accordingly **House Amendment "B" (H-1032) to Committee Amendment "A" (S-575) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (S-575) was ADOPTED.**

Representative RINES of Wiscasset **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-575).**

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 Freeport, Representative Webster.

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize; I have been down in Appropriations so I didn't have an opportunity to do as much research as I would liked to have. However, during the break, I did go online to cheapwine.com and, those of you that are interested, I, without too much work, found a fairly inexpensive wine for \$8.99 minus 5 percent with free shipping. So for those of you who don't think that people would be able to buy this wine online and send it to their college dorm, I think perhaps you might want to do more research. Thank you, Mr. Speaker.

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" (S-575). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 441

YEA - Annis, Austin, Ayotte, Beaudoin, Beaulieu, Bliss, Brautigam, Burns, Cain, Campbell, Carter, Casavant, Chase, Conover, Cotta, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgcomb, Farrington, Finley, Fitts, Giles, Grose, Hamper, Haskell, Hayes, Hinck, Hogan, Jones, Joy, Kaenrath, Koffman, MacDonald, Makas, Marley, McKane, Miller, Mills, Muse, Nass, Pendleton, Pieh, Pinkham, Piotti, Prescott, Priest, Rand, Rector, Richardson W, Rines, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Thomas, Treat, Vaughan, Walker, Watson, Weaver, Woodbury.

NAY - Adams, Babbidge, Barstow, Beaudette, Berry, Blanchard, Blanchette, Boland, Briggs, Browne W, Bryant, Canavan, Carey, Cebra, Clark, Cleary, Craven, Cray, Crockett, Crosthwaite, Curtis, Dunn, Faircloth, Finch, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Gifford, Gould, Hanley S, Harlow, Hill, Jackson, Johnson, Knight, Lansley, Lewin, Lundeen, Marean,

Mazurek, McDonough, McFadden, McLeod, Millett, Norton, Percy, Perry, Pilon, Pingree, Plummer, Pratt, Richardson D, Robinson, Sarty, Simpson, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Trinward, Tuttle, Valentino, Wagner, Webster, Weddell, Wheeler, Mr. Speaker.

ABSENT - Berube, Connor, Duprey, Emery, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Tibbetts.

Yes, 69; No, 70; Absent, 12; Excused, 0.

69 having voted in the affirmative and 70 voted in the negative, with 12 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-575) in NON-CONCURRENCE** and sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

An Act To Study the Feasibility of Locating a New Bridge in the St. David Area (EMERGENCY)

(H.P. 394) (L.D. 511)

(C. "B" H-643)

PASSED TO BE ENACTED in the House on January 22, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-643) AS AMENDED BY SENATE AMENDMENT "A" (S-655)** thereto in **NON-CONCURRENCE.**

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

ENACTORS

Emergency Measure

Resolve, To Stabilize the Bureau of Warden Service and the Division of Fisheries and Hatcheries

(H.P. 1668) (L.D. 2308)

(C. "A" H-1031)

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

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

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

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

Representative **MILLS**: Thank you, Mr. Speaker. May I ask, a point of information, is this the bill with a fiscal note that comes out of the General Fund?

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm not sure if I heard it correctly, but it doesn't come out of the General Fund. It comes out of the carrying account, and there would be a cascade that would take 75 percent to the all other line for the warden's service and 25 percent to the hatcheries program. It would only be on surplus money that goes into the carrying account; this would come out before it gets to the carrying account. Thank you.

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

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

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I pose another question, because I have in front of me an Amendment (H-1031) and I am not sure if that has been attached to this bill. That amendment had a fiscal note. That fiscal note says it provides for a transfer of up to \$683,000 from the "unappropriated surplus" of the General Fund to the Department of Inland Fisheries and Wildlife in Fiscal Year 2008-09, etcetera, etcetera. So I guess I am confused about the fiscal consequences of the bill, as amendment, assuming this amendment did attach to the bill.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that with Representative Mills being on the Appropriations Committee, I think that she can probably take care of that.

Representative **FLOOD** of Winthrop **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

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

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Looking at the Fiscal Note for this bill, it says the amendment provides for a transfer of up to \$683,000 from the unappropriated surplus of the General Fund to IF and W. I am looking for clarity. I didn't believe that there was a surplus that we were dealing with, currently.

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is a surplus in the IF and W carrying account and it is \$770,000. We will be taking \$683,000 out of it to fill the hole that we have in the budget for the warden service. As it is now, they are under curtailments of only 60 miles a day. Pretty soon, with the shortage of money in the Department, we will be paying the wardens to stay home. This is money that is paid for by the sportsmen. It is money that should actually go to run the Department and it goes into the carrying account at this time. This bill would create a cascade so that money runs through back into the Department to pay everyday expenses.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am not at all doubting the intent, just trying to understand. It sounds like the carrying account for IF and W is held within the General Revenue, so this actually is IF and W money that would be transferred to the Department and that it is not taking it from the general account, simply that the carrying account is held within the General Fund. So my understanding from listening to the Representative from Allagash is that this is IF and W money, it is just housed in the General Fund at this time. If it is dedicated revenue, then I am comfortable voting for it and I would be interested in hearing otherwise.

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think the Representative from Monmouth, Representative Smith, explained it a lot better than I ever will.

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

The **SPEAKER**: A roll call having previously been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 442

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Campbell, Carey, Carter, Casavant, Cebra, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fletcher, Gerzofsky, Gifford, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Johnson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Mills, Muse, Nass, Norton, Pendleton, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Richardson D, Richardson W, Rines, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Treat, Trinward, Tuttle, Wagner, Walker, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Ayotte, Blanchette, Bliss, Cain, Chase, Crosthwaite, Curtis, Fischer, Flood, Giles, Gould, Hamper, Joy, Knight, Lansley, Lewin, Millett, Rector, Robinson, Samson, Valentino, Vaughan, Weaver.

ABSENT - Berube, Canavan, Duprey, Emery, Fitts, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Tibbetts.

Yes, 115; No, 23; Absent, 13; Excused, 0.

115 having voted in the affirmative and 23 voted in the negative, with 13 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Enhance the Security of State Credentials
(H.P. 1669) (L.D. 2309)
(H. "B" H-1026 to C. "A" H-1020)

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

On motion of Representative **DILL** of Cape Elizabeth, was **SET ASIDE**.

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

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

The **SPEAKER**: The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize that I was not here yesterday for the lengthy debate; I did have the pleasure of hearing it online and on the radio, and I will make this very brief.

My conclusion, after hearing all of the remarks and doing the research, is that if you look at two states, Hawaii and Maine, we both have passed legislation opposing Real ID; we both do not require legal status; Hawaii was given a waiver and Maine wasn't. The only conclusion that I can reach is that Mainers are being treated differently, we are being discriminated against, and this legislation does not make us more safe. And just to give a very simply example, if you are in Hawaii and you want to travel to Maine, you can without any additional security or documentation. But if you are in Maine and you want to travel to Hawaii, there is this extra requirement being placed on our citizens. I don't think it is good law. I will just finish by saying if my good friend, the Representative from Rockland, Representative Mazurek, isn't free, none of us are.

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 good Representative from Cape Elizabeth. She might be generous in saying it was a pleasure listening to the debate yesterday, so I appreciate it very much. I, obviously, am going to speak in opposition to the Indefinite Postponement. I do wish I had the real estate as well as the weather of Hawaii; I think it is hard to compare the two. I went into this, and I still, as I have said, went reluctantly into this, but I do believe, personally, that it is an opportunity.

I have always fought the legal presence piece and that it really what we are, too, is legal presence, coterminous expiration date, and then studying about the most cost effective way to do the SAVE program, making sure there aren't duplicate licenses. Just to give you an example of why it is bad to have duplicate licenses: There is a situation in this state where a known sex offender came from another state, got a license from the State of Maine, changed the middle initial to his name and went back to the state and avoided detection. You hear those stories and being someone who has been on that committee and been responsible for the credentials, I do feel responsible, I will say.

The reason I said I think it is an opportunity is I have opposed the legal presence piece on and on and on, and I see what other states have done for legal presence and it is horrendous, it is terrible, and it is not even responsibility. I think that this and I have said this to the advocates that the reason I think it is an opportunity, bring them to the table; they should be stakeholders; the immigration legal advocacy groups, they should be at the table; ACU should be at the table; the senior citizen advocacy groups who spoke against it, because the concerns in other states that the senior citizens have been affected. We could do this the right way. I sincerely hope you won't move the Indefinite Postponement, because I also think that it is great to appear to play chicken with the Federal Government, but I do think we could impact other people and I don't think it is responsible, so I hope you will support me on opposing the Indefinite Postponement.

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

Representative **LANSLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The difference between us and Hawaii and other states that do not have legal presence is they do not have the ability of someone just to walk in from any other state and get a driver's license. They do ask for some type of residency requirement, and they ask the questions

as we do not here. As for Hawaii, geographically, it is impossible for someone from another state to just drive over the border and get it, where here in Maine, it is something that happens on a regular basis. So that is one of the big differences.

But as I said, the document itself, the security of the document is not at question. What is at question is the integrity of the document, because we do hand them out to anybody and that is the issue and that is the biggest issue that I heard from the Department of Homeland Security. As I said, Real ID, I am totally opposed to Real ID and everything about it because of freedom. This is not Real ID; this is a driver's license. This is to make sure that we maintain the integrity of our document, that it is for Maine people, that it is for people who can legally acquire it. That is the difference and that is what I believe that we need to do, is to maintain the integrity of the document and it is not the security that is at question. Thank you, Mr. Speaker.

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion, and I appreciate the comments of my friend from Sabattus and it really helps to define the two messages that we are hearing here. One states that the Federal Government is looking for a uniform system for all 50 states. But in the same breath, as we just heard a moment ago, Hawaii is on a different standard because of their geographic location and because of their border concerns, compared to Maine, where we are abutting to an international border.

Further, as I talk to my constituents about this, and let's make no mistake about it, this is about Real ID and that was the premise for this bill coming forward. When I talk to my constituents, the biggest concern that they have had has been with us complying with this because of the purpose of not wanting to be halted trying to go through the airport, or being inhibited when going through the clearances of being able to travel. It has become a sad day when we are willing to give us civil liberties and give up our individual freedoms for the sake of convenience and for the sake of being able to go through clearances quicker to move on with our lives.

Finally, the point that was raised yesterday, but certainly is probably the most important to me, is the fact that this is going to succeed a lot of our state's rights, and the fact that over time, unfortunately, in my short lifetime, I have seen our Federal Government go more and more in a direction where state's rights have become irrelevant. And if you look back at our history, one of the great founding principles of this nation was the fact that state's rights and state sovereignty would be preserved, yet the union would be one great nation. Unfortunately, we have gone the way of scared of playing chicken, as was mentioned, with the Federal Government. If we try to have more of a collaborative relationship, as we try to do give and take with our municipalities as the state does, and took that same type of relationship and conveyed it in a federal-state relationship, I think a lot better policy would come out and certainly would be better than what we are considering here. I hope that you support the motion of Indefinite Postponement. Thank you, Mr. Speaker.

Representative **CROSTHWAITE** of Ellsworth assumed the Chair.

The House was called to order by the Speaker Pro Tem.

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

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

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

Representative **RAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My good seatmate, the Representative from Portland, Representative Marley, has mentioned on several occasions the sex offender who changed his middle initial and got another license. My question is if he escaped detection, how was he detected, how does Representative Marley know about this fellow?

The second point I would like to make is we took care of, it is my understanding anyway, that we took care of the license problem with LD 2304. You now do have to and we overwhelmingly supported that piece of legislation in both bodies, I believe, and you now do have to prove residency in order to be issued a license. I don't know why the Federal Government, if that was their complaint against the way we do things in Maine, I don't know why that wouldn't satisfy them, and we can support the pending motion of Indefinite Postponement for this LD, which is 2309, because we did pass 2304 which does take care of the license, the residency part. At that, I will allow the Representative from Portland, if he so chooses, to respond to my question.

The SPEAKER PRO TEM: The Representative from Portland, Representative Rand has posed a question through the Chair to the Representative from Portland, Representative Marley. The Chair recognizes that Representative.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I feel like I am going through the very public couple's counseling. On the sex offender question, I would assume that the way this person was caught was probably through another conviction and then they started doing backtracking. In that case, there is reciprocity and people talked about it before as far as, if you get a license in the State of Maine, you can take it to another state and exchange it for one of their licenses. So once he came up on the radar screen there for a conviction or for any sort of violation, as they started running the records, they found inconsistency and found the record from the other license.

Representative Rand, the good Representative from Portland, is correct as far as we addressed a significant piece of this through 2304, the residency piece that we did this afternoon. You have to be a Maine state resident. However, the other piece is the integrity and I think that the Representative from Sabattus talked about this, the integrity of the license. Homeland Security is talking about are you legally in the United States and that being the next threshold to get a license. This is where we threaded in and we started this whole discussion on immigration law and this and that, but until that piece is addressed, it won't meet the criteria that they are looking for, for them to accept the Maine state license in order to go into federal buildings and for other official uses. That is the differentiation, if you will, between the residency thing, which was a significant step and just another piece in that foundation that we are trying to build to prove. And I understand some people are saying it is a Maine state license, Federal Government should have no piece of it, but it is unfortunately how the licenses have evolved over time as far as it is no longer a credential to prove that you can drive and you have insurance, it is also a credential that is used for identification. So I hope I answered some of the questions, I am sure there will be others.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think people have talked about this residency issue, and I was going to make the point that we, as a House, and the other body have passed LD 2304, which puts very stringent requirements now on obtaining a Maine license, so it is no longer the case that anybody can just walk in and give a FedEx box as their address and get one or two or three licenses. I would also note that 20 other states don't even require a residency requirement in order to obtain a license, so there is just no legitimate reason why Maine should be singled out to have to jump through these federal hoops at this time. We have a lot of other problems we need to solve, a lot of other legislation that needs to be worked on, and our money can be better spent on other things. I would hope that you would support this motion. Thank you.

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. First, we see a contrast in two bills: The residency requirement bill increases public safety. If somebody from New York tries to come up here, after the passage of this legislation, this takes care of that situation; it makes it much more difficult for them to do that. So I am glad that we increased public safety.

Two, legal presence undermines public safety; that is what we would do if this passed. All it does is drive people underground; it is bad for public safety.

Third, even if we were to go ahead with this measure, it is shocking and surprising to me that we would do so without at least major consent of major substantive rule review. I see that a lot of times, we are talking about some minor environmental law change and we have major and substantive rules. We are going to change this without a major and substantive rule change doesn't make any sense to me, and I think it would be easily amended to address that issue. I thank the Men and Women of the House.

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to support the Indefinite Postponement. For the past four months, all of us have been working very, very hard and very painfully to try to resolve the shortage of money. It has been hard on all of us. We have had our differences, but we have all agreed that we have to work together to minimize the loss of funds and minimize the damage to the people of Maine. I find it very, very sad that we are now being frightened into an unfunded mandate with the illusion of safety. I strongly encourage you to support the current motion, which is Indefinite Postponement of this bill.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't disagree with any of the matters stated by any of the previous speakers, frankly. I share the disgust of the reason we are here and the need to be doing something at all, but that is also why I worked very hard yesterday to amend this bill substantially, to resolve the fiscal issue so that the State of Maine is not paying a dime in this fiscal biennium, to pay obeisance to the Federal Government under the Real ID theory. I worked hard to par this down to the bare minimum that might pass muster without accommodating any real mandates. Putting off and studying what may or may not be required down the road, putting off and studying how we may or may not do what the Federal Government says we might

ought to do next year, reporting back at certain times, not implementing any new computer technology, not implementing any new photography procedures, not implementing the facial recognition technology and that kind of thing, just studying it. So I beg you to oppose this current motion to Indefinite Postpone. Enact this bill as amended, as very much pared down, minimized and watered down, and get it out of here. Thank you.

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

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also rise in support of the Indefinite Postponement. I certainly appreciate the hard work of my other friends here from Sabattus and Farmington, but growing up, what I did, we always used to sing songs about America, America the Beautiful and all, and of course our National Anthem, it is the land of the free and the home of the brave. Members of my family have served in the military; my uncle was at Pearl Harbor.

In the last year, we passed something in this House declaring that we still saw Maine as the land of the free and the home of the brave and I just really feel very sad that we have come to a point where we have to try so hard to defend that concept. I just think it would be great if we could recall our courage and some of the words from our great songs about America and not be afraid to hold what we said last year, that we are a state of courage and freedom and bravery, and go along with this Indefinite Postponement of this most incredible suggestion of legislation.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockland, Representative Mazurek.

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

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

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We just passed a bill that does have a residency requirement. The problem seems to be over legal presence. Now, my question through the Chair is, is there a definition of legal presence that would satisfy all 50 states?

The SPEAKER PRO TEM: The Representative from Rockland, Representative Mazurek 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. Currently, there is not a federal definition for legal presence, which the good Representative knows. That is why I feel this is an opportunity. We have talked about this back and forth and a lot of hyperbole, I do believe it is an opportunity and I am going to go back to the Representative from Calais, Representative Perry. She gave a great example of something that I think may be uniquely Maine, where there was an open border between a friendly country, people went back and forth for work, for hospital visits, even for the birth of their child. That is now, because of the changes in our lives and in our world, and we have talked a lot about 9/11, but it just the changes, technological changes. In that case, it was because of the issues around border security.

I want and I support this because I want Maine's Secretary of State, I want Maine people, I want Maine stakeholders, the groups that I talked about, including the ACLU, they should be part of this so that we create a document and a set of documents to define how Mainers want to define themselves as far as being legally present. The residency piece was a wonderful bill and I support all of you for supporting it. This, I believe, will take us to

the next level. This is going to be an ongoing fight you really will be getting into, when you want to start talking about Real ID in future Legislatures. This truly is not an issue of Real ID at this point, I believe, and I am sure there will be others that disagree, but I am opposing the Indefinite Postponement.

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

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the Indefinite Postponement motion, and I do that with great appreciation for the efforts of the Representative from Farmington, Representative Mills, who has made this certainly an improvement over what it was, and the great efforts of the Representative from Portland, Representative Marley, who, in his committee, made the very first steps to improve what came to that committee. Nonetheless, it remains a bad idea to do it; we are doing it basically under the threat of blackmail from the Federal Government; it is inconsistent with the Constitution. Let's not do it. We have one last chance here, possibly not the last chance, but I think it may be that we have shown a certain amount of indecisiveness about this. But this is the opportunity to say this is a bad idea, this is not the time to do it, vote with the pending motion.

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 will be very brief. I think, some how, a lot of us think this is all going to go away if this Indefinite Postponement holds. It is not going to go away. Again, what we can expect, we can expect, if this doesn't pass that because the Chief Executive has made a good faith effort with the Federal Government, we can expect a special session this summer, and if you plan to travel, you probably can forget it. You can expect, also, you can almost more than expect it, you can count on it that the Federal Government will revoke the extensions, obviously. Not to mention the airports, themselves. It is going to paralyze airports; there are long, long waits. It is inevitable. For what, just to make us feel good that we stand up and we are Americans and you are not? That is it.

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 just want to follow on what the good Representative from Cape Elizabeth said. Perhaps she used a bad example of using Hawaii, but the State of Maryland does not have legal presence and they were given a waiver until 2010. According to the Department of Legislative Services, in the State of Maryland, they are on track that, up until the year 2017, people who have licenses in the State of Maryland, lots of them, will not have to prove legal presence until then. Whichever way we go, don't kid yourselves that somehow we are all safer, because the legal presence around the country is sort of a hodgepodge, there is not real meaning to it. And all those states that got waivers, that don't have any legal presence, aren't doing anything differently. Our state has been singled out, one of the only 49 states given waivers, only the State of Maine. Why are we alone, being singled out, when other states, the State of Maryland, you can drive from Maryland to any other state with their license? It is unfair, it is unconscionable, and I still want to know why only the State of Maine and where is our Federal Government and why aren't they helping us down in Washington?

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

Representative **PRATT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just very, very briefly. I was looking over the American Association of Motor Vehicles website, which talks a lot about these issues and how states are dealing with implementation of Real ID and legal presence, and according to what I am seeing, the State of Hawaii itself and we talked about it earlier "does not specifically require proof of residency." On the chart I am looking at right here, it says that legal presence is also not required. Maybe I am looking at an outdated chart, I don't know, so I don't want to push it on that, but it says it right on it: "Hawaii does not specifically require proof of residency." They got a waiver, we didn't. We are being singled out. We can stand up for it, we can say that this is ridiculous and I urge us to do so by voting Indefinite Postponement. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You all know that I live on the border. I cross into Canada on a regular basis. As a matter of fact, last Sunday I crossed into Canada and coming back to the American border, I asked a customs officer, I said, "Do Canadians have to show proof, like I have to, birth certificate or driver's license?" And she said, "Yes." I said, "How is the Real ID going to change any of this?" Her answer was that is for the State of Maine to take care of. Now she is a federal employee, so the word is already out that it is going to be our responsibility, the State of Maine. I ask you to vote for Indefinite Postponement.

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

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

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

Representative **DRISCOLL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If there is anybody who is able to answer the number of terrorist related security breaches that have occurred since 9/11 in the State of Maine, or that have been related to the State of Maine that may be happening in any other place, if anybody can answer that question.

The SPEAKER PRO TEM: The Representative from Westbrook, Representative Driscoll 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. I will answer the Representative's question, and I want to clarify an answer I made earlier because I think I gave an incomplete answer. I think the Representative from Westbrook is saying that there is no terrorist action directly related to the State of Maine, I agree with that. You will find though, if you ask Public Safety, there is about 2,000 licenses out there that have what is considered a 99999 Social Security number. That is if someone doesn't put in a Social Security number. When they have tracked a number of those licenses down and the residency piece gets to the heart of most of this, there are some places where you do have PO boxes that have 100 people at the same place, or you have a home that has three apartments in it that has 100 people there as well, so that is one of the reasons the residency piece went through.

The other question I wanted to answer is people have mentioned Hawaii, and actually, I believe it is Hawaii, Utah, Maryland, New Mexico, and there is one other state that don't have legal presence. What they have done, it is my

understanding and actually this is an option to the State of Maine, is you can do a two tiered license system. Those people who aren't able to provide documentation are given a license, but it says on it "not for official use," which means it is a play license; you are not able to use it for the boarding of airplanes or federal buildings, as we are talking about in this case. In New Mexico, they actually call it a driving permit. It is simply a license to prove that you have been registered to drive, you have passed a driving test, you are accomplished enough to drive and that you have insurance. That is how they have gotten around the legal presence piece. That is certainly something the State of Maine could address if you are so interested. I have answered the questions, but I still oppose the Indefinite Postponement.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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. I just would like to point out one thing, our federal buildings, and I assume post offices are federal buildings. If we need an ID every time we go in and out of the post office, I can see that it is going to cause quite a bit of confusion and quite a few delays. I know the post office in Rockland, they have had people who have post office boxes for 20, 30, 40 years. These people now have to prove who they are to get their mail from their mailboxes after living in Rockland for 40 years using the same mailbox? Is that making us a more secure nation? I find that a little bit on the far side of the way things really should be. But think about it: Most people get out of their car, they run in, they grab their mail and they run out; they run in to buy a few stamps and they are out. Well, all of that is going to come to an end, because now you are going to have use some kind of an ID, your driver's license. Well, we will probably wind up, you know how we use these little tags to get in and out of certain rooms here, maybe we will all wind up wearing tags around our necks instead of neckties, that would be a great idea. But there are goods and bads to both sides, but just think about that.

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

Representative **DRISCOLL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have a brief column here, it was distributed yesterday, and some people might find it in some way offensive. I read through it and thought it was, in some ways, appropriate to me on this issue we are dealing with right now, and I would just like to read it and then I will sit down and will not speak anymore. I will just attribute it to the writer, which is Pastor Martin Niemoller, and it starts "*First they came...*"

When the Nazis came for the communists,
I remained silent;
I was not a communist.

When they locked up the social democrats,
I remained silent;
I was not a social democrat.

When they came for the trade unionists,
I did not speak out;
I was not a trade unionist.

When they came for the Jews,
I remained silent;
I wasn't a Jew.

When they came for me,
there was no one left to speak out.

I think what we are doing here, although there is certainly diversity of opinion, we are able to stand here and express our opinion one way or the other, and I think it is good we are able to do that and make sure that we maintain the liberties and the protections that we have in this country, as well as in this state. Thank you very much, Ladies and Gentlemen of this House and Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 443

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

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

ABSENT - Berube, Conover, Duprey, Emery, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Richardson D, Robinson, Tibbetts, Mr. Speaker.

Yes, 60; No, 76; Absent, 15; Excused, 0.

60 having voted in the affirmative and 76 voted in the negative, with 15 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

On motion of Representative CARTER of Bethel, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-1020)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "C" (H-1027)** to **Committee Amendment "A" (H-1020)** which was **READ** by the Clerk.

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

Representative **CARTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a very simple amendment. It simply says "For purposes of this subsection, the possession by an applicant for 20 or more consecutive years of a valid license issued under this chapter constitutes valid documentary evidence of legal presence in the United States." Thank you.

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 respectfully am going to speak in opposition to this amendment. I think it is well intended, and I think this is the piece we were talking about empowering the Secretary of State to look at these issues through rulemaking. That may be an excellent idea; however, I think it is premature to get to that piece of it.

I also feel that you need to look at the Fiscal Note. We stripped off the fees in the good Representative from Farmington's amendment, and now we are putting on I think it is about an \$800,000 fiscal note, because you are going to have to reconfigure the software, people are going to have to come in. It is not quite as simple, so that is why I respectfully am opposing this amendment and hope you will support my opposition. Thank you very much.

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

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

The SPEAKER: The Representative may pose her question.

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am a little confused. How does it cost more money to exempt people out than it does to check on, to anyone who may answer, how could that cost more money than doing this extra check work? If anyone could answer, I would appreciate it.

The SPEAKER: The Representative from Auburn, Representative Simpson 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. I think I heard the question; I apologize, we all are suffering from colds and sore throats. So the question was how was it more expensive to check for the age versus legal presence.

First of all, we are given time to develop the documents that would constitute what would be legal presence, so first off, it would not go into effect immediately. I think the good Representative Mills talked about that, pushing off the cost in the next biennium so we could actually budget responsibly for these.

The next piece is the Secretary of State would put in to, I believe through the rulemaking process, would look at it and say what do we already have in place, what would already constitute this, what is the capability of our system to go through and find these documents. So I believe that being able to do this in a proactive rather than we started piecemealing this here and saying you have had a license for 20 years, that constitutes legal presence, it is going to be more time consuming and it is silly. It is one of those things that each of us sees a fiscal note and say, why are they adding positions, why are they doing that in another department? In the Department of Bureau of Motor Vehicles, they have had these huge bumps where you have had large pockets where we have an increased number of people coming in annually, and we have actually had to hire people on a temporary basis to meet the volumes. Many of you have complained to me over the years about when we have had our

long waits, and that is because of these volumes. We have been trying to flatten it out. I believe, this will increase the usage and impact that. Mr. Speaker, when the vote is taken, could I also request a roll call?

Representative MARLEY of Portland **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-1027) 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 Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am not holding in my hand a fiscal note that does say that there would be a savings if we were to accept this amendment. If I were to hold it in my hand, you would see that, according to the Fiscal Note and I don't trust fiscal notes, but this Fiscal Note says that there would be a savings. If somebody could speak to that, I would appreciate it, because as the Representative from Auburn pointed out, Representative Simpson raised the point of why would it cost us money. The Fiscal Note that I am not holding in my hand says that it would save us money.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "C" (H-1027) to Committee Amendment "A" (H-1020). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 444

YEA - Adams, Ayotte, Beaudoin, Berry, Boland, Brautigam, Bryant, Burns, Canavan, Carter, Cleary, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fisher, Gifford, Grose, Harlow, Hayes, Hinck, Jackson, Jones, Joy, Lundeen, MacDonald, Makas, Mazurek, Pendleton, Percy, Perry, Pieh, Pingree, Piotti, Pratt, Rand, Rines, Samson, Savage, Schatz, Simpson, Sirois, Smith N, Theriault, Trinward, Tuttle, Watson.

NAY - Annis, Austin, Babbidge, Barstow, Beaudette, Beaulieu, Blanchard, Blanchette, Bliss, Briggs, Browne W, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Edgecomb, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Hamper, Hanley S, Haskell, Hill, Hogan, Johnson, Kaenrath, Knight, Koffman, Lansley, Lewin, Marley, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Muse, Nass, Norton, Pilon, Pinkham, Plummer, Prescott, Priest, Rector, Richardson W, Rosen, Sarty, Saviello, Silsby, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Treat, Valentino, Vaughan, Wagner, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Berube, Conover, Duprey, Emery, Greeley, Jacobsen, Marean, Miramant, Moore, Patrick, Peoples, Pineau, Richardson D, Robinson, Tibbetts.

Yes, 53; No, 83; Absent, 15; Excused, 0.

53 having voted in the affirmative and 83 voted in the negative, with 15 being absent, and accordingly **House Amendment "C" (H-1027) 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.

Representative BARSTOW of Gorham **REQUESTED** a roll call on **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: 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. 445

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

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

ABSENT - Berube, Conover, Duprey, Emery, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Richardson D, Robinson, Tibbetts.

Yes, 79; No, 58; Absent, 14; Excused, 0.

79 having voted in the affirmative and 58 voted in the negative, with 14 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**.

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

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

The Following Communication: (S.C. 803)
MAINE SENATE
123RD MAINE LEGISLATURE
OFFICE OF THE SECRETARY

April 17, 2008
 Honorable Millicent M. MacFarland
 Clerk of the House
 2 State House Station
 Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Insurance and Financial Services on Bill "An Act To Establish a Health Care Bill of Rights" (H.P. 912) (L.D. 1294).

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

READ and ORDERED PLACED ON FILE

SENATE PAPERS
Non-Concurrent Matter

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

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

PASSED TO BE ENACTED in the House on April 15, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-989) AS AMENDED BY SENATE AMENDMENT "A" (S-658)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 536)

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY

April 17, 2008

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

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

L.D. 2306 An Act To Amend the Definition of "Penobscot Indian Reservation"

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

Sincerely,

S/Sen. Barry J. Hobbins

Senate Chair

S/Rep. Deborah Simpson

House Chair

READ and ORDERED PLACED ON FILE.

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

Bill "An Act To Remove Barriers to the Reorganization of School Administrative Units" (EMERGENCY)

(S.P. 931) (L.D. 2323)

Which was **TABLED** by Representative PINGREE of North Haven pending **REFERENCE**.

Representative SCHATZ of Blue Hill moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill, we are told, is replacing some of the features or has within it some of the features that were in a bill that we passed over two weeks ago, but it doesn't have all of them. Later on, maybe as part of this discussion, you will hear that it contains enough to make us feel good about passing it. It will assure that we can go back home and be able to work with our constituents in going forward and putting together the regional intents of school consolidation, whether we view that as being positive or negative, it probably doesn't matter at this time.

But I would like to speak for a second towards the tactics,

whether we consider going home with a half a loaf, a full loaf or even some crumbs, it seems to me that we are at where we were at the end of our last session, where there was some last minute scurrying around and some understandings developed that would make some people feel comfortable so they could go forward and vote for the budget last year. Then, when they got home and they started working on it, they found, indeed, that a lot of the things they thought were there weren't, primarily because, again, it was a last minute effort done at a point in time where, as we all know, we have run out of clean clothes and run out of patience as well and we are anxious to go home.

I would say that we should have learned from that experience, and I hope we have learned that perhaps it is better to go back home not committed to another flawed effort at bringing us together, but go back home with a resolve to work with what was there in the first place. We all know what our funding is within our schools, we can work with the administrators and the staff and the school committees that are in place to make a better educational environment for our students, and come back with maybe more energy and wisdom, so that a school, whether it be a consolidation effort or just a school delivery system, an educational delivery system that makes sense to us all, can be put in place in the 124th. I think it is a little late to look at any legislation at this point in time, and hope for it to be well thought out. I would hope that I would get some agreement; if not, I would like the majority to agree with this Indefinite Postponement. Thank you, Mr. Speaker.

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

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

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

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a famous American philosopher once said, this is déjà vu all over again. I think it is instructive to recap some of the things that have happened.

About six years ago, we were told that there would be \$240 million of savings if we consolidated school systems, that no school ought to be bigger than 350 students to get new construction. A year ago, we booked \$34 million of savings from the school budget as a result of this consolidation effort. I would maintain that those savings have not occurred. After that, we have an aggressive propaganda campaign conducted by the administration and some legislators to proceed with this consolidation law.

What is wrong with this law, anyway? It relies on penalties instead of incentives to encourage compliance; it does not address the inequities in state GPA for education; it is going to result in schools being closed; it removes citizens from the direct budget process that supports their school districts; it removes accountability of education system performance from local control.

Why will amending the law not resolve the deficiencies in the current law? Penalties remain in effect, inequities and GPA funding still exists; cost sharing among RSU partners will be developed in an inconsistent way that will result in uneven educational opportunities across the state.

What should we do at this juncture? The thing we should do is repeal the current law. We should form stakeholders groups to investigate and suggest to the 124th Legislature ways to consolidate services and organizations by providing incentives that would do the following: improve state education statewide,

taking in account our demographics; stimulate economic development across the state; revamp the current GPA funding system to ensure equitable funding of public education that includes a realistic funding flow for all communities; maintain and strengthen the role of local communities and parents in the education of their children, this makes better parents and better communities; consolidate and remove unnecessary mandates from our school systems.

In my briefcase, I have a report from the state which outlines over 300 reports that our schools are required to be able to submit. We need to fund education at the previous year's level, while this study goes on. Colleagues, this is our opportunity to correct a serious mistake. Let's put this back on track for the education of our children, the economic vitality of our communities, and for the good of our state. Now is the time to cast the most important vote you will cast in this legislative session. Make your constituents proud. Thank you, Mr. Speaker.

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

Representative **EDGEComb**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have been told that this bill, 2323, does everything that 1932 had in it that was rejected by the second floor. Well, why was it rejected if it had everything in that one that we have in 2323? I was told about this bill yesterday. That was the last day of the session, and here we are past the last day of the session and we are considering legislation that should have gone through the Education Committee. It should have had input from our citizens.

Aroostook County has many students in it; there are only five counties in the State of Maine that have more students than Aroostook County, yet I do not know of a parent, a teacher, an administrator or a school board member that was asked for their opinion or input on this legislation.

I maintain that we will be back here in January trying to correct the legislation that we have tried to put through at a midnight hour. This is what happened to us in June; please do not let this happen again. Some feel that we are in a tight situation where we have to do something, but I think in this case, doing something is worse than leaving it the way it is and we could come back in January and do the right thing for the children in the State of Maine. Thank you.

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

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have a considerable number of years experience in education and I had the good fortune to wear about every hat there was to go in education, starting from a beginning teacher that was responsible for some of the bus driving and janitorial duties and so forth. I have gone over this, I served many years in administration, and I would like to share with you just my reflections on what this bill does.

This bill creates the greatest confusion that can possibly happen to any school district or potential school district. There are 19 different steps in here: There is the creation of a new type of school district, a quasi municipal district responsible for operating public schools, an alternative organizational structure approved by the commissioner. Ladies and Gentlemen of the House, there is absolutely no way that between now and the date that is listed in this, when you are supposed to have approval of the commissioner, that you could possibly come up with a school unit that could meet these requirements. I urge you to support the Indefinite Postponement of this bill.

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

Representative **STRANG BURGESS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Clearly, now everybody is going to clear out for ice-cream. I think that sort of says a lot about what is going on right now. I am rising to speak against Indefinite Postponement of LD 2323. Ladies and Gentlemen, the time is now to do the right thing for the citizens of Maine and get back to work and get this bill done. The citizens have been waiting for four and a half months. We are the laughing stock of the state. What goes on up here is just unable to be fathomed by anybody; in fact, probably by some of us that are right here in the middle of it.

The arguments of talking about not vetting this bill are really unfounded. This bill and the elements of it have been vetted and vetted; they have had a public hearing; they have had more work sessions than you can ever shake a stick at. We worked this bill before Christmas. This is all of the original elements of 1932, plus everything that the Education Committee worked on right up to the time the bill was actually reported out, which was sometime well into January. It went through all of the regular procedure and process. Then, it has been high jacked and it has been Postponed, Indefinitely Postponed, and put around in so many different configurations by parliamentary procedure. Meanwhile, desperately, people have been meeting and talking to everybody who had the different opinion to be part of the solution, to make education work as the best it could possibly be for the students of the State of Maine. That is why we are here, that is who we are needing to do the best thing for. And, by the way, we are also responsible for the financial parts of things. Guess what? The system we have now is unable to be financially sustained as it currently is; it is off the track and cannot be funded, changes must be made.

It is hard to make really important decisions. Maybe people at home don't really understand all of the details that everybody in this Chamber should very well understand. It is time for people to get the backbone and do the right thing, because you are supposed to understand the big picture. The big picture is that we have to make fundamental changes. This bill represents some hard, hard work, some smart thinking by about the smartest people that we have in the State of Maine; they have worked tirelessly, nonstop on this bill since the beginning of December. It is time to get it done, folks. There have been so many of these school districts that are all up here and talking about how they have to keep things the way they are, everything is perfect. I haven't seen a school district that has come before the Education Committee that isn't the most perfect. Well, everybody can't be perfect. Everybody can't have the most perfect scores, because, guess what? We have issues with our scoring and our kids; we need to work on that, too. So this is the beginning of getting this education train back on the track. I urge you all to please stop all of this posturing and get to work so the citizens of Maine can have a little faith in the Legislature that they elected, and get this work done. I urge you to oppose the motion on the floor to Indefinitely Postpone. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to thank the good Representative from Cumberland, Representative Strang Burgess, for her very cogent, articulate presentation of the realities that we face and the opportunities that we face, and I thank her for her service along with the Education and Cultural Affairs Committee to bring us to this point.

Representative McLEOD of Lee 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.

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

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In the good words of the good Representative from Greenville, it is déjà vu all over again. Mr. Speaker, I find it hard to believe that my constituents think I am a laughing stock for representing their interests in this great body. Posturing? I think not.

There have been, once again, last minute efforts to force us to cave into pressure under the disguise of last minutes and what will we do. If you don't support this, you will have done nothing to help the school consolidation. You will have nothing to take home. It sounds just like 10 months ago, on a June night in this body, late one night, when many of us listened to it then, and our communities have been paying a price ever since. Well, we did in fact have a plan from this House as to how to amend this and make this better, but it was vetoed. Can you explain and guarantee the implications of this bill to your constituents?

Mr. Speaker, we should Indefinitely Postpone, we should reject this bill, and our communities should rise together in refusal to implement this plan until the stakeholders of this great state are allowed to participate in the process from the beginning. The only fair option except for Indefinite Postponement is repeal.

One final cliché, if I may, Mr. Speaker: Slap me once, shame on you. Slap me twice, shame on me. Thank you, Mr. Speaker.

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. That is hard to follow, but I just have to say we are at the posture of Indefinitely Postponing this measure. It is not on behalf of consolidation and, frankly, not even on behalf of my particular school district that I rise to echo what the good Representative Strang Burgess said a few moments ago, in my more humble words. This is probably about our institution here. Can we get our job done? If we Indefinitely Postpone this bill, if we Indefinitely Postpone this issue, we will not have gotten our job done. We cannot go home and leave the situation as it is right now. We have dozens and dozens of people in each of our districts that have been struggling mightily with this issue, have been begging us, pleading us for a resolution one way or another. This is a motion to Indefinite Postpone. I am not here asking you to take any particular position on any particular legislation, I am just asking you let's not give up, let's get it done. 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 have not been a big fan of either the way the legislation that we enacted in the budget last year was put together, was passed, or the words of that piece of legislation. I don't think a 100 page document should have been enacted in a budget. I don't think it should have been done through the multiple committees that had their hands on it. It shouldn't have been done as a cost saving measure and all of that. On the other hand, I have a real concern about Indefinitely Postponing what, I think, is pretty close to what we enacted and sent elsewhere in this body for consideration in LD 1932. I think it is very important that we do continue to work on this.

If we are to Indefinitely Postpone this measure at this point in time, we will not have the opportunity to add anything to it if it is missing things that are important to people here in this body. If we let it continue on its way, we can amend it to clarify language that, I personally think, is not as clear as it should be, concerning, for example, collective bargaining agreements. We could clarify it to add in language that I know someone is looking at regarding the municipal vote and the validation process. We could clarify it with respect to the doughnut hole piece. There are a number of things that we could do, and if we couldn't get those things on, we could still make a motion to Indefinitely Postpone the legislation at a later date. So, to me, I just feel our job is to solve problems. Yes, we have created some problems with the consolidation bill that many of us voted on and felt forced to vote on before it was finished, before it was done, before the problems that are addressed in this particular piece of legislation were addressed in that bill. But I don't think this is our last best chance, I think, to fix it and to fix it responsibly and to vote against Indefinite Postponement is not necessarily a vote to say I am supporting everything and anything in this. It is a vote that says I just want to throw up my hands about the whole process.

This particular bill is not a bill that was written on the second floor. There was another bill that was written on the second floor, this is not that bill. This is a bill that was written by members of this body, looking at what the second floor wanted and adding in things that were in 1932 that the Chief Executive didn't want in it. I personally am not entirely clear how much is not in this legislation that was in 1932, which we are now all looking at as the loadstar, the guiding light, so I guess I would pose a question through the Chair.

The SPEAKER: The Representative may pose her question.

Representative **TREAT**: Thank you, Mr. Speaker. I would actually find it very helpful in making this decision myself to know what measures were in 1932 that are not in this piece of legislation before us today. If somebody could answer that, that would be helpful to me to figure out where to go.

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

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In answer to the question, what was in the version of 1932 that this House enacted that is not in LD 2323, I believe, the elements were the Pratt Amendment and the MacDonald Amendment. Everything else that we adopted, I believe, is in this current legislation.

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

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the Indefinite Postponement and would like to echo the sentiments of the good Representatives from Falmouth and from Cumberland in saying that we need to get up on about our work, and would also like to attempt to answer Representative Edgecomb's question, what is in this that is different from what the Chief Executive vetoed. My answer to that question is this: As Representative Farrington just said, this bill is essentially 1932, the Majority Report from the Education Committee, instead of the Damon or MacDonald Amendment that was in there about school unions. It contains new language about school associations or administrative units, I have forgotten the exact wording here as I stand and talk, but there is another word, another term for the school unions that were in the Damon and MacDonald Amendments.

I think that this bill before us now represents a significant

victory for this House in moving the Executive a lot closer—a lot, lot closer—to the point of view that we had, which was contained in 1932, in the Majority Report, which had the financial fixes that we knew so many communities wanted for flexibility in the way they funded things, restoration of minimal receiver funding, and getting rid of the 2 mill requirement. But in addition, it has specific language in there which mirrors, in slightly different words, what we wanted around school unions.

Now the one significant area that I see of difference that makes it, I guess, more palatable to the second floor and that we should be thinking about is contained on page 14, I think it is item d. on page 14 of the new bill that we have before us, 2323, which does say that in operating these new associations that the association shall work towards consistent contract provisions as they move forward. They must develop a plan for consistent contract provisions. Now, what we wanted was that each community would be able to do its own contract negotiations and maintain its own labor relationships with its teachers, and that will still happen under this new form of organization, but that there will be a push towards, over time, having the contracts come more and more together. But all that is required in the law is a plan to do that, it does not require that the school unions do this. That is, for me, a compromise. It is not the same thing as what I wanted. I think it represents a meeting point between what we wanted, which was even more different, and what the Chief Executive found unacceptable, which he said was too much local control, too much independence. It has come together to a point where we are looking at a situation in which these unions will be asked to look at their contracts and put a plan together, over time, to bring them as close together as they possibly can. It is built on a real world model from Mount Desert Island, which has taken seven or eight years, my understanding is, to get them to a more harmonious relationship with their contracts. I believe it will work; I support this; I think we can declare substantial victory. Victory never looks like a total win, and I don't think that is the name of the game here. I think it is a compromise, but I think the House and the other body have significantly altered the Executive's view of this. And they have come forward to us now with a bill that I hope we can support, which would give our communities flexibility in going forward with their planning committees, to go either through the standard route that was envisioned under LD 499 towards a full-fledged RSU, or towards this association which is a looser form, which allows local school committees. Local budgets, property will be kept by local communities. These are the things I wanted. I was concerned about the loss of local participation, local governance in the running of our schools, and I believe that this preserves that and I think it deserves our full support, and I think it deserves it now before we go home for this year. If we go home without fixing this, then we will deserve to be the laughing stock of the state. I ask you to vote against Indefinite Postponement, and let's take the job on, on moving us forward in the state with these changes in 2323. Thank you, Mr. Speaker.

Representative WOODBURY of Yarmouth assumed the Chair.

The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative LEWIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I normally don't have a whole lot to say here and I generally have to get a little

fired up to open my big mouth on the floor of the House, but I am a little wound up today and it is because, this bill before us, is a direct result of the Chief Executive having set policy in the budget, and having ran that budget through the House and the other body with the speed of light. We are paying a very heavy price for taking power from this body and the other body and putting it in the hands of the Chief Executive. We have forgotten our responsibility and we haven't stood up for our responsibility to perform, and as a direct result of that, we had been here for several months, in my view, wasting a colossal amount of time discussing something that wants scrapping just as badly as the Dirigo plan wants scrapping. We have wasted \$164 million on that. We went into this education thing expecting to save some money.

Well, I must say, I didn't vote for it, I didn't expect any savings, and in my view it was going to be a disaster, it is everything I thought it would be. I must say I can go home Indefinitely Postponing this without one little bead of sweat on my brow. It won't trouble me one bit to do that. And when I am at home, I am going to be a very busy girl this summer, not just moving and running for my seat again, I am going to be out collecting signatures to get this bloody thing repealed. In my view it is a disaster, it was a year ago; it is only getting worse as Dirigo gets worse by the day. LD 1, another one of my little favorites that I didn't vote for, it hasn't saved one of my constituents a dime, not a dime. How dare we do these things without reasonable, thoughtful consideration.

I would like to know why we weren't wise enough in this body, full of very intelligent people, to take two or three years to plan something realistic to do and another year or two to implement it. What a terrible, colossal mistake we made. I think Indefinite Postponement is the very best thing we can do and let the people have a voice. There will be a resounding recall of this policy, and I would hope that we would all learn from the mistakes we have made. Thank you so much.

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

Representative FARRINGTON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Let me just start by correcting my previous answer to Representative Treat's question. I forgot about the Carter Amendment. That is also a difference between what we passed in 1932 and what is in this bill.

I want to very briefly respond to a few things that have been said. I am opposed to the pending motion to Indefinitely Postpone this bill, but I have agreed with a number of things I have heard from both sides of this issue. I hear the frustration expressed by my good friend from Sullivan, Representative Eaton. I don't like the fact that we are here on the very last day, hopefully, of session, again, dealing with school consolidation. I don't think anybody in this body would prefer this to be the time we try to come up with a product that we can pass. However, as a couple of folks have pointed out, including the Representative from Cumberland, this is not a brand new bill. Almost all of the language in this bill, we have had since January. It is LD 1932, as the Education Committee worked on it. I would, however, respectfully disagree with the good Representative in her characterization of what has happened since then, as a high jacking. I don't believe that the efforts of the members of this body to make additional changes to the school consolidation law were done with any sinister intent, and I certainly don't think that the 97 members of this body who voted for many of those changes in 1932 were guilty of a high jacking. Legitimate concerns were brought forward, serious attempts to make the law better, to provide more flexibility is what those efforts were about,

and I certainly do not fault or criticize the efforts of anybody who has participated in working on this. However, what we are left with today is what we can accomplish in this session.

Everything that is in 1932 was unanimously agreed to by the Education Committee, and the new language that 2323 brings forward is, as has been pointed out, quite similar in substance to what we adopted in this body in the form of the MacDonald Amendment. It does require consolidation of administration functions, but it does allow communities to retain their property, to retain their school committees; they don't have to absorb debt from other districts, all of the familiar barriers and objections that we have been looking at for a number of months now. It is not a model that is pulled out of thin air, as Representative MacDonald indicated; it is a model that has been in use and has worked extremely well in one particular school union in the state. So while I understand and share much of the frustration of being presented with something that appears to be new, at this very late hour, it is not completely unfamiliar territory. It is seeking to do what the committee sought to do from the very beginning and, in substance, what this body voted overwhelmingly to do quite recently. So I would urge you to vote against this Indefinite Postponement, move forward with this bill, and provide some of the flexibility and the tools that will help in many places. This doesn't solve everything for everybody and I don't think anybody is under the illusion that it does, but it certainly is an improvement and it is something that we have an obligation to do. Thank you, Mr. Speaker.

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

Representative **McFADDEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As I see LD 2323, it is mainly crafted to fit one district, one former union or whatever you want to call it. It doesn't do anything, that I can see, for Washington County or most of Hancock County or Aroostook County. The big piece for me is local control, and after reading through this, I don't see anything where there is any local control for smaller towns, like in my district, in place. It is written very vague, it is hard to understand, it is hard to decipher. It is poorly written and ill conceived, and it gives the commissioner way, way too much power. That is what bothers me more than anything. There are too many "mays" in there, that she may approve this, she may deny this, so you need some of the "mays" taken out so that you have to go by the law, she can't do exactly what she wants to do. So she can dictate to this town and this town and do what she wants. But remember your constituents back home, remember your district. You need to vote according to your district, and I am sure most of you will. I am sure if you are in unions, you are going to vote for this Indefinite Postponement. We need to start this bill and craft it over again.

Another thing that bothers me considerably is this bill was brought through in the dark of the night, and it never went to the Education Committee, we never had a chance to look at it, we never had a change to go through it. I realize that we did work on LD 1932 from last December all way through a week or two ago, and I think LD 1932, with the amendments on it, it did something for every town in the state, every area to every town in the state. Anyway, I think my point is I have heard them say we need to do something, we need to do something. But to me, doing nothing is better than doing something and doing it wrong. I don't know what happened. I see the vote is going to be much different. I don't know what happened to all the repeal votes; I see they are not going to go for Indefinite Postponement; I tell them what I am hearing from different Representatives around.

Now there is one more thing, there is one more leak in that beaver dam I have just found. The GPA, I have just learned

today that the GPA is going to be sent to the new RSUs in one check. Now I have one district that has 20 towns, and if the GPA check is going to the superintendent in one check and you have 20 towns, how is the superintendent going to figure out how much goes to each? You see, as we keep going on and we keep going through this, this reorganization thing, instead of starting back where we should, we are finding more and more leaks in that beaver dam. We are going to have to have more and more patches. I think we need to order a lot more patches and have them ready for the dam, the next year and year after and so forth. So I have to go along with Representative Schatz's Indefinite Postponement Amendment, and I hope that most of the lights in this Chamber will be green on the vote. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to Indefinite Postponement. I am a member of the RPC in our area. Every Thursday night when we get out of here, I go to a meeting, every Thursday night I have been doing that for months. It is an SAD merging with two unions, and they are working in good faith and working hard. By the way, they are not choosing to go towards a super union, it is not a given that everybody wants to do that. But they need help with cost sharing issues, they need help with contracts, they need help with property issues, and every week they ask me how the fix is coming, have you fixed it yet. I go, not yet, not; oh yeah, we did but it got vetoed. Then they ask me how the next bills are coming, and I say not yet, not yet. I don't want to face them with no fixes. They are working hard to make this work, and I think we have got to make it work too.

The last thing I would like to say is there are some that suggest that many of us have been quiet and not getting up and talking about this issue, because our schools have done pretty well in the 281s. I have five towns, four of them did better in the past and one got creamed in the 281s. But I suggest that some of us don't stand up and talk because not everybody needs to hear from every one of us on every issue, but I felt on this issue I will stand up and talk, and I urge you to Indefinitely Postpone. Thank you.

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

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would ask us, Ladies and Gentlemen, just to give this the straight-faced test. Think about where we are; think about where we have been and where we are today. If this is such a perfect fix, why are we considering it on a day, in theory, we shouldn't even be here? If all of this had been worked out to such a great degree, why is it we didn't have this resolved in January? If we've got a perfect fix or something that is pretty close to being good, why are we here today? I have read the bill, I read the budget proposal, I have read all of the changes, but I do not see anything other than just some words to create another illusion.

I voted for the budget because I believed we could achieve savings through consolidation. That is a worthwhile objective and it is doable, but the key to achieving any objective is having a realistic plan that allows that to happen. We do not have a realistic plan, that is what we have found, and my concern is that is this 2323 a realistic plan to reduce costs while enhancing the quality of education, or is it simply a way to keep the consolidation titanic afloat a little bit longer so some more people can get in the life raft? I have yet to see the demonstration that has passed the straight-faced test and, equally important, has gone through a process of due diligence by people who have had

the time, the knowledge and the understanding to say I can give this the test of reasonableness.

We had something called LD 1932 as Amended, which a lot of people worked on. It had the scrutiny of many, and we debated and discussed it considerably, and that was passed with a very strong vote on both ends of the hall. I had confidence in that because it appeared to be comprehensive. Unfortunately, others did not view that to be acceptable. I never heard why, I never heard the rationale as to why a plan that was thoroughly examined and improved by many was not acceptable. Something here does not pass the straight-faced test. I am not going back to my town and my schools and tell them I have done my due diligence and can stand up in confidence and tell them this bill has been examined, scrutinized and challenged and improved. This is simply, in my view, a chance to keep the titanic afloat a little bit longer while a couple more can make it to the life rafts.

I would ask you all that if it is so important to do this, I think we have got one more shot at the basket. I don't think we can come back and say, well, we shot but we missed, but we will come back and try something else at the last minute. I don't that is right, I don't think that is right for the people in the State of Maine to be used as an experiment to try something again to see if it works. This is too important to shoot from the hip and hope we hit something. If it is worth doing, it is worth doing right. The school systems will survive for another six or nine months until the next Legislature can come back and start again and do it right. If we are here at the last minute, on a day that we are not even supposed to be here, with a piece of legislation that just appeared on the desk, without the opportunity of the Education Committee who are the subject matter experts to look at it, I have very low confidence that this is acceptable and more importantly is not the right process. So I would ask you to vote in favor of the motion before us and let us not use our school systems as another throw it against the wall and see if it sticks. You can do that cooking spaghetti, but you can't do it with our kids. Thank you very much.

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

Representative **FLOOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to speak for a moment about the bill before us. It has been talked about a little bit tonight about people not speaking up on this particular bill, and I wanted to make a point about that. I made the very conscience decision to stay quietly out of the way, frankly, during recent months, as people within this Chamber and the other body voiced their very legitimate and diverse concerns about previous bills of this nature. Although, I disagreed with their actions, sometimes in their tactics, I respected their rights to do what they had to do as the simple language; the straightforward language in LD 1932 was amended, re-amended and re-amended and re-amended. And I was disappointed in those tactics, but I kept that to myself. I respected the people with what they had to do; their view was different than mine. That is understandable; this is a big House with a lot of good leaders, many good opinions, many different local issues, and I think we have benefited very much from that honest debate and now we are back to a point of beginning. I would hope that we could use this as a time to move ahead.

Changes are especially hard when the course is not crystal clear that lies ahead of us, but I think change in this area is essential and I don't review it as change that is happening in the cloak of darkness or anything like that. There was a conscience effort to work within the committee structure, continuously and cautiously through this entire session. That is why I am a strong

supporter of this bill. I think it brings us back to a reasonable point of beginning, to correct certainly some financial flaws in the school funding, and I believe our job is too full, it is a statewide responsibility that we have and we have a local responsibility and I think we all feel a great deal of conflict with that. I don't think this is a time to necessarily criticize. Often, it is easy to lift one's self up by putting other people down. I don't think we need to do that. I think that very little good can come from that. I hope that we can accept this bill to make the necessary changes to allow us to go forward with the fixes, to allow the hardworking regional planning committees to complete their duties. I know this is a very difficult topic for everyone and I respect that and I enjoy the respectful dialogue that we have had here. I personally hope that you will oppose the Indefinite Postponement. Thank you, Mr. Speaker.

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

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. A few comments. One comment is that Representative Miller meant to say vote against the pending motion. Further, I wanted to say, as background, I have relied and I trust the judgment and the work of Representative Farrington and how he has been the Henry Kissinger, if you will, in this whole effort. I wanted to recognize that I respect his work and his opinion.

I think one of the problems happens to be pertaining to the money issue. As you might have heard, a number of those who are very supportive of this bill happen to be coming from districts who are receiving more money, a substantial amount as far as I am concerned, more funds than they did last year, even with the background of \$60 million in cuts to education. So this tells me that even though EPS is not tied into the consolidation legislation, it tells me there is a comfort level there and there is also a relationship. Those schools, who are feeling comfortable with the school consolidation, also are comfortable because their funding level is not being cut as substantially as some of our rural districts. Now that is another issue, which probably will be covered in the next Legislature, but don't be, I think, fooled into thinking that there is not a reason for that level of comfort and it does go back to follow the money.

Somebody asked the question concerning what is different with 2323, and if you go to that first page of 2323 and you see the language there that says that the state approved unit, if you have a state approved unit you can offer up a quasi municipal, and I understand they dropped the word quasi, a municipal corporation that is responsible for operating or constructing public schools. Now that is, I think, language that is supposed to replace school unions. I would point out that there are two elements that make it not a school union. One is that the fact is that the commissioner, the state has the discretion of approving that unit. So there is no guarantee that those of us, who have conceptualized a union based on what is operating now, would have that allowed. I think if you then go through the various pages of this 2323, you will see where the discretion of the administration, the discretion of the Department of Education is dominant. I think given the past experience with this school consolidation effort last year, nine months ago, I think that that discretion has not served us very well and I don't think we need to feel comfortable with that, and I think one way of dealing with that lack of comfort is to Indefinitely Postpone this and go back to our districts and work with our constituents to come up with a more productive approach, whether it be school consolidation or delivering services to our students, that is what we really are all about. So again, I would reinforce the need. There is a little bit of bait and switch that came into this process, but I would say that it would be prudent to

go forward and vote for the Indefinite Postponement. Thank you, Mr. Speaker.

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I serve on the Education Committee and, as several have said before me, our Education Committee has been working on this issue for a very, very long time. We had many different opinions within our own committee. The one thing that I believe we all agreed on was that the school consolidation plan, as originally formulated, did not come down off the mountain on stone tablets, which is why we worked so hard on it to try to correct some of the flaws that were in it. We put a lot of time into trying to make this a workable law, but more important than our efforts was the fact that there are people in schools districts throughout the state who have invested huge amounts of time, energy, and money to implement the law that we passed last year. These people are waiting for our guidance, they are trying to avoid penalties, they want to know the next step. This LD is not perfect from anyone's point of view, but it is very, very important that we do something. It is an improvement, it is needed, it is substantially similar to 1932, which was passed overwhelmingly in this body recently. I urge you, whether you agree or not with the original school consolidation plan, please vote against Indefinite Postponement. We owe it to the people who are out in the school districts throughout the state, to give them the information they need to move their efforts forward. Thank you very much.

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

Representative **EDGEComb**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just two items.

First, I have received information today that at a meeting of 20 superintendents in central Maine, they voted unanimously to oppose 2323.

Secondly, I ask you a question: Are you prepared to attend an RPC meeting and explain your position on 2323 to that committee? Thank you.

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

Representative **Savage**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I questioned in the beginning on this, in our case, Falmouth, the high performing school district formula. I never thought it was very well thought out. I have seen little or no evidence showing any real savings here, and I understand we have to give this a certain amount of time. To be honest with you, I have bounced back and forth like a yoyo trying to make this decision. Even today, I have bounced back and forth like a yoyo. But I think we need to go ahead and do something, so I would say that we need to go ahead and give this a try. If this does not work, I will be the first one to come back on the other side of the coin. Therefore, I will be voting against the Indefinite Postponement. 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. We have been saying that the Executive on the second floor wrote this bill. Nothing could be further from the truth. LD 1932 was written and 2323, as a combination of the legislators that came before our committee with their 120 suggestions, and the stakeholders that came, as the good Representative from Lewiston said, Representative Makas. Of course the superintendents voted against 2323. They are worried about their jobs and that is one

of the places we are going to save money. This kind of reminds me of I am not NIMBY unless it is in my backyard.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 446

YEA - Annis, Austin, Ayotte, Browne W, Canavan, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Finley, Fisher, Fitts, Fletcher, Gifford, Hamper, Hill, Johnson, Joy, Lewin, Lundeen, Marean, McFadden, McKane, McLeod, Muse, Pendleton, Pinkham, Pratt, Prescott, Richardson W, Rosen, Sarty, Schatz, Sutherland, Sykes, Theriault, Thibodeau, Thomas, Trinward, Vaughan, Weaver.

NAY - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Brautigam, Bryant, Burns, Cain, Campbell, Carey, Carter, Casavant, Connor, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Flood, Gerzofsky, Giles, Gould, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Jones, Kaenrath, Knight, Koffman, Lansley, MacDonald, Makas, Marley, Mazurek, McDonough, Miller, Millett, Mills, Nass, Norton, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Priest, Rand, Rector, Rines, Samson, Savage, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Tardy, Treat, Tuttle, Valentino, Wagner, Walker, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Berube, Blanchette, Boland, Briggs, Conover, Duprey, Emery, Fischer, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Richardson D, Robinson, Saviello, Tibbetts.

Yes, 47; No, 85; Absent, 19; Excused, 0.

47 having voted in the affirmative and 85 voted in the negative, with 19 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

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

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

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

**ENACTORS
Resolves**

Resolve, To Study the Feasibility of Locating a Border Crossing in the St. David Area

(H.P. 394) (L.D. 511)
(S. "A" S-655 to C. "B" H-643)

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

CONSENT CALENDAR

First Day

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

(H.P. 1615) (L.D. 2252) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1036)**

On motion of Representative SIMPSON of Auburn, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1036)** was **READ** by the Clerk.

On motion of Representative SIMPSON of Auburn, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-1036)** and later today assigned.

SENATE PAPERS

Bill "An Act To Expedite the Maintenance and Repair of Maine's Transportation Network" (EMERGENCY)

(S.P. 932) (L.D. 2324)

Committee on **TRANSPORTATION** 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**.

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

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that has come forward at the very last minute that is going to do wonderful things for your constituency. I mean it this time, no. This issue here at hand is road reconstruction. We just passed a bridge bill that was very important to the backbone of our infrastructure as far as connecting point A to point B. But we have all heard, and if you saw the newspapers over the last month or so, the tremendous number of potholes in the road, the dangerous conditions our roads are in, and the real need not for what is called skinny mix, which is basically when they go out there and put a very light coat back over the road and it looks good, but substantively, it really is not there and it continues to crumble. This would create an ongoing revenue stream to fund road reconstruction.

The way that it is currently set up is that it would take \$5 million from the Rainy Day Fund to start the process and it would go into revenue bonds like the bridge project that we just passed fairly strongly in this body, as well as in the other body, to being these projects. In future Legislatures, it is going to recalibrate the State Police Fund, and this is something that has had fairly extensive conversation in this body, in this building. It would have the State Police funded 51 percent from the General Fund and 49 percent from the Highway Fund. Currently, it is 60 percent from the Highway Fund and 40 percent from the General Fund. OPEGA, that beloved institution in this body, and its report said that, if you looked at what the State Police did, that really was related to the highways and the roads; it is really closer to about 17 to in the high 30's percentage. So this is moving us in

the direction of putting more General Fund dollars to work, fewer Highway dollars towards non-highway specific projects.

The most important thing I liked about this is the idea of jobs. We have all met people who have struggled trying to keep jobs. The Federal Highway Administration has a model where they estimate that for every million dollars you spend in true construction projects like this, you create 34 jobs. What we have before us is multiple \$5 million road reconstruction projects and that is going to create 120 jobs through each of these. Every \$5 million you can see people going back to work as far as general contractors; subcontractors that do paving, they will hire 15 people; the general contractor will hire 40 people. You have aggregate production; they have to hire people. Curbing subcontractors, another 20 people; suppliers, strippers, flaggers, gravel haulers, these are jobs and just like that bridge program we passed last week, it is going to touch every part of the state, address road needs around the state and jobs around the state. I hope you will support the passage of this motion. Thank you.

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

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

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

ROLL CALL NO. 447

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

NAY - Adams, Annis, Austin, Ayotte, Beaulieu, Browne W, Bryant, Cain, Campbell, Carey, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Hamper, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McKane, McLeod, Millett, Mills, Muse, Nass, Pinkham, Plummer, Prescott, Rand, Rector, Richardson W, Rines, Rosen, Samson, Sarty, Savage, Silsby, Smith N, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Berube, Conover, Duprey, Emery, Gould, Greeley, Jacobsen, McFadden, Miramant, Moore, Patrick, Peoples, Pineau, Richardson D, Robinson, Saviello, Tibbetts.

Yes, 73; No, 61; Absent, 17; Excused, 0.

73 having voted in the affirmative and 61 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** in concurrence.

Non-Concurrent Matter

An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness

(S.P. 147) (L.D. 446)

PASSED TO BE ENACTED in the House on April 14, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-594)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-594) AS**

AMENDED BY SENATE AMENDMENT "A" (S-669) thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum

(S.P. 209) (L.D. 672)

PASSED TO BE ENACTED in the House on February 7, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-403)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-403) AS AMENDED BY SENATE AMENDMENT "A" (S-671)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend the Laws Governing Stalking

(S.P. 681) (L.D. 1873)

PASSED TO BE ENACTED in the House on January 24, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-400)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-400) AS AMENDED BY SENATE AMENDMENT "A" (S-672)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Continue the Work of Preventing the Onset of Severe Mental Illness in Youth (EMERGENCY)

(H.P. 1092) (L.D. 1567)

FINALLY PASSED in the House on January 31, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-652)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-652) AS AMENDED BY SENATE AMENDMENT "A" (S-670)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Regarding the Maine Regulatory Fairness Board (EMERGENCY)

(H.P. 1371) (L.D. 1937)

PASSED TO BE ENACTED in the House on April 10, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-933)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-933) AS AMENDED BY SENATE AMENDMENT "A" (S-673)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

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

PASSED TO BE ENACTED in the House on April 9, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485) AS AMENDED BY SENATE AMENDMENT "A" (S-674)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Reduce Wild Blueberry Theft (EMERGENCY)

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

PASSED TO BE ENACTED in the House on April 9, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-542)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-542) AS AMENDED BY SENATE AMENDMENT "A" (S-675)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Continue the Maine Military Family Relief Fund Voluntary Checkoff

(H.P. 1405) (L.D. 2021)

PASSED TO BE ENACTED in the House on March 19, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-731)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-731) AS AMENDED BY SENATE AMENDMENT "A" (S-676)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Reimburse School Administrative District No. 11 for the State Share of Retirement Contributions Paid in Error (EMERGENCY)

(H.P. 1410) (L.D. 2026)

FINALLY PASSED in the House on March 13, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-702)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-702) AS AMENDED BY SENATE AMENDMENT "A" (S-677)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry

(H.P. 1423) (L.D. 2039)

FINALLY PASSED in the House on March 20, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-723)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-723) AS AMENDED BY SENATE AMENDMENT "A" (S-678)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Renew Their Watercraft Registrations Online

(H.P. 1474) (L.D. 2088)

FINALLY PASSED in the House on March 10, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-688)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-688) AS AMENDED BY SENATE AMENDMENT "A" (S-668)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

(H.P. 1483) (L.D. 2097)

PASSED TO BE ENACTED in the House on March 31, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-754)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-754) AS AMENDED BY SENATE AMENDMENT "A" (S-667)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities (EMERGENCY)

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

FINALLY PASSED in the House on April 10, 2008. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-660)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend the Maine Certificate of Need Act of 2002 (EMERGENCY)

(H.P. 1659) (L.D. 2301)

PASSED TO BE ENACTED in the House on April 10, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-960)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-960) AND SENATE AMENDMENT "A" (S-661)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Facilitate the Provision of Educational Loans for Maine Students and Families (EMERGENCY)

(S.P. 918) (L.D. 2300)

PASSED TO BE ENACTED in the House on April 10, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-584)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-584) AND SENATE AMENDMENT "A" (S-662)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Extend the ConnectME Authority

(H.P. 1607) (L.D. 2246)

PASSED TO BE ENACTED in the House on March 13, 2008. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-663)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance

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

PASSED TO BE ENACTED in the House on April 11, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-962)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-962) AS AMENDED BY SENATE AMENDMENT "A" (S-664)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend the Animal Welfare Laws

(H.P. 1545) (L.D. 2171)

PASSED TO BE ENACTED in the House on April 11, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965) AS AMENDED BY HOUSE AMENDMENT "A" (H-982)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965) AS AMENDED BY HOUSE AMENDMENT "A" (H-982) AND SENATE AMENDMENT "B" (S-665)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Authorize a General Fund Bond Issue for Drinking Water Management

(S.P. 830) (L.D. 2169)

PASSED TO BE ENACTED in the House on March 20, 2008. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449) AS AMENDED BY SENATE AMENDMENT "A" (S-666)** thereto in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

Bill "An Act To Allow Direct-to-consumer Wine Sales"
(S.P. 781) (L.D. 1987)

FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575) in the House on April 17, 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 "A" (S-575)** in **NON-CONCURRENCE**.

On motion of Representative TRINWARD of Waterville, the House voted to **RECEDE**.

The same Representative moved that the House **RECONSIDER** its action whereby **House Amendment "B" (H-1032) to Committee Amendment "A" (S-575)** was **INDEFINITELY POSTPONED**.

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

Representative TRINWARD: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I present my amendment to the direct to consumer wine sale to speak to the issue of a landmark decision by the Supreme Court, where the State of Maine was involved and the US Federal Court of Appeals held that Maine was sued by an out of state winery, Cherry Hill Vineyard. The Cherry Hill's wine case, Maine regulatory structure regarding a shipment of wine, was upheld in the Court of Appeals because it supported our state's law applied evenly to all. If this law applies evenly to all, there is a constitutional challenge possible if we treat wine differently from other alcoholic beverages. We need to be fair and evenhanded through this bill, and that is the reason that I am presenting my amendment.

Subsequently, the same Representative **WITHDREW** her motion to **RECONSIDER** whereby **House Amendment "B" (H-1032) to Committee Amendment "A" (S-575)** was **INDEFINITELY POSTPONED**.

Subsequently, the same Representative **WITHDREW** her motion to **RECEDE**.

Representative PINGREE of North Haven moved that the House **INSIST**.

On further motion of the same Representative, **TABLED** pending her motion to **INSIST** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Restore Positions in the Office of Program Evaluation and Government Accountability" (EMERGENCY)
(H.P. 1667) (L.D. 2307)

PASSED TO BE ENGROSSED in the House on April 8, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "D" (S-639) AND "F" (S-659)** in **NON-CONCURRENCE**.

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

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

Bill "An Act To Remove Barriers to the Reorganization of School Administrative Units" (EMERGENCY)
(S.P. 931) (L.D. 2323)

Which was **TABLED** by Representative PINGREE of North Haven pending **PASSAGE TO BE ENGROSSED**.

Representative SILSBY of Augusta **PRESENTED** **House Amendment "A" (H-1028)**, which was **READ** by the Clerk.

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

Representative SILSBY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I propose House Amendment "A" to LD 2323 and I would like to tell you why. I have had the great pleasure of serving on the Augusta School Board for the last eight years, and have gone through either different budget adoption processes through that experience. I feel so fortunate, as many of you I am sure do, to have local leaders who I trust on the planning board, city council, zoning board and on a school board. I rise today to present this amendment because I believe we should honor the work of these local leaders.

In LD 499, we wrote into law that all municipalities must adopt their school budgets in a school budget validation referendum. This seems innocent enough on the surface, but it ignores that many cities and towns in our state have created and voted on charters that serve as a framework the governance of their city or town. Many of these charters identify how a city or town will adopt their school budget. Our school consolidation legislation in LD 499, prescribed away of adopting a budget that directly contradicts many of the local charters in cities and towns throughout our great state. I rise to present this amendment because I think it is wrong that we tell these municipal charter commissions and these cities and towns that they must, in essence, ignore their charter and adopt a budget in a way that the state mandates. Our country was designed on a representative government to support the efficient and educated means of doing the business of running our countries, our cities and our towns. I believe that by asking our citizens to vote on every school budget, every year, we are eroding our representative government.

I would like to take a minute to just tell you how the Augusta school adopts their budget, because I think all of us kind of do it in a variety of different ways, but our charter describes a method in which we adopt our budget. First, we gather input from teachers and administrators, who then give it to the superintendent who presents a budget. The school board thoroughly examines that budget in a series of workshops. After lengthy public hearings, the school boards vote on that budget and send it to the city council. The City Council then thoroughly examines the budget, and either accepts it or asks the school boards to make some changes. The council then holds another public hearing; the city council then votes to approve or not approve the budget. Throughout this entire process, citizens have ample opportunity to examine their school budget and make recommendations and express their concerns, again, at two public hearings and at any point during the process, they can also contact their elected official. These charter commissions, people who adopt, who set forth what this charter will look like for these cities and towns, spend hours and hours creating a charter to govern their city or town. Citizens who are charged with adopting this charter worked tirelessly to review and address every aspect of a city or town's governance. I believe that our state should honor that process of local process and independence.

I have heard many people say that the referendum process will hold the citizens accountable for their local taxes. The supporters of this referendum process say that they are tired of people not seeing the connections between their taxes and spending on education. But I ask you, when is it going to end? People are tired of paying taxes at the county level, so why not put that budget up for adoption or through a referendum process? People are certainly tired of income and sales tax. Should we not put the state budget up for referendum? I ask you, when does it

end? We have a representative government where we can elect people who thoroughly examine, in detail, the budgets and act on our behalf and the best interests of the people of our great state. I think we need to honor that. I urge you to support House Amendment "A," and I thank you for your attention.

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

Representative PINGREE of North Haven moved that **House Amendment "A" (H-1028)** be **INDEFINITELY POSTPONED**.

The SPEAKER PRO TEM: 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 am certainly very sympathetic to the good Representative from Augusta and her position. Just to clarify what this amendment does is it would allow districts with municipal charters to not have to do a municipal budget referendum. I am not an expert certainly on what towns and cities in the State of Maine has municipal charters and which ones don't, but I can tell you that if your town has a town meeting form of government, you probably don't have a municipal charter. All the towns I represent, 10 of them, hold town meetings every year and under the law that we passed last year, we have to hold a budget referendum on our school budget sometime this year, probably in June for most towns. So what this amendment would do is exempt the big cities that have charters from the budget referendum requirements, but leave the rest of the towns in the State of Maine having to do it.

I have some real concerns about the very things that the good Representative brought up, what the budget referendum process means for representative democracy, what this process is going to mean overall for our state, but at this point we are all in it. I think that if you are going to take out the budget referendum requirement, you have to take it out for every town, small town and big city in the State of Maine. I think that is a much larger discussion. Clearly there are some charter concerns that some of the big cities have; I share their concerns but I just don't think this is an appropriate way to go about it. Thank you, Mr. Speaker. When the vote is taken, I request a roll call.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1028)**.

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

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

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak on this issue as somebody who supported the substance of what this amendment would do in the Education Committee. This was part of one of the bucket bills, 2281, the bill that ultimately became amended to be the vehicle for repeal.

I agree with the sentiments expressed by the Representative from Augusta. I, too, represent a charter community. It is not a big city, but the Town of Gorham is a charter community. I don't believe, I never have believed that our budget adoption process is broken and, as Representative Silsby has shown a great deal of commitment on this issue together with the Representative from Portland, Representative Harlow on the committee, I don't disagree with the notion that requiring budget validation referendum is perhaps an unnecessary step for charter communities. However, I will very reluctantly be supporting the

Indefinite Postponement of this amendment for one reason only and that is to if we were to add this amendment to the bill before us and send it to the other body, to follow our action, I have great concerns about what would happen in the next step of the process. In order to preserve the work that has gone into 2323, I will, as I said, reluctantly be voting in opposition, in support of the Indefinite Postponement. Thank you, Mr. Speaker.

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. I have fallen on my sword for this issue. My city, it is not a city issue. Portland is going to be doing a referendum in May. I don't think it is reasonable, I don't think it is the right thing that they should be doing. Pennsylvania looked into this thing, this whole idea of a referendum. I did a lot of research on this, and they found it didn't save a nickel and it actually cost school districts money. I am going to vote in opposition to the Postponement, because I think this is very good for the charter communities, which have an elaborate system of getting their budgets through. The reason we have to have a referendum for some of the smaller communities that have combinations of many different schools is so that every community will have a say on what they are going to be spending in their budgets. So it isn't just a major unit going to make the budget for the smaller units, this way it gives everybody a say.

I agree with the good Representative Silsby from Augusta, but I go a little bit further. She said the same thing: Let's bring the whole state budget to referendum if it is going to save us a lot of money. There is no evidence of that at all. As a matter of fact, I think there is more evidence that it will cost us money, so I will vote against the Postponement, I can see why people would say, well why doesn't everybody have to do it? The reason I say it is charter communities that shouldn't have to do it, it will save \$800,000 over the year, out of the education budget, if charter communities don't have to do this. Portland is going to be spending \$40,000 out of the education budget for their referendum this May. Thank you very much, Mr. Speaker and Ladies and Gentlemen. I hope you will vote for Postponement.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not all big communities have charters. Again, I have three unions coming together. Two of those communities are charter communities. However, I think that if they were pulled out separate from the other members of that union that there really would be some difficulty, they would be treated differently, and I do believe that the populous in that committee would feel very much left out. The referendum is not just to save money, it is allowing every citizen to have a say on the school budget. As the communities get bigger and you have fewer people doing that and you see the communities around you with a referendum process, I think that would be more of a problem. So I will be voting for Indefinite Postponement.

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

Representative **SAMSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just rise to respond to that comment. Cities with charters have an elaborate system with lots of public involvement; it would be just a different format. Those of us that were in favor of this original bucket bill idea did not get the opportunity to vote on that because it was used for a vehicle for something else. I will be supporting this motion and being against the Indefinite Postponement, and I urge

you to consider it. Thank you.

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I urge you to vote against Indefinite Postponement of this amendment. Lewiston has already set its referendum, so even though we are a charter municipality, this is not directly affecting us at the moment.

I would like to mention, first of all in response to an earlier comment, this amendment does not require municipalities with a charter not to have a budget referendum. They can certainly do so if they wish to. But, to me, I believe that we have made accommodations for municipalities that vary in terms of size and composition elsewhere in legislation we have passed associated with school consolidation, and I ask that this accommodation also be made for those us who are from charter municipalities that choose not to have the referendum. Thank you.

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

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

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

Representative **BERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. To anyone able to answer, I just need to understand better in order to make up my own mind on this. As I understand, currently, in budget validation, the referendum process includes, if the total school budget exceeds the LD 1 spending caps, it includes a special section allowing the public to vote on whether to exceed the spending cap, and specifically designates how much the excessive spend is. I would just like to know how the public would have input into that particular dimension of the budget under the amendment that is currently being proposed.

The **SPEAKER PRO TEM**: The Representative from Bowdoinham, Representative Berry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Augusta, Representative Silsby.

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to answer the question from the good Representative from Bowdoinham. I just want to say that they would have input during the regular public hearing process. There are two opportunities, again, in my city, for residents to come forward and express their concerns about exceeding those caps, what would happen at a normal process in the city council or town council, so they would have ample opportunity to be able to do that.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You have this mixed up a little bit with the "bucket b" bill. The 5 percent over EPS, that is the option of it, that is "bucket b". This bill has no EPS involved in it at all.

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

Representative **WEAVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. York has a charter and we have had it for a long time. I was eight years on the budget committee, four years as chair. We will vote on up to 32 or 33 articles on the school budget. If they have to hire a new teacher, the voters have to approve it. That is how detailed we get. If they buy a truck, the voters have to approve it. That is how we do it, so basically, we had a referendum by our charter all

along, and if they override, they have an option, there is an article allowing the voters to vote to override. That is how that works. Thank you.

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 with a little additional information. I understand the budget validation referenda is new for most of the State of Maine. I also come from a charter municipality. In fact, I believe we were originally chartered by the State of Massachusetts, but we don't like to talk about that; we have put that behind us and moved on to the State of Maine, proudly, in Orono.

Budget validation referenda is new. Some towns in Maine have tried it. The ones that have tried it seem to like it so far. As this law was originally built, it seemed to be one of those things that was new for everyone and has the potential to be used as a tool for understanding where our dollars are going and to breaking down any barriers to transparency at the local level. But really, the most important thing that I want to add to this debate is just the point of information that the law says that after three years, the third time you go to budget validation referenda, the voters in every town that does the BVR and that will be all towns in Maine, at the bottom of that ballot will also be asked the question do you wish to continue the budget validation referenda process. That was an intentional move on the part of this body, this Legislature last year, I believe, to acknowledge that budget validation referenda was new and everyone should start off on the same page, and then after that three year period, individual communities would be able to make that choice as to whether or not they will or will not proceed with budget validation referenda. So I do rise in support of this motion, and I do look forward to three years from now when we see which communities have said enough is enough, this is not a worthwhile process for us. They will have that opportunity and, who knows, mine might even be one of them. Thank you, Mr. Speaker.

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

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to add, again, that I think what has been interesting to me through the process is we have had this elaborate and lengthy conversation about the federal mandates from Real ID. We have had so many expressions of concern that the Federal Government is telling our state what to do and that so much frustration has been stated with that process. It seems to me that we are kind of doing the same thing. These cities and towns have worked diligently to put forth a way in which they want to govern themselves. I watched my city's charter commission go through the process of adopting a charter, unbelievable testimony on every single line on what they want to do for their governance of their city. We are basically saying we don't care that you have spent hours and hours and hours on how you want to adopt a budget, we know best. I can't help but think it is kind of interesting that we can stand up and say no, no, we don't want the Federal Government to do that, but we can do that as a state and say that we think the referendum is the only way to be able to move forward on this. I think we need to respect our cities and towns. I am asking for some understanding that if a city-chartered town charter decides that they want to move forward and adopt their budget in this capacity, I think they should be respected. Thank you very much, Mr. Speaker.

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Not to belabor this point at this hour on maybe the now second to last day of the legislative session, but I did just want to, again, repeat: I understand the concern about budget validation. This legislative body made the decision to put budget validation for all school districts into the law. I respect that charter communities have worked very hard, I truly do, but you have to know that the very small towns that have a town meeting for government have also worked very hard. I have the same superintendents in these small towns who are worried about whether or not the school budget is going to pass this year, they are very worried, just like some of the big cities are worried. But honestly, to repeal budget validation for towns that have charters but not the other towns that don't seems to me like a double standard. Thank you, Mr. Speaker.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is a little difference between the small towns and Portland: We are talking about a \$90 million budget which is a little bit more confusing, and I am worried about what we are going to do when somebody looks at a \$90 million budget with ten budget issues that we can look at. That is \$90 million. That is more than each one of us is responsible for in education here, per capita. I am worried about the confusion that will come and what it will do to education.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1028). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 448

YEA - Austin, Ayotte, Babbidge, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Cain, Campbell, Carey, Cebra, Chase, Clark, Cotta, Craven, Cray, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Grose, Hamper, Hayes, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lansley, Lewin, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Nass, Pendleton, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Prescott, Rand, Rector, Richardson W, Rines, Rosen, Sarty, Savage, Schatz, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Tardy, Theriault, Thomas, Valentino, Vaughan, Watson, Webster, Weddell, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Barstow, Beaudette, Burns, Canavan, Carter, Casavant, Cleary, Connor, Crockett, Eaton, Hanley S, Harlow, Haskell, Hill, Johnson, Joy, Knight, Makas, Muse, Norton, Pratt, Priest, Samson, Silsby, Sutherland, Treat, Trinward, Tuttle, Wagner, Weaver, Wheeler.

ABSENT - Berube, Conover, Duprey, Emery, Fischer, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Richardson D, Robinson, Saviello, Thibodeau, Tibbetts, Walker.

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

100 having voted in the affirmative and 33 voted in the negative, with 18 being absent, and accordingly **House Amendment "A" (H-1028)** was **INDEFINITELY POSTPONED**.

Representative **JOHNSON** of Greenville **PRESENTED House Amendment "B" (H-1029)**, which was **READ** by the Clerk.

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. This amendment provides an exception to the minimum regional school unit size for School Union 60 and School Administrative District #12, to allow them to submit a plan for reorganization as a school unit, due to their geographic isolation and low population density of northern Piscataquis and Somerset Counties.

Mr. Speaker, this has been a discussion for a long time. There have been amendments submitted that didn't make it out of the Education Committee. Most people that I have talked to agree that this is a good thing to do. The communities involved in those two SADs had a state grant to study consolidation, prior to initiation of this law. They were well on their way and had identified savings of \$300,000. At this point in time, the communities are planning, because of the rules of the current law, with communities that don't make any sense at all for them consolidate with and have shown no savings. So this will allow what reasonable people believe this is the best alternative for these two school districts. The population of the two school districts is approximately 550 students. Thank you, Mr. Speaker.

Representative **PINGREE** of North Haven moved that **House Amendment "B" (H-1029)** be **INDEFINITELY POSTPONED**.

The **SPEAKER PRO TEM**: 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 think the good Representative from Greenville makes some very good points about the concerns of his district. I certainly hope that at some point we are able to address those concerns. I think that private and special laws, the next legislative session, may be where we end up going for many rural districts around the state that have trouble complying with this law. But at this point, I believe to give one private and special to one small part of the state will set a very difficult path for the rest of this law. I think there are towns in my district that would like a private and special, certainly towns in Aroostook County that would like a private and special. There is probably some town in your district that would like a private and special. But at this point, to allow this amendment to be attached to this bill, I think, sets us on a path that is a dangerous one. Thank you, Mr. Speaker. When the vote is taken, I request a roll call.

Representative **PINGREE** of North Haven **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-1029)**.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-1029). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 449

YEA - Adams, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Canavan, Carey, Casavant, Cleary, Connor, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, McDonough, Miller, Millett, Mills, Norton, Pendleton, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Priest, Rand, Rector, Richardson W, Rines, Rosen, Samson, Savage, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Theriault, Treat, Trinward,

Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury.

NAY - Annis, Austin, Ayotte, Babbidge, Browne W, Burns, Campbell, Carter, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hill, Johnson, Joy, Knight, Lansley, Lewin, Lundeen, Marean, McFadden, McKane, McLeod, Muse, Nass, Pinkham, Pratt, Prescott, Sarty, Schatz, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Vaughan, Walker, Weaver.

ABSENT - Berube, Conover, Duprey, Emery, Fischer, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Percy, Pineau, Richardson D, Robinson, Saviello, Tibbetts, Mr. Speaker.

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

82 having voted in the affirmative and 51 voted in the negative, with 18 being absent, and accordingly **House Amendment "B" (H-1029)** was **INDEFINITELY POSTPONED**.

Representative JOHNSON of Greenville **PRESENTED House Amendment "C" (H-1030)**, which was **READ** by the Clerk.

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. Some folks didn't like the idea of a private and special, so let's broaden this. This amendment adds certain geographical isolated inland communities to the list that may serve fewer than 1,200 students under the law governing regional units. Basically, this takes the same amendment that I asked for before and applies it to any region in the State of Maine that is an isolated condition, having communities with schools located more than 25 miles apart. Thank you, Mr. Speaker.

Representative **PINGREE** of North Haven moved that **House Amendment "C" (H-1030)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-1030)**.

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

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am confused. We are talking about special laws for special people that can't be proposed by a Representative from his district, but the Executive Branch can have people running all over this building offering special deals to add up votes to get what they want. Now why is it that we can't have rules or amendments changed so that small school districts can comply with this law, within reason, but the Executive Branch can make every deal they want to? I don't understand; I am confused. Can someone please explain it to me?

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-1030). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 450

YEA - Adams, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Campbell, Carey, Casavant, Cleary, Connor, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Hogan, Jones, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, McDonough, Miller, Mills, Norton, Pendleton, Percy, Pihl, Pilon, Pingree, Piotti, Priest, Rand, Samson, Silsby, Simpson, Sirois,

Smith N, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury.

NAY - Annis, Austin, Ayotte, Babbidge, Browne W, Burns, Canavan, Carter, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hill, Jackson, Johnson, Joy, Knight, Lansley, Lewin, Lundeen, Marean, McFadden, McKane, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Pratt, Prescott, Rector, Richardson W, Rines, Rosen, Savage, Schatz, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Vaughan, Walker, Weaver.

ABSENT - Berube, Conover, Duprey, Eberle, Emery, Greeley, Jacobsen, Miramant, Moore, Patrick, Peoples, Pineau, Richardson D, Robinson, Sarty, Saviello, Tibbetts, Mr. Speaker.

Yes, 73; No, 60; Absent, 18; Excused, 0.

73 having voted in the affirmative and 60 voted in the negative, with 18 being absent, and accordingly **House Amendment "C" (H-1030)** was **INDEFINITELY POSTPONED**.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

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:

COMMUNICATIONS

The Following Communication: (H.C. 528)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 16, 2008

The Honorable Beth Edmonds, President of the Senate

The Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	24
Unanimous Reports	20
Ought to Pass	2
Ought to Pass as Amended	13
Ought Not to Pass	4
Referred to Another Committee	1
Divided Reports	2
Committee Bills & Papers	2
Pursuant to Statute	1
Pursuant to Resolve	1
Gubernatorial Nominations	6

Respectfully submitted,
S/John M. Nutting
Senate Chair
S/Wendy Pieh
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 529)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

April 16, 2008
The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
We are pleased to report that all business which was placed before the Joint Standing Committee on Business, Research and Economic Development during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	27
Unanimous Reports	19
Ought to Pass	1
Ought to Pass as Amended	9
Ought Not to Pass	8
Referred to Another Committee	1
Divided Reports	6
Taken from Committee Pursuant to Jt. Rule 309	1
Committee Bills & Papers	1
Pursuant to Statute	1
Gubernatorial Nominations	10

Respectfully submitted,
S/Lynn Bromley
Senate Chair
S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 530)

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

April 16, 2008
The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
We are pleased to report that all business which was placed before the Joint Standing Committee on Criminal Justice & Public Safety during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	38
Unanimous Reports	31
Ought to Pass	1
Ought to Pass as Amended	24
Ought Not to Pass	6
Divided Reports	5
Committee Bills & Papers	1
Pursuant to Resolve (divided)	
Joint Study Orders	1

Respectfully submitted,
S/Bill Diamond
Senate Chair
S/St Stanley J. Gerzofsky
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 531)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 16, 2008
The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
We are pleased to report that all business which was placed before the Joint Standing Committee on Education and Cultural Affairs during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	35
Unanimous Reports	22
Ought to Pass	1
Ought to Pass as Amended	16
Ought Not to Pass	5
Divided Reports	12
Committee Bills & Papers	1
Pursuant to Statute	1
Gubernatorial Nominations	17

Respectfully submitted,
S/Peter B. Bowman
Senate Chair
S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 532)

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

April 16, 2008
The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
 We are pleased to report that all business which was placed before the Joint Standing Committee on Health and Human Services during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	51
Unanimous Reports	45
Ought to Pass	8
Ought to Pass as Amended	22
Ought Not to Pass	14
Referred to Another Committee	1
Divided Reports	6

Respectfully submitted,
 S/Joseph C. Brannigan
 Senate Chair
 S/Anne C. Perry
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 533)
STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE

April 16, 2008
 The Honorable Beth Edmonds, President of the Senate
 The Honorable Glenn Cummings, Speaker of the House
 123rd Maine Legislature
 Augusta, Maine 04333
 Dear President Edmonds and Speaker Cummings:
 We are pleased to report that all business which was placed before the Joint Standing Committee on Inland Fisheries and Wildlife during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	18
Unanimous Reports	12
Ought to Pass	0
Ought to Pass as Amended	4
Ought Not to Pass	7
Referred to Another Committee	1
Divided Reports	6
Gubernatorial Nominations	2

Respectfully submitted,
 S/Bruce S. Bryant
 Senate Chair
 S/Troy D. Jackson
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 534)
STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

April 16, 2008
 The Honorable Beth Edmonds, President of the Senate

The Honorable Glenn Cummings, Speaker of the House
 123rd Maine Legislature
 Augusta, Maine 04333
 Dear President Edmonds and Speaker Cummings:
 We are pleased to report that all business which was placed before the Joint Standing Committee on Insurance & Financial Services during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	20
Unanimous Reports	11
Ought to Pass	1
Ought to Pass as Amended	5
Ought Not to Pass	5
Divided Reports	9
Gubernatorial Nominations	1

Respectfully submitted,
 S/Nancy B. Sullivan
 Senate Chair
 S/John R. Brautigam
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 535)
STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LABOR

April 16, 2008
 The Honorable Beth Edmonds, President of the Senate
 The Honorable Glenn Cummings, Speaker of the House
 123rd Maine Legislature
 Augusta, Maine 04333
 Dear President Edmonds and Speaker Cummings:
 We are pleased to report that all business which was placed before the Joint Standing Committee on Labor during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	28
Unanimous Reports	18
Ought to Pass	3
Ought to Pass as Amended	8
Ought Not to Pass	7
Divided Reports	10
Gubernatorial Nominations	7

Respectfully submitted,
 S/Ethan Strimling
 Senate Chair
 S/John L. Tuttle Jr.
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 543)

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

April 16, 2008

The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
We are pleased to report that all business which was placed before the Joint Standing Committee on Legal and Veterans Affairs during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	27
Unanimous Reports	14
Ought to Pass	1
Ought to Pass as Amended	10
Ought Not to Pass	3
Divided Reports	12
Taken from Committee Pursuant to Jt. Rule 309	1
Gubernatorial Nominations	3

Respectfully submitted,
S/Lisa T. Marraché
Senate Chair
S/John L. Patrick
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 537)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

April 16, 2008

The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
We are pleased to report that all business which was placed before the Joint Standing Committee on Marine Resources during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	14
Unanimous Reports	11
Ought to Pass	0
Ought to Pass as Amended	8
Ought Not to Pass	3
Divided Reports	3
Gubernatorial Nominations	1

Respectfully submitted,
S/Dennis S. Damon
Senate Chair
S/Leila J. Percy

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 538)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

April 16, 2008

The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
We are pleased to report that all business which was placed before the Joint Standing Committee on Natural Resources during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	34
Unanimous Reports	32
Ought to Pass	3
Ought to Pass as Amended	22
Ought Not to Pass	7
Divided Reports	2
Gubernatorial Nominations	4

Respectfully submitted,
S/John L. Martin
Senate Chair
S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 539)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 16, 2008

The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
We are pleased to report that all business which was placed before the Joint Standing Committee on State and Local Government during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	19
Unanimous Reports	15
Ought to Pass	1
Ought to Pass as Amended	10
Ought Not to Pass	4
Divided Reports	4

Respectfully submitted,
S/Elizabeth M. Schneider
Senate Chair
S/Christopher R. Barstow

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 540)

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

April 16, 2008

The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Taxation during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	56
Unanimous Reports	37
Ought to Pass	0
Ought to Pass as Amended	22
Ought Not to Pass	14
Referred to Another Committee	1
Divided Reports	18
Taken from Committee Pursuant to Jt. Rule 309	1

Respectfully submitted,
S/Joseph C. Perry
Senate Chair
S/John F. Piotti
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 541)

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

April 16, 2008

The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Transportation during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	35
Unanimous Reports	22
Ought to Pass	1
Ought to Pass as Amended	12
Ought Not to Pass	8
Referred to Another Committee	1
Divided Reports	12
Committee Bills & Papers	1
Pursuant to Joint Order	1
Gubernatorial Nominations	2

Respectfully submitted,
S/Dennis S. Damon
Senate Chair
S/Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 542)

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

April 16, 2008

The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Utilities and Energy during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	38
Unanimous Reports	26
Ought to Pass	3
Ought to Pass as Amended	17
Ought Not to Pass	6
Divided Reports	10
Committee Bills & Papers	2
Pursuant to Public Law	1
Pursuant to Joint Order	1

Respectfully submitted,
S/Philip L. Bartlett II
Senate Chair
S/Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

On motion of Representative MARLEY of Portland, the House **RECONSIDERED** its action whereby Bill " An Act To Expedite the Maintenance and Repair of Maine's Transportation Network" (EMERGENCY)

(S.P. 932) (L.D. 2324)

Was **PASSED TO BE ENGROSSED** in concurrence.

The same Representative **PRESENTED House Amendment "A" (H-1040)**, which was **READ** by the Clerk.

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

Representative MARLEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment I had alluded to previously when the bill first came before this body, it simply removes the language where the transfer comes to the Maine Budget Stabilization Fund, the Rainy Day Fund, and instead uses the funds in the Highway Fund dollars and puts into a TransCap. This will move money more immediately to road reconstruction needs. I hope you will support this passage.

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

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

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't understand this. Because if I understand this amendment correctly, we are binding future Legislatures in the way that we fund the State Police from the Highway Fund and the General Fund that I didn't think we were allowed to do. Also, we are going to borrow money on that assumption, and I am just wondering how that all works, Mr. Speaker.

The **SPEAKER**: The Representative from Ripley, Representative Thomas 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. Currently, we bind future Legislatures to the 60:40 ratio that is in place for the State Police funding—60 percent Highway Fund, I alluded to this earlier as well, 40 percent General Fund. In 1790, there was legislative intent language in there that said that this body's intent—and we are now acting on that intent—was to go to, what we felt was, a more appropriate 51 percent General Fund, 49 percent Highway Fund. I hope that addresses the first part of the answer.

I think as far as funding mechanism, that given the history of the funding for the General Fund, the Highway Fund, that it is a pretty good revenue stream to build this product on. I think that the policy piece that we really want to focus on is truly the road needs. We can argue over the philosophy versus the need, and I truly believe the need wins every time. Every one of your constituents will see dramatic improvements in the roads from this point forward. Actually, I have one legislator and I appreciate him saying it, saying in the last week, we have probably done more for roads and bridges for the State of Maine than we have done in the last few years that I have served on this committee. I know I am term limited, I won't be able to see these projects through fruition, but I truly believe what we are doing here tonight is going to make dramatic improvements in our state's highway, safety and our economy. Thank you.

House Amendment "A" (H-1040) was ADOPTED.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-1040) in NON-CONCURRENCE** and sent for concurrence.

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

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

Bill "An Act To Remove Barriers to the Reorganization of School Administrative Units" (EMERGENCY)

(S.P. 931) (L.D. 2323)

Which was **TABLED** by Representative PINGREE of North Haven pending **PASSAGE TO BE ENGROSSED.**

Representative **FARRINGTON** of Gorham **PRESENTED House Amendment "G" (H-1041)**, which was **READ** by the Clerk.

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

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment does two things: The first is it removes the Emergency Preamble from

LD 2323, and second and more substantively, it adds language that this body has already approved. The entire text of House Amendment "G" is the text of LD 2280, which this body passed, also known as "bucket bill a" from the Education Committee, it passed here; it has become stalled in the other body, but its legislation that includes some absolutely essential changes to the school consolidation law. These are important to get in place for all districts, not just those districts that are reorganizing.

This is, I think, familiar ground because we have already acted on it. But just as a reminder to folks, what was in that bill and what is in this amendment: It adds additional times for districts; it extends the deadline for voting on proposed consolidations until the end of January '09; it makes numerous improvements to the budget validation process; it clears up some things that were unclear in the law; it extends some of the timelines for absentee voting and so on. It includes some necessary language on debt service for career and technical education centers that was left out of the original bill; it replaces one of the penalties for districts that vote against consolidation; it replaces a confusing and difficult to calculate penalty with one that is much more clear and easily calculated. Finally, it directs the Department of Education to come to the next Legislature, the 124th in December of this year with recommendations for legislation to address districts that have done due diligence, have done everything that they could to consolidate and comply with the law but have not been able to reach a 1,200 student minimum. So that is a very important provision, particularly given a number of the amendments that we have looked at this evening. For all of those reasons, this is an act that we have already endorsed as a body, it is essential, again, to everybody, whether reorganizing or not. I would encourage all of you to vote in favor of adding this amendment. Thank you, Mr. Speaker.

Subsequently, **House Amendment "G" (H-1041) was ADOPTED.**

Representative **CLARK** of Millinocket **PRESENTED House Amendment "F" (H-1039)**, which was **READ** by the Clerk.

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

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I offer this friendly amendment as a compromise, somewhat, to all the difficulties we have had in the last year or so, of this, what I call a runaway train that is speeding down the road and nobody wants to put the brakes on.

I think a lot of us have had a lot of influence back home on how these meetings have been going on and nobody seems to have the answers. I have been to a number of meetings; even the facilitator didn't have the answers to some of the questions being asked. I still think this is a runaway train, I think we need to put the brakes on and slow it down, and I think this is really a friendly amendment to all of us to give us some time to deal with. Mr. Speaker, I offer this amendment. Thank you very much.

Representative **PINGREE** of North Haven moved that **House Amendment "F" (H-1039) be INDEFINITELY POSTPONED.**

Representative **CLARK** of Millinocket **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-1039).**

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-1039). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 451

YEA - Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Carey, Casavant, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Jackson, Jones, Kaenrath, Knight, Koffman, Lansley, MacDonald, Makas, Marley, Mazurek, McDonough, McKane, Miller, Millett, Mills, Nass, Norton, Patrick, Pendleton, Percy, Pieh, Pilon, Pingree, Piotti, Plummer, Prescott, Priest, Rand, Rector, Rines, Samson, Simpson, Sirois, Smith N, Strang Burgess, Treat, Tuttle, Valentino, Wagner, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Annis, Austin, Ayotte, Babbidge, Browne W, Burns, Campbell, Canavan, Carter, Cebra, Chase, Clark, Cleary, Connor, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hill, Hogan, Johnson, Joy, Lewin, Lundeen, Marean, McFadden, McLeod, Perry, Pinkham, Pratt, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Trinward, Vaughan, Walker, Weaver.

ABSENT - Berube, Blanchard, Conover, Duprey, Emery, Greeley, Jacobsen, Miramant, Moore, Muse, Peoples, Pineau, Tibbetts, Weddell.

Yes, 77; No, 60; Absent, 14; Excused, 0.

77 having voted in the affirmative and 60 voted in the negative, with 14 being absent, and accordingly **House Amendment "F" (H-1039)** was **INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "G" (H-1041)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

ENACTORS

Emergency Measure

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

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

(S. "A" S-658 to C. "A" H-989)

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

Representative WATSON of Bath **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 452

YEA - Adams, Annis, Austin, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchette, Bliss, Brautigam, Briggs, Browne W, Bryant, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Johnson, Jones, Kaenrath, Knight, Koffman, Lansley, Makas, Marean, Marley, Mazurek,

McDonough, Millett, Mills, Nass, Norton, Pendleton, Perry, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Tardy, Thibodeau, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

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

ABSENT - Berube, Blanchard, Conover, Duprey, Emery, Fisher, Greeley, Jacobsen, Miramant, Moore, Muse, Patrick, Peoples, Pineau, Tibbetts, Weddell.

Yes, 108; No, 27; Absent, 16; Excused, 0.

108 having voted in the affirmative and 27 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, To Continue the Work of Preventing the Onset of Severe Mental Illness in Youth

(H.P. 1092) (L.D. 1567)

(S. "A" S-670 to C. "B" H-652)

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

Acts

An Act To Amend the Laws Governing Stalking

(S.P. 681) (L.D. 1873)

(S. "A" S-672 to C. "B" S-400)

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

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

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

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

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

ROLL CALL NO. 453

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Johnson, Jones, Joy, Kaenrath, Knight, Lansley, Lewin, Lundeen, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Millett, Mills, Nass, Patrick, Pendleton, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Treat, Trinward,

Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Berube, Blanchard, Conover, Duprey, Emery, Greeley, Jacobsen, Koffman, MacDonald, Miller, Miramant, Moore, Muse, Norton, Peoples, Pineau, Tibbetts, Weddell.

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

133 having voted in the affirmative and 0 voted in the negative, with 18 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Extend the ConnectME Authority

(H.P. 1607) (L.D. 2246)

(S. "A" S-663)

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.

An Act To Authorize a General Fund Bond Issue for Drinking Water Management and Wastewater Management

(S.P. 830) (L.D. 2169)

(S. "A" S-666 to C. "A" S-449)

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

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

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

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

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 454

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

NAY - Edgecomb, Johnson, Joy, Lansley, McLeod, Pinkham, Thomas, Vaughan.

ABSENT - Berube, Blanchard, Connor, Conover, Dill, Duprey, Emery, Greeley, Jacobsen, Miramant, Moore, Muse, Peoples, Pineau, Rand, Tibbetts, Weddell, Mr. Speaker.

Yes, 125; No, 8; Absent, 18; Excused, 0.

125 having voted in the affirmative and 8 voted in the negative, with 18 being absent, and accordingly the Bond Issue

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

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

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

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

Which was **TABLED** by Representative PINGREE of North Haven pending her motion to **INSIST**.

Representative MCKANE of Newcastle moved that the House **RECEDE AND CONCUR**.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Sorry I wasn't here earlier in the day to debate this issue and stuff, and it probably wouldn't have made a difference in any one of your minds and you have probably already got your minds made up, but I want to try to last for a few minutes and weigh in on a couple of the issues.

I see you all have a letter that came before you from Senator Lynn Bromley. In that letter, it says that the primary reason for bringing this farm bill is not the usual one for the convenience of consumers, but to support Maine's small farm wineries. I say, on that note, I want to let you know a little bit about what Legal and Veteran Affairs has done for small Maine wineries over the years, just like it has for small Maine breweries and just like it has for Cold River Vodka. LVA allowed small wineries to become law and they are able to make up to 50,000 gallons of wine. LVA also allowed them to get a license to be a distributor, and they also allowed them to get a license to be a retailer. They can actually make the wine, distribute the wine, and they can sell wine in two retail stores, all from the idea of the standpoint that we wanted to see this business prosper. If that is not looking at trying to allow economic development, I don't know what is.

The idea that this is going to be big boom to small wineries, I think not, Ladies and Gentlemen. As a matter of fact, on many occasions, the small Maine wineries came to the LVA and most of them did support it. But when questioned on every one of the small Maine wineries, have you ever reached a point where you have extra product left over, the answer that was no, Ladies and Gentlemen. So why they need to try and branch out, when in reality what will happen, it is not going to actually help the small Maine wineries. There are millions upon million of gallons of virtual winery wine in big, huge million gallon tanks, ready for any one of us to make a label, ship the wine to Maine, and we can have our own winery.

One of the other reasons that really bothers me is the LVA deals with not just wine, it deals with malt liquor, it deals with spirits, and it deals with beer, and it deals with the problems we have in society on underage drinking, alcoholism and the whole nine yards. I don't know if you just saw my last little cartoon I came across on the green colored sheets saying people will always say, well no one is going to order wine on the Internet. Well, I disagree with that, Ladies and Gentlemen. That is one piece of proof and had I not been so sick, I had the Attorney General's Office; I have a package of about four inch thick of papers that prove otherwise. I hoped you would have received this thing earlier in the day that talks about how the Internet is providing a new avenue for underage drinking in the United

States, and results of a new survey confirm that millions of teenagers either buy alcohol online or know an underage friend who does. A related audit of states shows how many state legislators are easing restriction on online alcohol sales with little monitoring. This is a dangerous situation, says Stan Hastings, Chairman of the Wine and Spirits Wholesalers of America, the trade group that commissioned the survey. I am kind of glad they did. The survey shows that alcohol purchased online is shared among friends. Roughly 3 percent of the 14 to 20 year olds, equivalent to 735,000 nationally, admit to drinking alcohol purchased by someone else online or by phone.

Ladies and Gentlemen, I know I am not going to convince anyone else, I am not going to say a whole heck of a lot more. But we have gone over backwards at trying to help Maine wineries; we have gone beyond the norm. Within the three-tiered system, they have all three legs of the three-tiered system. The small breweries of Maine came before us. We originally allowed them 30,000 gallons before they become they become a large, then we bumped it up to 40,000, then we bumped it up to 50,000. I don't think any Maine winery will get to the point of 50,000 gallons, until they realize they want to become a huge commercial outfit. That may never happen in Maine. With the restrictions and with the benefits that Maine law provides small Maine wineries, I think any Maine winery, getting up to 50,000 gallon limit, can make a very good living on their own. With that, I am going to take a break because I am all out of breath. Thank you.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to follow up on a couple of issues. I am glad that the House Chair of LVA has been able to join us on this debate. It wouldn't be the same without him.

Two issues have been raised, again tonight, that we heard earlier. Again, I want to stress, when you have a producer, a winery in this case, that is selling out of their product, that doesn't mean they are done, it means it is time for growth. And this is an opportunity for growth, for more land, inactive agricultural for jobs. This is a good thing that they are currently at their capacity and are looking to grow.

More importantly, I really want to address the issues that we heard earlier: One of the prime concerns that truly worries folks in the House here and it is a real issue of youth and alcohol. I had spoken earlier from my real life experience, being on my second teenager, at this point, with one more coming along. But doing some computer research this afternoon and finding out, I was fascinated. You can actually read decisions by the Supreme Court of the United States online. I can't wait to go home tonight and let my husband know that the US Supreme Court agrees with me on an issue. I am hoping that in future arguments I have with him, it will add credibility. There are other issues as well, but I found it is the Michigan Beer and Wine Wholesalers Association issue against Eleanor Heald. I am going to read you a couple of excerpts here that are from the Supreme Court decision: "The act's directive that it not be construed to grant the states an additional power is a power reaffirmation that Congress had not delegated authority to the state to discriminate against out-of-state shipments of wine." That was an issue we have heard before about why we can't make this just for Maine. It is a trade agreement we can't interrupt.

It goes on to say, some amici seek to deflect the focus of the argument to the dangers of youth access to alcohol in general, rather than the precedent and constitutional jurisprudence that should govern this case. Contrary to the protestations of

petitioners and amici otherwise, the FTC report found that states have instituted any or all of the less restrictive measures described above have reported few or no problems with direct shipments of minors. These states find that licensing, labeling and delivery requirements are effective in insuring that wine is shipped only to adults. In the conclusion of the Supreme Court decision, it notes with regard to direct shipment of wine to minors, Wisconsin reported no complaints and concluded that both online sales to minors is not a serious problem and that minors can obtain alcohol more easily through bricks and mortar stores.

Similarly, the New Hampshire Liquor Commission reported that there may be some instances where shipments to minors is occurring, but we have very little evidence in this area and do not believe this is a serious problem at this time. The high cost of shipping and the fact that a minor has to wait for wine to arrive makes purchasing a wine at a local retailer more desirable. Finally, the Illinois Liquor Control Commission stated that it has received no reports regarding minors obtaining wine from out-of-state shippers.

I do not believe many minors would opt to purchase wine online due to the increases costs over the brick and mortar establishments and due to the product itself. As my experience indicates, minors would probably choose to purchase other alcoholic products over wine. I believe the direct shipment of wine to minors is not a serious problem. As we proceed in discussing this debate, as far as it goes, I hope we put to rest two issues: The issue that this is going to be a problem with alcohol and minors. That in itself is a real problem; this is not part of that. Secondly, please don't worry about farms that have reached capacity. The next step is growth, it is appropriate and it is a good thing. Thank you, Mr. Speaker.

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

Representative **CAREY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be brief and try not to repeat my comments from earlier today.

I want to thank the Representative from Monmouth for focusing us on this issue of underage drinking. This is not going to bring underage drinking to Maine. It happens; we all know that it happens. That is why the State of Maine, the sheriff's departments in the counties, and some federal government and foundation grants have set up a program to have sting operations in convenience stores and in other places to ensure that those who sell alcohol in this state are abiding by the laws that we have set. Those sting operations have been very successful. We have all read about them in the papers. In an afternoon, they can do five or six convenience stores in our areas. It is a very simple operation: An underage individual goes up; there is a sheriff's deputy undercover buying chips or somewhere else in the convenience store; it is very quick and it is very easy. The bigger thing is the deterrent. People know that there are sting operations that happen and there is a greater incentive to follow the law.

This is not just about \$50 bottles of wine. This is about the \$9 bottle of wine that the Representative from Freeport talked about earlier that can be bought online. This is about Boone's Farm and about Arbor Mist that the Representative from Acton had talked about earlier. This is going to be about beer, this is about alcohol online and when we put that into a place that is not in the public domain, these sting operations don't exist. There is no opportunity for the State of Maine and for the counties to address this issue.

This is the three-tiered system has been in existence in Maine for a number of years. The courts have acted in cases in federal courts, and they have said because the State of Maine has a

consistent three-tiered system that it has wide discretion in determining what the rules should be. We have talked a lot about state's rights in this body. That is how we have decided to have is wide discretion for the rules that we see should be fit, and as we change that, we should address the three-tiered system head on and not through the backdoors. Thank you very much, Mr. Speaker.

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

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have already spoken on this about the \$8.50 bottle of wine that comes in a case. I will be very brief and simply say that 45 percent of the revenue in the State of Maine is estimated to come from underage drinkers or drinkers with consumption problems, binge drinkers, and a number of young people, 14 to 21 percent of young people under 18 or 21, a significant portion of them have five drinks or more at a time. It is called binge drinking.

We also know that if you don't drink by the age of 25, it is very, very unlikely that you will ever drink. But we also know that if you are under the age of 18 when you start drinking, you are more likely to have a drinking problem by the time you are 25. The reality is, and many of us think of drinking as being sort of a right of passage, as part of culture. It is the wallpaper, you don't even notice it. You walk out of here and have someone ask you what color the wall is, you forget about it because it seems so normal, so natural; it is there all the time. Well, in fact, we have a problem that is growing, and I think that this is absolutely the wrong direction. If people want to get wine delivered, I am sure, as in many other states, arrangements can be set up for distribution.

There was a work group that started work on this that could have come up with solutions, but they were short-circuited by this piece of legislation. I know that the sponsor believes in this greatly, I completely support the fact that she is trying to do the right thing from her perspective. I just completely disagree with this and I hope that you will follow my light. Thank you.

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

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I didn't speak on this earlier today, so I am going to torment you all just briefly.

The issue about what do minors drink, people sort of have this idea minors aren't drinking wine, and I would just like to point out the National Academy of Science did a survey of 14 to 20 year olds, who had drank alcohol, to see what they had been drinking: 75 percent liquor, 64 percent were drinking wine. My concern with this bill is about how we know whether or not it is delivered to minors.

A few years ago, we eliminated the Bureau of Liquor Enforcement and now the State Police do that. There was a survey to see what is being done in states to check on compliance for alcohol delivery. They did a survey of all 50 states: 39 states and the District of Columbia did not conduct a single online alcohol compliance check. Six states, most likely did not conduct a single online alcohol compliance check, since they could not recall having ever done one. Only five states conducted an isolated alcohol online compliance checks, and they found that in every case, decoy minors were able to buy alcohol online easily with no identification check. If we are concerned about underage drinking and we are concerned about our young people, I think we need to make sure that we don't follow the pending to Recede and Concur, but instead move on to kill this bill.

I live in a community that was horrified recently, not this past

Christmas but a year ago, when a bunch of young people died in a car accident. I am sure you can all recall accidents in your communities where young people have died. To allow young people to go on their computer—my child is way more savvy than I am. He goes on the computer and if I need some help, I say, Isaiah, can you come help me. This is the tool children use these days. Let's not give it to them so that they can buy alcohol and end their lives. Thank you. 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 welcome my friend from Rumford back the Chamber. I have missed him greatly. I want to touch briefly on what is in the bill related to this issue of delivery to residents 21 years or older. In case people don't have this, because I know there has been a lot of paper thrown out, I want to let you know what the bill actually says.

Wine shipped pursuant to this section may be shipped only to a resident 21 years of age or older and must be for the recipient's personal use only and not for resale. A direct shipper or third party carrier contracted by the direct shipper may deliver wine only to the person listed on the invoice or an adult member of the household, either of whom must provide a valid form of identification demonstrating proof of age. I want to touch on that because past efforts have said that they only have to check IDs if the person looks like they are less than 27. All people receiving will have to verify their age, according to this bill. All containers used for the shipment of wine, under this section, must be conspicuously labeled by the direct shipper with the words "contains alcohol", "signature of a person 21 years of age or older required for delivery". Then it goes on to add issues for the third party deliverer.

I think it is fairly clear that if you are going to be delivering, you will be breaking Maine law. I appreciate the good Representative from Rumford in sending around on the green sheet the description of what happened in Massachusetts, because that deliverer broke Massachusetts law and was punished for it. We create laws, laws do get broken and we build punishments into those laws. I think that is what this place is about. Thank you, Mr. Speaker.

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

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will try to be lengthy here, long winded. There was a question asked earlier today about who in the world would want to buy wine from Maine, and I would invite you to consider that there would be quite a niche market in wines like blueberry, rosehips, those kinds of things which are, I can tell you from local folks who make them, are a very tasty brew. I think that our wild blueberries are world famous now, and I do think there is lots of room for the expansion, for the folks that need to diversify and that is what our agricultural folks are finding they have to do.

The other thing is I was somewhat inspired by the Representative from Freeport to go shopping, so I went to cheapwine.com myself and what I found was the first thing I had to do was tell how old I was and look at a statement that said, if I was under 21, I would be prosecuted to the full extent of the law. Then, I had to give my name, my physical address, my phone number, my email, and I had to give my credit card information before they would even let me put something in my shopping basket. I was intimidated by that at 60 years old. I am not sure a teenager would be, but I do know that when I was a teenager and did my drinking—I am not proud of this today, but at the time it

didn't seem to matter—I got my booze, and it was vodka. I, much later, got a taste for wine and good alcohol; I got my vodka from my bus driver. I would invite you that there are just about all kinds of people around that will help a teenager or underage person get plenty of alcohol without having to go online and put their credit card and all that into the machine. I hope that you will support the Recede and Concur and give us a chance to move forward on this. Thank you very much.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I forgot one of the most important points when I first stood up to speak on the yellow sheet that came around, "Teens Increasing Ordering Liquor Online." It says, for the first time, we have hard evidence that millions of kids are buying alcohol online, and that the Internet is fast becoming a high-tech, low-risk way for kids to get beer, wine and liquor delivered to their homes with no ID, Chuck Hastings said, in the statement.

The green sheet, as the good Representative from Pittsfield, Representative Fitts, my good friend and some agitator, the 19 year old woman ordered wine from wine.com which was delivered to her home by FedEx without an ID check, which is their law. Wine.com pays FedEx \$2 per package to check and verify the age of the buyer, but the FedEx delivery man failed to do so. That is my point Ladies and Gentlemen, there is no way. If the statistical facts that millions of kids are buying it and don't be fooled, if you don't think your kids aren't sharp enough to buy wine online, think of the aspect of what does it say in the bill that we are looking at. It says all containers used for shipment of wine under this section must be conspicuously labeled by the direct shipper with the words "containing alcohol", not wine. If alcohol is on the container, if someone wants to buy a case of booze, the same thing is going to come with "alcohol" on the container. If someone wants to buy beer, it is going to come with "alcohol" on the container. If you think for one moment, Ladies and Gentlemen, that this study done by the wine industry that says millions of kids are ordering online, I think my head is buried in the sand.

This bill weakens current law by providing yet another way to increase access to alcohol in our communities. It is a slippery slope when dealing with alcohol. It may be wine this time and beer and spirits next session, and why shouldn't it? We have small breweries; we have microbreweries; we have Cold River Vodka. If you think for a minute they are not coming next year, you are wrong, and we should actually have this in the bill right now. They will be here because, every time we have had a bill that gives one entity an advantage, they always do come, so we should do it right now. The National Academy of Science's report found that 10 percent of teenagers receive alcohol through home delivery in 2005. In 2004, Massachusetts Attorney General sued four online alcohol retailers and three shipping companies for providing alcohol to underage college students. That is all I am going to say, Mr. Speaker.

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

ROLL CALL NO. 455

YEA - Austin, Ayotte, Beaulieu, Bliss, Burns, Cain, Campbell, Casavant, Chase, Cleary, Connor, Cotta, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Farrington, Finley, Fitts, Giles, Grose, Hamper, Haskell, Hayes, Hinck, Jones, Joy, Kaenrath, MacDonald, Makas, McFadden, McKane, Miller, Nass, Pendleton, Pieh, Pinkham, Piotti, Prescott, Priest, Rand, Rector, Richardson W, Rines, Rosen, Samson, Savage, Saviello, Schatz,

Silsby, Smith N, Strang Burgess, Sutherland, Thomas, Treat, Walker, Watson, Weaver, Woodbury.

NAY - Adams, Annis, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Boland, Brautigam, Briggs, Browne W, Bryant, Canavan, Carey, Carter, Cebra, Clark, Craven, Cray, Crockett, Crosthwaite, Curtis, Dunn, Faircloth, Finch, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Gifford, Gould, Hanley S, Harlow, Hill, Hogan, Jackson, Johnson, Knight, Koffman, Lansley, Lewin, Lundeen, Marean, Mazurek, McDonough, McLeod, Millett, Mills, Norton, Patrick, Percy, Perry, Pilon, Pingree, Plummer, Pratt, Richardson D, Robinson, Sarty, Simpson, Sirois, Sykes, Tardy, Theriault, Thibodeau, Trinward, Tuttle, Valentino, Wagner, Webster, Wheeler, Mr. Speaker.

ABSENT - Berube, Blanchard, Blanchette, Conover, Duprey, Emery, Greeley, Jacobsen, Marley, Miramant, Moore, Muse, Peoples, Pineau, Tibbetts, Vaughan, Weddell.

Yes, 61; No, 73; Absent, 17; Excused, 0.

61 having voted in the affirmative and 73 voted in the negative, with 17 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST**.

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

**CONSENT CALENDAR
First Day**

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

(H.P. 1587) (L.D. 2221) Bill "An Act To Implement the Recommendations of the Tribal-State Work Group" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1043)**

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

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

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

**ENACTORS
Acts**

An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness

(S.P. 147) (L.D. 446)

(S. "A" S-669 to C. "A" S-594)

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

Resolves

Resolve, To Study the Scientific Research Support Capability of the Maine State Museum

(S.P. 209) (L.D. 672)

(S. "A" S-671 to C. "B" S-403)

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

Acts

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

(S.P. 770) (L.D. 1976)
(S. "A" S-674 to C. "A" S-485)

An Act To Continue the Maine Military Family Relief Fund Voluntary Checkoff

(H.P. 1405) (L.D. 2021)
(S. "A" S-676 to C. "A" H-731)

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.

Emergency Measure

An Act Regarding the Maine Regulatory Fairness Board

(H.P. 1371) (L.D. 1937)
(S. "A" S-673 to C. "A" H-933)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Reduce Wild Blueberry Theft

(S.P. 795) (L.D. 2001)
(S. "A" S-675 to C. "A" S-542)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry

(H.P. 1423) (L.D. 2039)
(S. "A" S-678 to C. "A" H-723)

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Renew Their Watercraft Registrations Online and To Direct the State Controller To Make Certain Transfers

(H.P. 1474) (L.D. 2088)
(S. "A" S-668 to C. "A" H-688)

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

Acts

An Act To Amend the Animal Welfare Laws

(H.P. 1545) (L.D. 2171)
(H. "A" H-982 and S. "B" S-665 to C. "A" H-965)

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

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. You just had a really pretty yellow piece of paper come around to you, and I don't know how many of you may have heard from many constituents about being upset about this bill and how it was condoning cruelty to farm

animals. We did talk with our local humane society folks and they did withdraw their objection; however, you continue to hear from them, so this letter just gives you a brief explanation of what the bill does. And we can assure you that what we did was tighten laws on farm animals, not loosen them. But I would be remiss if I didn't respond to the good Representative sitting behind me, who asked me how I would vote if horses were trying to buy fermented oats on the Internet. I did reply, nay.

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.

An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance

(H.P. 1597) (L.D. 2236)
(S. "A" S-664 to C. "B" H-962)

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

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

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

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

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to let you know the other body amended the good Representative Hanley's bill, and they lowered the limit down from \$30,000 down to \$15,000 and that still brings me a pause to reflect on how bad this is. I will try not to be too long, because I know I got silently thrashed in the House, so I will just give you some other things to put on record.

Existing laws that govern the conduct of games of chance will not apply to the games played without a license under the Minority Amendment because of all the provisions and statutes applied to licensed games, so the following will not apply: bet limits will not apply, who can operate the games will not apply, prohibition against the use of schemes will not apply, games currently prohibited may be allowed now, requirements regarding where the money goes. Players of these unlicensed games may be expecting a tightly controlled game that they are used to under the license structure and may find that the operation of these games, without a license, is very different because there are no laws to govern the operations of unlicensed games. The laws will go along with the licenses that are in place to ensure that the games are operated fairly and that the proceeds go towards charitable purposes. Without a license and proper monitoring of these games, how will we know if the games are being operated fairly and the money is going towards charitable purposes? There is not way to tell whatsoever.

Public Safety gave me some information and basically said, unlicensed games don't allow for access to premises for inspection as provided in section 345. Now, a search warrant would be required for a criminal process, whereas now it is handled mostly by civilian inspectors, not criminal investigators. Without oversight, how are the limits monitored to be able to establish when to apply the regular license fees and the \$30 registration fee would apply to all 326 organizations currently licensed, many of which sell sealed tickets every day. Instead of paying \$60 per month, per game, they would pay \$900 per month. Or instead of paying the annual fee of \$700 per game, they would now pay 30 times 365 or now that you have increased

the fees to these nonprofits to \$10,950, which is about a \$10,000 increase. The effect of 2236 is not clear on the oversight of electronic machines. Their device, which simulates a game of chance, and gray machines have been and continue to be an area of concern of unlawful gaming. The highest mission of regulatory oversight is to maintain an even playing field, so all organizations have the same opportunity to meet their needs is lost by having no conduct rules, which apply to only licensed games. Section 343, Rules and Regulations, lists activity considered undesirable including fraud, unsafe premises, obscene solicitation, organized crime, disorderly person leasing equipment, etcetera. These rules would not apply. Organizations could entice, in any fashion, customers from competitive organizations having an adverse affect on smaller organizations. The registration requirement, in lieu of the license requirement, places each organization in a unique position of responsibility of policing itself. The results could vary from organization, from one to another.

I wanted to get that on the record, Ladies and Gentlemen, because when this blows up in the face of the larger nonprofits when their sealed tickets go up from \$950 a year to \$10,900, I want them to know who voted for this bill. This bill's intent was a great bill and I have no problem with anyone supporting this bill, as long as you know what you are doing, because, I will tell you Ladies and Gentlemen, most of your American Legions, most of your VFWs, most of your Eagles, most of your Elks are going to be madder than blank. So Ladies and Gentlemen, if you don't want to vote the wrong way, vote against Enactment of this bill. Thank you very much, Mr. Speaker.

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

Representative **HANLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I know I am tired, as all of you are. This is a good bill. I don't want to talk on this very long at all. Simply, this is your choice: You can vote for bureaucrats and vote against this bill, or you can vote for the thousands and thousands of people in nonprofits, all over Maine, who simply want to have events to help other people in Maine. It is that simple. Organized crime in not going to move in on the ladies' bridge club. These are your neighbors, your friends, your constituents. I trust them to raise money for their clubs, for their organizations. I trust them to raise money to support a family whose child has cancer so that they can spend time with their child. I support them to help those people who are unfortunate for food baskets, for fuel, for anything they need in support of their organization. Support this bill, the world is not going to come to an end. 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 apologize for LVA day in the Legislature. All I want to do is reply to the good Representative from Rumford, Representative Patrick, that organizations who find that their fees are going to go through the roof can still go get a license and nothing will be any different for those organizations going forward. Thank you, Mr. Speaker.

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

ROLL CALL NO. 456

YEA - Annis, Austin, Ayotte, Beaulieu, Browne W, Burns, Cebra, Chase, Clark, Cleary, Connor, Cotta, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Eaton, Edgcomb, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hanley S, Haskell, Hill, Johnson, Jones, Joy, Knight, Lansley,

Lewin, MacDonald, McDonough, McFadden, McKane, McLeod, Miller, Millett, Nass, Pendleton, Perry, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Silsby, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tuttle, Vaughan, Walker, Watson, Weaver, Wheeler, Woodbury.

NAY - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Canavan, Carey, Carter, Casavant, Craven, Dill, Duchesne, Dunn, Eberle, Faircloth, Farrington, Fisher, Gerzofsky, Grose, Harlow, Hayes, Hinck, Hogan, Jackson, Kaenrath, Koffman, Lundeen, Makas, Marley, Mazurek, Mills, Norton, Patrick, Percy, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Samson, Simpson, Smith N, Treat, Trinward, Valentino, Wagner, Webster, Mr. Speaker.

ABSENT - Berube, Blanchard, Blanchette, Campbell, Conover, Duprey, Emery, Greeley, Jacobsen, Marean, Miramant, Moore, Muse, Peoples, Pineau, Theriault, Tibbetts, Weddell.

Yes, 77; No, 56; Absent, 18; Excused, 0.

77 having voted in the affirmative and 56 voted in the negative, with 18 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Facilitate the Provision of Educational Loans for Maine Students and Families

(S.P. 918) (L.D. 2300)
(C. "A" S-584; S. "A" S-662)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities

(S.P. 923) (L.D. 2312)
(S. "A" S-660)

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

Acts

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

(H.P. 1483) (L.D. 2097)
(S. "A" S-667 to C. "A" H-754)

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.

Emergency Measure

An Act To Restore Positions in the Office of Program Evaluation and Government Accountability

(H.P. 1667) (L.D. 2307)
(S. "D" S-639; S. "F" S-659)

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

Representative PINGREE of North Haven **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 457

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

NAY - NONE.

ABSENT - Berube, Blanchard, Blanchette, Canavan, Conover, Cotta, Duprey, Emery, Greeley, Jacobsen, Jones, MacDonald, Marean, Miramant, Moore, Muse, Peoples, Perry, Pineau, Tibbetts, Valentino, Weddell.

Yes, 129; No, 0; Absent, 22; Excused, 0.

129 having voted in the affirmative and 0 voted in the negative, with 22 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Remove Barriers to the Reorganization of School Administrative Units

(S.P. 931) (L.D. 2323)
(H. "G" H-1041)

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

On motion of Representative **SCHATZ** of Blue Hill, was **SET ASIDE**.

The same Representative moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended**.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED as Amended**.

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 Reconsideration whereby the Bill

was Passed to be Engrossed as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 458

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Beaulieu, Browne W, Carey, Carter, Clark, Cleary, Cray, Crosthwaite, Eaton, Edgecomb, Fisher, Fitts, Fletcher, Gifford, Gould, Haskell, Hogan, Johnson, Joy, Lewin, Lundeen, Marley, McFadden, McKane, McLeod, Percy, Pieh, Pratt, Rand, Richardson D, Richardson W, Rines, Sarty, Saviello, Schatz, Smith N, Sykes, Tardy, Theriault, Thibodeau, Thomas, Walker, Weaver.

NAY - Barstow, Beaudette, Beaudoin, Berry, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Casavant, Cebra, Chase, Connor, Cotta, Craven, Crockett, Curtis, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Fischer, Flood, Gerzofsky, Giles, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Jackson, Jones, Kaenrath, Knight, Koffman, Lansley, MacDonald, Makas, Mazurek, McDonough, Miller, Millett, Mills, Nass, Norton, Patrick, Pendleton, Pilon, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rector, Robinson, Rosen, Samson, Savage, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Berube, Blanchard, Blanchette, Canavan, Conover, Duprey, Emery, Finley, Greeley, Jacobsen, Marean, Miramant, Moore, Muse, Peoples, Perry, Pineau, Tibbetts, Weddell.

Yes, 48; No, 84; Absent, 19; Excused, 0.

48 having voted in the affirmative and 84 voted in the negative, with 19 being absent, and accordingly the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED as Amended FAILED**.

Representative **EDGEComb** of Caribou **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 459

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Carey, Carter, Casavant, Connor, Craven, Crockett, Curtis, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Fitts, Flood, Gerzofsky, Giles, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Knight, Koffman, MacDonald, Makas, Marley, Mazurek, McDonough, Miller, Millett, Mills, Norton, Patrick, Pendleton, Percy, Pieh, Pilon, Pingree, Piotti, Plummer, Priest, Rand, Rector, Richardson W, Rines, Robinson, Samson, Savage, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Tardy, Treat, Tuttle, Valentino, Wagner, Walker, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Eaton, Edgecomb, Fisher, Fletcher, Gifford, Gould, Johnson, Joy, Lansley, Lewin, Lundeen, McFadden, McKane, McLeod, Nass, Pinkham, Pratt, Prescott, Richardson D, Rosen, Sarty, Saviello, Schatz, Sutherland, Sykes, Theriault, Thibodeau, Thomas, Trinward, Vaughan, Weaver.

ABSENT - Berube, Blanchard, Blanchette, Canavan, Conover, Duprey, Emery, Greeley, Jacobsen, Marean, Miramant, Moore, Muse, Peoples, Perry, Pineau, Tibbetts, Weddell.

Yes, 92; No, 41; Absent, 18; Excused, 0.

92 having voted in the affirmative and 41 voted in the negative, with 18 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Representative **PILON**: Thank you, Mr. Speaker. Had I been present on Roll Call No. 436, I would have voted nay; on Roll Call No. 437, I would have voted nay; on Roll Call No. 438, I would have voted yea; on Roll Call No. 439, I would have voted nay. Thank you, Mr. Speaker.

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 not been asleep at the switch on LD 1873, Roll Call No. 453, I would have voted yea. I wish to be so recorded.

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

Representative **BRIGGS**: Thank you, Mr. Speaker. Had I been present for Roll Call No. 446, I wish to be recorded as nay.

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

On motion of Representative ROSEN of Bucksport, the House adjourned at 11:11 p.m., until 10:00 a.m., Friday, April 18, 2008.