

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 6, 2006 - June 5, 2007

Pages 1-681

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

(S.P. 417) (L.D. 1169) Bill "An Act Relating to Uncollectible Cigarette and Tobacco Taxes" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-183)**

(S.P. 506) (L.D. 1439) Bill "An Act To Enhance the Workers' Compensation Board Advocate Program" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-179)**

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

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-186)** on Bill "An Act Regarding All-terrain Vehicle Registration"

(S.P. 712) (L.D. 1912)

Signed:

Senators:

BRYANT of Oxford
PERRY of Penobscot
GOOLEY of Franklin

Representatives:

JACKSON of Allagash
RICHARDSON of Carmel
SAVIELLO of Wilton
McLEOD of Lee
WHEELER of Kittery
LUNDEEN of Mars Hill
FINCH of Fairfield
BRYANT of Windham

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

Signed:

Representative:

EBERLE of South Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-186)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-186)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, June 6, 2007.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Concerning Student Voter Registration"

(H.P. 174) (L.D. 203)

Signed:

Senators:

MARRACHÉ of Kennebec

BRYANT of Oxford

Representatives:

MOORE of Standish
WEDDELL of Frankfort
TRINWARD of Waterville
PATRICK of Rumford
TUTTLE of Sanford
BLANCHETTE of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-425)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

PINKHAM of Lexington Township
NASS of Acton
GOULD of South Berwick
HOLMAN of Fayette

READ.

Representative PATRICK of Rumford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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 Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009" (EMERGENCY)

(H.P. 383) (L.D. 499)

TABLED - June 4, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (H-412).

Representative FISCHER of Presque Isle **PRESENTED House Amendment "Q" (H-442) to Committee Amendment "A" (H-412)**, which was **READ** by the Clerk.

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

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I bring forward this amendment tonight; it includes both technical amendments to pieces of the budget, as well as a few small amendments to the Education Reform Plan. If it will be helpful, I will just quickly walk through each portion. I am sure there will be other people who want to speak here this evening, but I will start here.

On Page 1, the first piece, Historical Society, is simply a technical change. This was included in our budget, but our office downstairs forgot to include it. The numbers were included, but they were not printed, so this simply corrects that portion.

On Page 2, Part NNNN, this has to do with the Hathaway Project in Waterville, the refurbishment there and the tax credit.

It simply makes some specific changes to denoting what the builds were and some dates within that part of the amendment.

After that, starting in the neighborhood of line 16, on Page 2, we start to deal with some of the education reform pieces. The first big piece that we have, an agreement on is on line 31, Authorized Adjustments. This is what we refer to as penalties, and what we have done is roughly reduced penalties in half. Part A for a penalty, under the Committee's Amendment, it had been "School administrative unit is eligible for no or zero percent of the minimum state allocation." With this amendment we changed that to 50 percent. In Part B, this deals with System Administration. Under the Committee Amendment, the school would be eligible for zero, now it is 50 percent. If you turn the page to Part C, the transition adjustment would not be available to those districts that do not choose to consolidate, but obviously they would not need the adjustment if they were not consolidating. Part D has to do with less favorable treatment, in consideration for approval under the School Construction and Renovation Fund. It would be another penalty if a school district chose not to go forward with consolidation.

Starting on Page 6, this has to do with an adjustment for those districts that choose not to go into a consolidated district; we would maintain the current funding level, which is 53.86 percent, instead of moving to 55 percent, which is a small piece but is something that some on the second floor found incredibly important.

If we turn the page to Page 4, on line 14, this deals with the intent. There are several, and I want to compliment the Representative from Winslow, Representative Fletcher, who really helped us flesh out this language. It says, "The intent that sustainable, long-term administrative efficiencies be achieved by consolidating the current number of units." If you remember before, the intent was 80 units. Here we talk more and focus more on what we are all doing here, which is looking for administrative savings.

If I can just skip ahead for moment to talk about two other pieces that go along with that, the first is on Page 6, on line 24: The Commissioner must give a reason if the Commissioner finds that the plans submitted by the local unit do not meet the requirements of the statute. The Commissioner must give a reason and that was not something that was included in our Committee Amendment. It is something that we are now including in this amendment. The second piece is down below, on line 34: There was a concern that the Commissioner might not just use what the statute said, but also look at the legislative intent in making decisions about what local units would combine into a consolidated district. This makes clear that the Commissioner cannot use the number 80 as the reason for rejecting, or for not accepting what the local units have brought forward, so I think that that helps.

Going back to Page 4 of the Amendment, line 37, this has to do with, and I want to compliment Representative Dill, who worked very hard on this amendment, around efficient, high-performing districts. We included the language, and as you see at the top of the next page, such a district would have to have three high-performing schools, as identified by the May 2007 Maine Education Policy Research Institute Report, and the per pupil expenditures for system administration must be below 4 percent of the total per pupil cost.

The next piece, and on this one I think that Representative Treat and Representative Silsby did a lot of work on this piece, on Page 5, line 31, it is what we have all referred to as the "doughnut hole". What we are trying to address here is if in good faith a district tries to consolidate, but none of the surrounding districts either want to go with it or they consolidated with other

districts, we do not want to penalize those, who in good faith, attempt to merge with other districts. This piece, on line 31 to 34, addresses that concern that some had brought forward to us.

On Page 6, line 11, there were some who brought forward a concern that there were constitutional issues with what some have been talking about as the "five percent problem." In our Committee Amendment, we talked about how districts that did not have to consolidate for whatever reason should still have to bring forward a plan about how to make themselves more efficient, and this piece, on line 11 of Page 6, talks about that. It says that the plan that these districts must bring forward would address how the school administrative unit will reorganize its administrative functions, duties, and non-instructional personnel, so that the projected expenditures of the reorganized school unit will not have an adverse impact on the instructional programs. I think that is a very important piece, so that everyone here in the State of Maine is challenged to do better administratively.

Still on Page 6 at the bottom, line 38, one of the pieces that came forward in our Committee Amendment that caused a lot of people great trouble, was about the timeline. This timeline says that everyone has to, in good faith, go forward, and try to consolidate by January. But if they cannot meet the requirements by January, they would have until June 2008 to finish their work. That gives much more breathing room, nearly 12 months, to finish that work.

At the bottom of Page 7, line 34, going along with what I have just said about high-performing, efficient schools, this provides for rulemaking in the next year of the Legislature, to flesh out what that means so that in the future we will have a very clear definition in statute, and it asks the Education and Cultural Affairs Committee to do that work, starting in January when we all come back.

The final few portions, starting on Page 8, Part YYYYY, have to do with the Community College System. The appropriation was in the wrong years for the Community College System, so this simply corrects that. It is much the same down below for the Riverview Psychiatric Center. The number should be in Personal Services, not in all others, so it makes that correction in several different places.

We submit this Amendment to all of you and we ask for your favorable consideration. It reflects the very hard work of many in the Legislature, both on the Appropriations Committee, from the Rural Caucus, and otherwise. We certainly hope you will find a way to support it. Thank you.

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

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise this evening to support the pending motion. As many of you are aware, I have been one of a number of people with some serious reservations about the initial proposals for school district consolidation. The issues I think that many of us had concerns about are familiar at this point.

We had concerns about the timeline that was initially was a part of several proposals, including the Budget. This Amendment adjusts the timeline in a way that addresses the concern that a January vote for all districts may not be possible. This gives districts the option, if they had their plan ready to be approved, they can vote in January 2008, but if they need more time for planning, it allows a June vote. So, the timeline issue has been addressed.

Many of us had concerns about penalties, about the severity of penalties, and this Amendment addresses that. It still includes significant penalties for those districts that opt not to move forward with consolidation, but it does not make those penalties

crippling on a district, in the way that we were concerned may have happened.

We had concerns about flexibility on the size of the district. This plan does provide flexibility, to allow local communities, local districts, to work together toward the goal of consolidation, while avoiding the "one size fits all" model.

There are elements in this, as in any significant piece of legislation, that many of us still have some uncertainty about, that I want to acknowledge that great distance that a number of people have traveled in recent days and weeks, in making a sincere effort to address the concerns that have been raised, to listen to the suggestions, and to try to bring together a proposal that while it does not have everything that everybody wants, it has the potential to be a very positive step in terms of improving the efficiencies of school administration. I do want to thank all of those who have worked on this issue, starting with the Education Committee, where we heard what must have been hundreds of perspectives on the issue, and had stacks and stacks and stacks of paper and reports and information to digest.

I also want those members of Appropriations who have continued to work with many of us repeatedly: Representative Cain, who has been tireless in meeting with and talking with anyone who has questions, and that has continued right up through the day, today; Representative Fischer, who has shown great leadership in bringing this final product forward; and to the bipartisan leadership of the House, for taking the rather difficult step of making significant adjustments to a unanimous Appropriations Committee Budget.

For all of those reasons, I am grateful to everybody who has participated in this process. We have come a very long way from where we started, and most of the significant issues of concern that I have had and that many of you have had, have been addressed. I urge you to vote yes on the pending motion. Thank you, Mr. Speaker.

Representative EDGECOMB of Caribou moved to **TABLE** until later in today's session pending **ADOPTION** of **House Amendment "Q" (H-442)** to **Committee Amendment "A" (H-412)**.

Subsequently, Representative EDGECOMB of Caribou **WITHDREW** his motion to **TABLE** until later in today's session pending **ADOPTION** of **House Amendment "Q" (H-442)** to **Committee Amendment "A" (H-412)**.

Subsequently, Representative FISCHER of Presque Isle **WITHDREW** **House Amendment "Q" (H-442)** to **Committee Amendment "A" (H-412)**.

Representative EDGECOMB of Caribou **PRESENTED** **House Amendment "K" (H-435)** to **Committee Amendment "A" (H-412)**, which was **READ** by the Clerk.

Representative PINGREE of North Haven moved that **House Amendment "K" (H-435)** to **Committee Amendment "A" (H-412)** be **INDEFINITELY POSTPONED**.

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

Representative **EDGECOMB**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment eliminates the consolidation part of the budget language for regionalization of schools and it concentrates on collaboration.

Collaboration can be best done by the people that know what needs to be done in their local schools, where they have the expertise, knowledge, and ownership of their schools. It allows them approximately seven months to plan in 26 regions of the state, and they would have an opportunity also to opt out of that region, but they would have an opportunity to plan and submit those plans to the Education Committee. At that time, the Committee can make a decision on whether or not we need to

introduce legislation so that they can accomplish consolidation, accomplish cost savings, and these particular items.

They will also be given a fair warning, if you want to call it that, that they need to look into these matters and consider efficiencies in their schools, if they do not want to have the Legislature to provide top down information to them on information on what they can do and what they cannot do in their school, so it will give them that opportunity. The Education Committee spent a considerable amount of time on this, and I would like to read some of the experiences that we had, especially with the Sinclair Act that was passed 50 years ago. That was our first experience with consolidation, although school unions are really the grandfather of consolidations and they were consolidated years before that.

In 1980, ten years after the major implementation of Sinclair, the state average per pupil expenditure was 121 percent higher than it was in 1960, and this is in constant dollars, 121 percent higher. The per pupil expenditure per administration, for our new district system, for SADs, was 373 percent higher in constant dollars. In 1984 to 1985, the per pupil expenditures for all 61 of the MSADs, that were formed, all 61 of them ranked in the top half of all school units in our state, as far as per pupil cost. Yet, we had formed SADs as cost saving. As a matter of fact, the top school in the state on per pupil cost was a new MSAD. Research has shown that the average size of elementary and secondary schools rose from 1940 to 1970 and then it leveled off through 1990. More students were bussed to more distant schools in each of our decades that followed, when schools formed MSADs. They show the number of full-time administrators and cost for administration grew rapidly after Sinclair. They show that Maine schools were improving their ability to keep kids in school through Grade 12, well before Sinclair, but that this improvement stopped, following the Sinclair implementation.

I would like to read just a short paragraph from Gordon Donaldson from the University of Maine, saying that his "research continues to show that administrative consolidation will not lead to substantial savings. The national research literature on school and district size continues to plainly state that sometimes savings result from consolidating some types and sizes of district, but they rarely result from pushing all schools and communities into a single type and size. In our own case, per pupil expenditures in SAD's were higher than in School Unions 15 years following the full implementation of Maine's Sinclair Act." Ladies and Gentlemen of the House, and Mr. Speaker, this picture does not support a ringing endorsement for school consolidations. 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 stand to endorse the information that has been given to you by Representative Edgecomb. I recall many times of trying to be forced into consolidation, and I fought against it many times. Finally, they sent the Commissioner of Education at that time to our school district, trying to convince us to consolidate. People asked what should be done with the buildings, and he said burn them and low and behold, that is just what the people did.

In our school district, our local contribution to schools, in the last year that we were a separate school, was \$157,000. In three years, it was over \$500,000. On the day that they went into the district, they went from six school busses to transport the children to 11, certainly an increase in cost. Mr. Speaker, I request when the vote is taken, the yeas and nays.

Representative JOY of Crystal **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "K" (H-435) to Committee Amendment "A" (H-412)**.

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 Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I respectfully request that you follow my, light on this motion, on this vote, and decline to adopt the gentleman's proposed amendment. I think that many of the concerns contained within this amendment are also contained within the Committee Amendment, which includes a whole section on collaboration, as you will see.

Chapter 114, § 2601 of the Committee Amendment, Regional Collaboration, is fully elucidated therein. The benefits of collaboration are contained within the Committee Amendment along with, side by side with the benefits of consolidation where it is appropriate. I would urge you to respect and adhere to the Unanimous Committee Report and to the Committee Amendment to the Amendment in that respect, and encourage you to consider the collaborative piece in the Committee Report, as fulfilling the intent of the gentleman's proposal.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "K" (H-435) to Committee Amendment "A" (H-412). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 109

YEA - Annis, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cleary, Connor, Conover, Craven, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Fisher, Fitts, Gerzofsky, Giles, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Kaenrath, Knight, Koffman, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Priest, Rand, Richardson D, Richardson W, Robinson, Rosen, Samson, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Ayotte, Cebra, Chase, Clark, Cotta, Cray, Curtis, Edgecomb, Emery, Finch, Finley, Flood, Gifford, Gould, Jacobsen, Joy, Lansley, Lewin, Lundeen, McFadden, McKane, McLeod, Moore, Muse, Nass, Pinkham, Prescott, Rector, Rines, Savage, Saviello, Schatz, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Adams, Blanchette, Cressey, Duprey, Fletcher, Pineau, Richardson E, Sykes, Watson.

Yes, 102; No, 39; Absent, 9; Vacant, 1; Excused, 0.

102 having voted in the affirmative and 39 voted in the negative, 1 vacancy with 9 being absent, and accordingly **House Amendment "K" (H-435) to Committee Amendment "A" (H-412) was INDEFINITELY POSTPONED**.

Representative JOY of Crystal **PRESENTED House Amendment "M" (H-438) to Committee Amendment "A" (H-412)**, which was **READ** by the Clerk.

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. For a number of years, the people of Maine have been robbed by the actions of this

Legislature. In order to reach the so-called plan of 55 percent of the cost of education K to 12, there has been a payment made to the retirement of teachers that has never been credited as a cost of education in our school systems. This amendment changes that treatment of the state's share of teacher retirement costs, so that the amount paid by the state is counted towards the attainment of the 55 percent state funding goal. Counting the state's share of teacher retirement cost towards the 55 percent, allows for a transfer under this amendment of \$177,054,037 and \$178,669,830, to the Local Government Fund in fiscal years 2007-2008 and 2008-2009, respectively, to be used for state municipal revenue sharing, which gives the towns an opportunity to reduce property tax.

Now, I realize this process and how it works here, having been here for 13 years. I know that every time that anybody has an amendment, somebody is going to pop up and move Indefinite Postponement. But as you do, I would like to let the people know out there, that you are in essence taxing them twice for something that is entirely unnecessary.

In addition to this, there is a portion that is not reflected in my amendment toward the health insurance for retired teachers. Now, if we did not have these retired teachers that have gone through our school system, and if we did not have the teachers in our school system, we would not have to make this payment. But we do have them, and that payment is made every single year. Now the ramp up feature for this particular year is, I believe, about \$187 million, and there is no reason that this needs to be in here to tax them again. Mr. Speaker, I request a roll call.

Representative JOY of Crystal **REQUESTED** a roll call on the motion to **ADOPT House Amendment "M" (H-438) to Committee Amendment "A" (H-412)**.

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 Waterford, Representative Millett.

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. May I begin with apologies to my good and long friend from Crystal, in performing my duty as the Committee lead on my side of the aisle. I am expected to move Indefinite Postponements of those amendments that are not threaded through the Committee process.

I would say at the outset that I do not disagree with Representative Joy's attempt to call attention to the fact that teacher retirement costs have for some years now been borne totally by the General Fund. In an ideal world, I think they ought to be known of and considered as past of local school budgets. But I want to point out a couple of things that he has actually alluded to, to all of you that make this amendment not only unacceptable, but I think unpalatable to all of the folks back home.

Applying the proposal as it is suggested, to pay the entire—well, to move the entire \$177 million of 2008 teacher retirement moneys into the General Purpose Aid formula, and splitting it 53.8 percent at the state level, you will have the effect of altering school budgets, which are now being held as we speak based on the information that has been communicated back a couple of months ago.

The second thing is you would be totally rearranging the way in which comparable or equivalent moneys find their way back to the communities, in both 08' and 09', since the Revenue Sharing formula would be the used method. I think that this as an idea that might have some value in the light of day as we look forward in another session, but I think at this point it becomes counter

productive to the effort before us. I appreciate your interest in the Amendment, and I just feel that it is an inappropriate change for us to make at this late hour.

Representative MILLETT of Waterford moved that **House Amendment "M" (H-438) to Committee Amendment "A" (H-412) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "M" (H-438) to Committee Amendment "A" (H-412).**

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 Farmington, Representative Mills.

Representative **MILLS:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This issue has been discussed off and on the last several years. The fact that the state really gets no credit for huge amounts of money that will total more than \$200 million each year when you include retiree health benefits, as well as the state teacher retirement benefits, if the state pays fully without contribution from the local communities for the most part, in the interest of transparency, the Committee Amendment includes a provision, just so you know, that when the regional budget is put to the voters, it will include a statement that says the estimated dollar amount of state retirement payments in it, and it will say on the ballot so that voters locally will know, at least give us a little credit, for paying the amount of teachers retirement. The statement will be included on the ballot: This budget does not include the estimated amount of X, fill in the blank money, in employer share of teacher retirement costs that is paid directly by the State.

While we really cannot take the huge leap that the Representative from Crystal would like us to take, invites us to take, it is an issue worth debating at a later time. I would ask that you follow my light, and I concur with the gentlemen from Waterford that the Indefinite Postponement is in order.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "M" (H-438) to Committee Amendment "A" (H-412). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 110

YEA - Adams, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Farrington, Finch, Fischer, Fisher, Fitts, Flood, Gerzofsky, Giles, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Kaenrath, Knight, Koffman, MacDonald, Makas, Marean, Marley, Mazurek, Miller, Millett, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ayotte, Cebra, Chase, Cotta, Cray, Curtis, Edgecomb, Emery, Finley, Gifford, Gould, Jacobsen, Joy, Lansley, Lewin, Lundeon, McDonough, McFadden, McKane, McLeod, Moore, Muse, Nass, Pinkham, Rines, Savage, Saviello, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Blanchette, Cressey, Duprey, Faircloth, Fletcher, Pineau, Richardson E, Sykes.

Yes, 108; No, 34; Absent, 8; Vacant, 1; Excused, 0.

108 having voted in the affirmative and 34 voted in the negative, 1 vacancy with 8 being absent, and accordingly **House Amendment "M" (H-438) to Committee Amendment "A" (H-412) was INDEFINITELY POSTPONED.**

Representative THOMAS of Ripley **PRESENTED House Amendment "B" (H-424) to Committee Amendment "A" (H-412), which was READ** by the Clerk.

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. Let's take a break from education for a minute. This budget funds the Department of Public Safety, 40 percent from the General Fund and 60 percent from the Highway Fund. We need to change that and let me explain why.

Last December, we all stood in this Chamber and took an oath to uphold the Constitution of the State of Maine. The Constitution outlines the framework that everything we do must fit inside. The Constitution can only be changed by a two-thirds vote of this body and a majority vote of the people of Maine. We are obligated to obey the Constitution, both legally and morally—we are not above the law.

Let me read Article IX, Section 19 of the Constitution: Limitation on expenditure of motor vehicle and motor vehicle fuel revenues. "All revenues derived from fees, excises and license taxes relating to registration, operation and use of vehicles on public highways, and to fuels used for propulsion of such vehicles shall be expended solely for cost of administration, statutory refunds and adjustments, payment of debts and liabilities incurred in construction and reconstruction of highways and bridges, the cost of construction, reconstruction, maintenance and repair of public highways and bridges under the direction and supervision of a state department having jurisdiction over such highways and bridges and expense for state enforcement of traffic laws and shall not be diverted for any purpose, provided that these limitations shall not apply to revenue from an excise tax on motor vehicles imposed in lieu of personal property tax."

In February of this year, in a good faith effort, the Government Oversight Committee, from the Office of Program Evaluation & Government Accountability of the Maine State Legislature, otherwise known as OPEGA, issued a report, *Highway Fund Eligibility at the Department of Public Safety*, an analysis of public safety and of select department activities. OPEGA's purpose in performing this analysis was to determine which activities of Public Safety were eligible to be paid from the Highway Fund. What they found is that the function of the State Police has changed over the years and we need to change the way that they are funded. OPEGA determined that the portion of State Police budget that can be justified coming the Highway Fund was not 60 percent, but in a range of a minimum of 17 percent and a maximum of 34 percent, depending on how you define traffic enforcement. Some suggested to the Transportation Committee that they should demand that the State Police spend 60 percent of their time enforcing traffic laws, to comply with our Constitution. That just does not make sense. That State Police are doing a good job, and we need to stay out of their way and let them continue to do that job.

When the Legislature wanted to pay the cost of prosecuting traffic violation from the Highway Fund in 1991, Attorney General Michael Carpenter said if the Legislature determines to use the General Fund for this purpose, it is constitutionally obligated to make a good faith inquiry and estimate the portion of the district attorneys' budgets, which are fairly attributable to traffic law enforcement.

In 1981, when an inquiry was made regarding the activities of the State Police, which could be financed from the General Highway Fund, Attorney General James Tierney said that the Constitution contemplates that the Legislature will make a good faith resolution of this question, and that the appropriations from the Highway Fund will be in accordance with its factual conclusions. The Maine Supreme Judicial Court has said when ruling on these matters, the language of the Constitution should not be extended beyond its plain and ordinary meaning.

The Amendment that I offer is the least we can do to change the funding ratios of Public Safety and comply with the Constitution without micromanaging one of Maine State Government's most important functions. I use the high side, 34 percent, not the low side, 17, and not somewhere in the middle as others suggested. I tried to make this as easy as we could to comply with the Constitution, to do our duty. I think all of us in this body take our oath to the Constitution very seriously, and I hope that you would support this amendment and honor that commitment. Thank you.

Representative MILLETT of Waterford moved that **House Amendment "B" (H-424) to Committee Amendment "A" (H-412) be INDEFINITELY POSTPONED.**

The same **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-424) to Committee Amendment "A" (H-412).**

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 Waterford, Representative Millett.

Representative **MILLETT:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Once again, I just would like to assure the Representative from Ripley that I am simply performing my duty here this evening. To his credit, he has been a leader and a constant communicator on behalf of the Highway Fund and its share of the Bureau of State Police funding. He is well aware in some of the reading that he has given to us tonight, cites the history of how this Legislature and previous Legislatures have worked on rather sketchy information, to determine an appropriate share of that Bureau's costs.

I can recall over the last two decades that the state share has ranged from 37 percent to a low of 13 percent, and there has been little justification for it. The request for an OPEGA review is an appropriate one. It was followed as many of you will remember, last spring, by a motion to amend a bill, here in this Chamber, by myself, to move the state share percentage to 40 percent, to allow for some stability, and what we knew at the time was a shrinking revenue source, namely the Highway Fund, given the rising price of gasoline. That served as a statutory amendment to guide this Chief Executive to present his budget based on a 40/60 split, and that was all done and the budget heard, both in the Highway Fund portion of the General Fund Budget, and also communicated downstairs in the Transportation Committee before the report out of the Office of Program Evaluation & Government Accountability.

Notwithstanding those chronological facts, I do want to acknowledge, once again, that Representative Thomas has been constant reminder to me and to others on my Committee that we ought not to be able to walk away from that report forever and ever. I would propose to him tonight that I do not intend to walk away from it forever. I think at this late hour, it is an inappropriate way of using the Budget Stabilization Fund, which is intended to stabilize General Fund ups and downs when the economy fades. For that reason, and that reason alone, I must make the motion to Indefinitely Postpone this evening.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-424) to Committee Amendment "A" (H-412). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 111

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Farrington, Fischer, Fisher, Fitts, Fletcher, Gerzofsky, Giles, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Jackson, Kaenrath, Koffman, MacDonald, Makas, Marean, McDonough, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Priest, Rand, Richardson D, Rosen, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Browne W, Cebra, Chase, Cotta, Gray, Curtis, Edgecomb, Emery, Finch, Finley, Flood, Gifford, Gould, Greeley, Hamper, Hogan, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, Lundeen, Marley, Mazurek, McFadden, McKane, McLeod, Moore, Muse, Peoples, Pinkham, Prescott, Rector, Richardson W, Rines, Robinson, Savage, Saviello, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Blanchette, Cressey, Duprey, Faircloth, Pineau, Richardson E, Sykes.

Yes, 95; No, 48; Absent, 7; Vacant, 1; Excused, 0.

95 having voted in the affirmative and 48 voted in the negative, 1 vacancy with 7 being absent, and accordingly **House Amendment "B" (H-424) to Committee Amendment "A" (H-412) was INDEFINITELY POSTPONED.**

Representative **WALKER** of Lincolnville **PRESENTED House Amendment "D" (H-427) to Committee Amendment "A" (H-412),** which was **READ** by the Clerk.

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

Representative **WALKER:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. That is House Amendment D, as in Delta, in case somebody thought it was B. I probably have the simplest amendment tonight. It has nothing to do with education; it has to do with MaineCare and co-pays.

If anybody in this House happens to have a small pharmacy in their district, or perhaps a doctor's office, what happens is that a MaineCare patient comes in, they receive the service, they receive the prescription, and they are asked to come up with a small co-pay, right now, it is going to be \$3. Well, if that \$3 is not handed over, guess who is stiffed: your small pharmacy or your doctor's office. This is money that is supposed to be handed over.

The only thing my amendment does is it changes the co-pay from voluntary, which is the way it is now in statute, to mandatory. It is an opportunity to, again, ask people who participate in the MaineCare program, to participate in their healthcare. Like I said there is no fiscal note on this, whatsoever. It does not expand the number of co-pays that are now in MaineCare rule. It does not enlarge the co-pays that are now in MaineCare rule. It simply asks people in MaineCare to participate, help out our small pharmacies, help out our doctor's offices, and I would hope that you follow my light on this one. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Anybody that has joined MaineCare, they do not want to be there, but they are. If they are on MaineCare and they go to what the good doctor said, a small drugstore—I do not think there are many of them left with Rite Aid and Hannaford Brothers, they are all in the business now, and there are no more small ones. Well, if they are on MaineCare because they are poor and they cannot afford the \$3—which for most of us probably it is not very much, but for some people it still is—to see someone turned away and not get their prescription, and then find out they probably died or wound up in the Emergency Room with that over the \$3, I suggest you follow my light.

Representative MILLETT of Waterford moved that **House Amendment "D" (H-427) to Committee Amendment "A" (H-412) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-427) to Committee Amendment "A" (H-412).**

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 Waterford, Representative Millett.

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, I am performing my role, once again. I received a note that strikes to the core from a colleague here, who says "killing your own guys' bills must feel like eating your young." I think there was an age related message there, but I definitely feel that way.

I just want to say that Representative Walker is attempting to do something that I, myself, have wanted to do and we tried to do in this bill, and that is to raise the co-pay only slightly for MaineCare recipients, and not leave our pharmacists really unable to collect. Again, this amendment did not come through the committee process, and that is the singular reason that I am moving this Indefinite Postponement.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will say that this proposal has come before Health and Human Services twice in two bills and Health and Human Services rejected it. There were numerous opponents to this including the Maine Medical Association, AARP, the Roman Catholic Diocese, FQHC's, and others.

What this does is it may well limit access to healthcare for those that cannot even afford the co-pays. At this point, I do not believe that the requirement to pay occurs in any other healthcare payment system. Therefore, we really are discriminating against the poor. This will not save money, it will cost more when people do not get the care or the medication that they need, and as a result will have worse health outcomes and more expense. I ask you to vote Ought to Pass, Indefinite Postponement.

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 appreciate the concern that the good Representative from Lincolnville expressed, and the benefit that there might be to those who would receive the co-pay; however, the adverse impact on those that would have to come up with the co-pay has been well documented in research. I would be happy to share that research with any of you, any of my colleagues. The problem is not only one medication; the problem is not only one co-pay. In

fact, the problem is that a number of people who require medication have a number of medications and the co-pays would add up very quickly.

I happen to have had a conversation with a woman who is on MaineCare, who was saying that she was concerned about the number of tests that were being done while she had cancer; she wanted to limit the cost and the expense. She felt concerned and grateful, so she was making voluntary payments, but at the same time, she was not able to actually make the full co-payment, the allowable top of \$2.50 each because she simply did not have the money. I would shudder to think what might happen, if in fact we made that mandatory for her and she started to ration and do triage for herself, in terms of which medication to choose and which not do.

Although I appreciate the intent, I would have to say that I will vote for the Indefinite Postponement, and will hope that you follow my light. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative Robinson.

Representative **ROBINSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the current motion, and would ask this body to please vote against the motion to Indefinitely Postpone this bill, this Committee Amendment, this amendment from the Representative from Lincolnville.

From my standpoint, this was an oversight of our Committee during the process. It is certainly not my intent when we increase the co-pays from \$2.50 to \$3, that it was the intent of the Committee to pass this on to our healthcare providers, our doctors, and our pharmacists. I certainly believe, from my point of view, that it was the intent of the Committee not to balance the budget with a \$0.50 increase as a cost to the providers, which are already burdening significantly within the DHHS process, but rather that we sought to try to examine a way to more effectively utilize our healthcare system. From my standpoint, it was simply an oversight of the committee process, not something that we lacked vetting. I would encourage everyone to support this modest amendment, and support the Representative from Lincolnville's amendment. Thank you.

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

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just to clarify a point, there is some confusion that is being spread: People are talking about whether we should have co-pays or not. That is not what this amendment is about, it has nothing to do. We already have co-pays, that is in Maine Statute. The only thing this does is it says that instead of it being voluntary, it becomes mandatory. No one is going to be denied care, a pharmacist or a physician can still render the care or the prescription if they deem it is right. The only thing that this will hopefully do is keep small pharmacists and physicians from being stuck, time after time, after time, when they ask for a co-pay and do not get it. Maybe once in awhile when that patient comes back after sticking a doctor five or six times on an office visit, the doctor will say, "Listen, I need that \$3 this time because that is our agreement, that is the deal, and that is the statute." Do not let people confuse you, it is not an issue of whether we should have co-pays or not, it strictly an issue of whether the co-pays that we have now in statute should be mandatory or not. I would ask you to vote against the pending motion.

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

Representative **CONNOR**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Indefinite Postponement of this motion.

When we looked at this in the Health and Human Services Committee, we talked a lot about what this means for the poor people who live in our state. I appreciate Representative Walker's motion, and the notion that people do need to take responsibility for their healthcare, but this is not about \$3 for the physician that is providing care. This is about, I think, the Deficit Reduction Act of 2005 that the Federal Government put forward. It is about the fact that both senators from Maine did not support that Act, that it is an impact on the poor people who live in the country, and that the Congressional Budget Office says, "Hey, do something like this and people will not seek care, that is where the savings is." That is wrong, that is not something for this state, and we need to standup and help the people that live here. Thank you, Mr. Speaker.

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

Representative **CRAVEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in favor of this motion as well, and any pharmacist or physician can actually refer their patients to somebody else, if they do not want to fill their prescriptions after the first prescription is filled—that is a federal mandate. Thank you.

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 will be very brief. Let's just be very clear: You make co-pays mandatory, the research shows that people will ration their drugs and they will do without. I just, in good conscience, could not support that. I do agree, and I have spent my life, my whole professional career has been based on working to have people assume more responsibility in their lives, I completely believe in that. But I also do not believe in creating obstacles that are going to prevent people from being well, so that they can get to work, take care of their children, and/or go to school. This is just a little bit more conversation about this than may be necessary, so I would like to Indefinitely Postpone. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-427) to Committee Amendment "A" (H-412). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 112

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Finch, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Giles, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, Miller, Millett, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Pratt, Priest, Rand, Richardson D, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Berube, Browne W, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Emery, Finley, Gifford, Gould, Greeley, Hamper, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, Lundeen, Marean, McDonough, McFadden, McKane, McLeod, Moore, Muse, Nass, Pinkham,

Prescott, Rector, Richardson W, Robinson, Rosen, Savage, Saviello, Thibodeau, Thomas, Tibbetts, Walker, Weaver.

ABSENT - Blanchette, Cressey, Duprey, Farrington, Fitts, Pieh, Pineau, Richardson E, Sykes, Vaughan.

Yes, 94; No, 46; Absent, 10; Vacant, 1; Excused, 0.

94 having voted in the affirmative and 46 voted in the negative, 1 vacancy with 10 being absent, and accordingly **House Amendment "D" (H-427) to Committee Amendment "A" (H-412) was INDEFINITELY POSTPONED.**

Representative **RINES** of Wiscasset **PRESENTED House Amendment "E" (H-428) to Committee Amendment "A" (H-412)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am not a freshman, and I understand the rules, and I understand that I am swimming upstream without a paddle. I would like to say that it is a simple bill, but it is not. In a lot of ways, it is more principle than it is the dollar figure. The dollar figure, as you can see on the Amendment, is \$700,000 returned to the Public Utilities Commission, in the Emergency Services Communications Fund.

During the budget process, quite often when the dollars are not coming forth, we look in corners and we would sweep money. The unfortunate part of this sweep for me is simple: My Committee, for the last six years, has been undertaking the first major consolidation effort in the state, which kind of ties in really nicely with the theme of the evening, and brings the whole thing together very nicely for me. Consolidation of PSAPs has been six-year project of our Committee, the PUC, and then Emergency Communications Bureau.

When we started the project six years ago, our goal was to maintain the \$0.50 surcharge that you pay on your phone bill each month. We have met that objective; we have met it really well, we have met it to the tune of \$3.7 million. By that I mean at the end of the current contract in 2012, we will have saved the ratepayers in the State of Maine, us included, \$3.7 million on the money that we have collected, because we reduced the number of PSAPs from 48 to 27. The net saving again: \$3.7 million because of consolidation. Consolidation does work, consolidation can be done, and this is the proof, it is right here.

The problem is that sweeping the \$3.7 million from the 911 account into the General Fund, sends the message to the state that we are going to consolidate, we are going to save money, but then we are going to sweep it to another place to fund something else. That is what I feel is going on here, and I am really, really uncomfortable with it. Now understand that I am not going to get the full \$3.7 million back, and I am okay with that up to a point, but I do want \$700,000 back to fulfill a commitment that our committees made to Kennebec and the City of Waterville, in granting a PSAP. Unfortunately, if the budget passes as it is written, and that bill passes through the other body, I am going to be short or the account will be short \$700,000, and Waterville will not get the PSAP which the Committee and this body has already said they should have. It is a simple matter of making things right. Thank you, Mr. Speaker, Men and Women of the House.

Representative **FISCHER** of Presque Isle moved that **House Amendment "E" (H-428) to Committee Amendment "A" (H-412) be INDEFINITELY POSTPONED.**

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

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I honestly do understand what Representative Rines is trying to say. I have

this very nice summary of each of the amendments and it gives me the number, the person who will present it, a brief description, and then it says what will the impact be on the budget. If you take \$700,000 away, the budget does not balance, we are in violation of the Constitution, and we cannot leave tonight.

Secondly, this budget as you all may remember, and I can bring you back to January when it was presented, the Chief Executive included a \$1 per pack tax on cigarettes, it raised roughly \$140 million of new taxes, of tax increases. All of us heard loud and clear from our friends on the Republican side of the aisle, that that would not be acceptable and we would not have a budget with a two-thirds vote, if we include \$140 million worth of tax increases in the budget. So what we did as a committee was we went through and we cut hundreds of millions of dollars out of the MaineCare program. We have worked very hard on what we were talking about earlier this evening around school reform, which are the two biggest cost centers of state government: Social services and education together is roughly 80 percent of our budget, so we have made serious structural change within those two areas.

We also worked on many of these, what I would call good government initiatives. If you are a person in Maine who is not paying taxes today, you have been evading your taxes; we are coming to get them. If you are a health insurance company and you are trying to evade paying what you owe in the MaineCare program, we are coming to get you, and we have hired staff to enforce it. But we also took balances that were not needed, and this balance that Representative Rines just talked about, is not needed. As I can tell all of you, and he fully admitted, when you look at the account in the year 2012, when we will all be much older than we are here tonight, this account will still have \$3.7 million in it, so that money was not needed in the next five years. Our committee unanimously said that this was an appropriate place to go to look for an unencumbered balance, so that we did not have to raise taxes. If we want to go back and we want to put an amendment on the budget to raise taxes instead of doing this, I am fine with that. But I do not think that is what anyone in this body would want, so I will ask you to vote with me to Indefinitely Postpone this amendment. Thank you, Mr. Speaker.

Representative RINES of Wiscasset **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-428) to Committee Amendment "A" (H-412)**.

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 "E" (H-428) to Committee Amendment "A" (H-412). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 113

YEA - Annis, Babbidge, Beaudette, Beaudoin, Beaulieu, Berube, Bliss, Boland, Brautigam, Browne W, Bryant, Cain, Campbell, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crosthwaite, Dill, Duchesne, Dunn, Eaton, Eberle, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Giles, Greeley, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Kaenrath, Knight, Koffman, MacDonald, Makas, Marean, Mazurek, Miller, Millett, Mills, Miramant, Moore, Norton, Patrick, Pendleton, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Priest, Richardson D, Richardson W, Robinson, Rosen, Samson, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Tardy, Theriault, Treat, Tuttle, Valentino, Wagner, Walker, Watson, Weaver, Webster, Weddell, Woodbury, Mr. Speaker.

NAY - Adams, Austin, Ayotte, Barstow, Berry, Blanchard, Burns, Canavan, Cebra, Chase, Cotta, Cray, Crockett, Curtis, Driscoll, Edgecomb, Finley, Gerzofsky, Gifford, Gould, Grose, Jacobsen, Joy, Lansley, Lewin, Lundeen, Marley, McDonough, McFadden, McKane, McLeod, Muse, Nass, Peoples, Pinkham, Pratt, Prescott, Rand, Rector, Rines, Savage, Smith N, Thibodeau, Thomas, Tibbetts, Trinward, Vaughan, Walcott, Wheeler.

ABSENT - Blanchette, Cressey, Duprey, Pieh, Pineau, Richardson E, Sykes.

Yes, 94; No, 49; Absent, 7; Vacant, 1; Excused, 0.

94 having voted in the affirmative and 49 voted in the negative, 1 vacancy with 7 being absent, and accordingly **House Amendment "E" (H-428) to Committee Amendment "A" (H-412) was INDEFINITELY POSTPONED.**

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-412)** and later today assigned.

After Midnight

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

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009" (EMERGENCY)

(H.P. 383) (L.D. 499)

Which was **TABLED** by Representative PINGREE of North Haven pending **ADOPTION** of **Committee Amendment "A" (H-412)**.

Representative FISCHER of Presque Isle **PRESENTED House Amendment "T" (H-445) to Committee Amendment "A" (H-412)**, which was **READ** by the Clerk.

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

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. If you will remember earlier this evening, I described House Amendment "Q". This Amendment is virtually identical to House Amendment "Q," except if you turn to Page 4, line 18, this act, if you look, it is talking about 80 regional units or into a number of units that meets the administrative efficiencies established by this part. A lot of hard work obviously went into this amendment by many people, and I want to thank them for making this product better. I hope that we can adopt this amendment and then engross this bill, and we can all go home and get a good night's sleep. Thank you, Mr. Speaker.

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

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be brief, I promise. I really appreciate the good work of all the people who have worked on this to make a document that I think will move us forward and achieve the efficiencies in administration that we know are there. I would ask you all to support it. We have a lot of work to do, but I think that we have the right intent, we have the right people to work on it, and we are going to take a very important step forward. Thank you very much.

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. Good morning. You know, all of you know how many of us had concerns and how hard people have worked to bring this together, and I am rising in support of the motion. I think something that was confusing for many of us was around the density descriptions of how many people would need to be in a district and you will see some changes there.

What I need to say is that while many of us thought that the 100 per square mile population density was a viable position to use for determining district size, we found in the studies, they found in the studies and that I learned today, are that that does not work. The reason why it does not work is that it is population density, not student density. Some of our rural districts would find themselves trying to meet numbers that would not be practical, so what we did add is consideration of the rural nature of our communities, and that districts may be somewhere between 1,200 and 2,500, with of course the hope to be as close to 2,500 or over that as possible.

I rise in support of this and great appreciation. I know that you have all waited a long time, while language was sorted out and printing was done, and I thank you and I hope you will support it. Thank you.

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

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It was my intent to get up and move to Indefinitely Postpone this, to be keeping with the rest of them tonight, but instead I would like to remind you that all of the effort that has been put into it is a lot of hard work; there is no question about it. Many, many hours have been poured over in this, but I hope that you realize, and I noticed here that is says Notice of Intent, and I hope the intent is to bring something out of it that is going to improve education, but I have heard no discussion of improving education. All I hear is we are going to consolidate everybody, and I hope that you realize by taking action and passing this, that you are signing a death will for many of the communities in Maine. When you lose your institutions, you lose you identity as a community. When these schools are moved down the road, as they surely will be, then you are not going to have Maine, as we know Maine, left. I hope that you remember that as you push your button to vote. Mr. Speaker, I request of roll call.

Representative **JOY** of Crystal **REQUESTED** a roll call on the motion to **ADOPT House Amendment "T" (H-445) to Committee Amendment "A" (H-412)**.

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 "T" (H-445) to Committee Amendment "A" (H-412). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 114

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Craven, Cray, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Kaenrath, Knight, Koffman, Makas, Marley, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Moore, Norton, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Ayotte, Cotta, Curtis, Edgecomb, Gifford, Gould, Greeley, Grose, Jacobsen, Joy, Lansley, Lewin, Lundeen, MacDonald, McFadden, McKane, McLeod, Muse, Nass, Pinkham, Prescott, Rines, Savage, Thibodeau, Tibbetts, Vaughan, Walker.

ABSENT - Blanchette, Cressey, Duprey, Marean, Patrick, Pineau, Richardson E, Sykes, Thomas.

Yes, 114; No, 27; Absent, 9; Vacant, 1; Excused, 0.

114 having voted in the affirmative and 27 voted in the negative, 1 vacancy with 9 being absent, and accordingly **House Amendment "T" (H-445) to Committee Amendment "A" (H-412) was ADOPTED**.

Committee Amendment "A" (H-412) as Amended by House Amendment "T" (H-445) thereto was ADOPTED.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-412) as Amended by House Amendment "T" (H-445)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

On motion of Representative ROSEN of Bucksport, the House adjourned at 1:10 a.m., until 10:00 a.m., Wednesday, June 6, 2007.