

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Special Session**

May 26, 2005 – June 17, 2005

**Second Special Session**

July 29, 2005

**Second Regular Session**

January 4, 2006 - April 6, 2006

Pages 737-1487

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 Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 319**

YEA - Adams, Annis, Ash, Austin, Barstow, Beaudette, Bierman, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Cressey, Crosby, Cummings, Curley, Daigle, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Millett, Mills, Moody, Moulton, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Richardson D, Richardson E, Rines, Rosen, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Babbidge, Berube, Bishop, Brown R, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Crosthwaite, Curtis, Davis G, Edgecomb, Emery, Fitts, Fletcher, Greeley, Hall, Hamper, Hanley B, Hotham, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Moore G, Muse, Nass, Nutting, Ott, Pinkham, Rector, Richardson W, Robinson, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Vaughan.

ABSENT - Blanchette, Jackson, Joy, Plummer, Richardson M.

Yes, 97; No, 49; Absent, 5; Excused, 0.

97 having voted in the affirmative and 49 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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An Act To Modify Savings Offset Payments and To Clarify Certain Other Provisions of the Dirigo Health Act

(S.P. 555) (L.D. 1577)

(H. "B" H-687 to C. "A" S-359)

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: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative **ANNIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Initially I voted for this program. Now I have some serious concerns. I have received many calls from various businesses and they also have concerns about the tax on paid claims. This is going to cost one business \$30,000 and Mayo Regional Hospital contacted me and said that it is going to cost the hospital \$70,000. There was no raise a couple of years ago because there was no money for a raise and yet these employees at the hospital hung in there. Right now the hospital is owed \$5.3 million in back MaineCare. More than likely they will pass this tax onto the employees in their co-pay, although nobody has committed to that yet. Once again

the taxpayer picks up another tax increase. Please follow my light and vote against this. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **LINDELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My question is, given that we are about to enact a 4% tax on all paid claims, on all health insurance policies, both self-insured and ordinary health insurance policies, what would the fiscal impact on the State of Maine be of a 4% tax on all paid claims on the state employee's health insurance and retirees health insurance as well as the teacher's retiree's health insurance?

The SPEAKER: The Representative from Frankfort, Representative Lindell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I must confess that this is a subject that never came before the Appropriations Committee to my knowledge and I am curious as to whether other members are equally in the dark? I have never been warned or alerted to the possibility that we may actually incur additional costs in the State Employee Health Program if the savings offset payment is to be applied during the upcoming biennium against claims that are paid on behalf of state employees. It worries me that the question is coming up in this forum and hasn't yet been discussed because we will be, in the next day or so, working off of a budget that is tenuously balanced and which includes no set aside to my knowledge to cover any costs of such an assessment. I hope that other members of the committee may have better knowledge and better news than I am able to share with you tonight.

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

**ROLL CALL NO. 320**

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Smith N, Smith W, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Rector, Richardson D, Richardson E, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Blanchette, Dugay, Jackson, Joy, Plummer, Richardson M, Twomey.

Yes, 73; No, 71; Absent, 7; Excused, 0.

73 having voted in the affirmative and 71 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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An Act To Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County  
(H.P. 1197) (L.D. 1690)

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 Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 321**

**YEA** - Annis, Ash, Austin, Barstow, Berube, Bierman, Blanchard, Bowles, Brannigan, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Craven, Crosby, Cummings, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hotham, Hutton, Jennings, Jodrey, Kaelin, Lerman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McLeod, Merrill, Miller, Millett, Moody, Moore G, Muse, Nass, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Perry, Pineau, Pingree, Pinkham, Piotti, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Sherman, Smith N, Smith W, Sykes, Tardy, Thompson, Tuttle, Vaughan, Watson, Webster.

**NAY** - Adams, Babbidge, Beaudette, Bishop, Bliss, Bowen, Brautigam, Bryant-Deschenes, Cebra, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Dudley, Finch, Glynn, Goldman, Hamper, Hogan, Jacobsen, Koffman, Lansley, Lewin, McKane, McKenney, Mills, Moulton, Norton, Ott, Percy, Pilon, Rector, Richardson D, Richardson E, Seavey, Shields, Stedman, Thomas, Trahan, Twomey, Valentino, Walcott, Wheeler, Woodbury.

ABSENT - Blanchette, Jackson, Joy, Plummer, Richardson M, Mr. Speaker.

Yes, 97; No, 48; Absent, 6; Excused, 0.

97 having voted in the affirmative and 48 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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Resolve, Regarding Legislative Review of Chapter 101: Establishment of the Capital Investment Fund, a Major Substantive Rule of the Governor's Office of Health Policy and Finance

(H.P. 36) (L.D. 33)

(C. "A" H-636; H. "A" H-685)

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 **FINAL PASSAGE**.

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 322**

**YEA** - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Rector, Richardson D, Richardson E, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Blanchette, Dugay, Jackson, Joy, Plummer, Richardson M.

Yes, 75; No, 70; Absent, 6; Excused, 0.

75 having voted in the affirmative and 70 voted in the negative, with 6 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting Ought to Pass pursuant to Joint Order 2005, H.P. 1194 on Bill "An Act To Eliminate Pension Cost Reduction Bonding and Provide Replacement Budgeting Measures"

(H.P. 1199) (L.D. 1691)

Signed:

Senators:

ROTUNDO of Androscoggin

MARTIN of Aroostook