

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Special Session**

April 8, 2004 - April 30, 2004

**Appendix**  
**House Legislative Sentiments**  
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Pages 1563-2203

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

An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability

(H.P. 1409) (L.D. 1903)  
(C. "A" H-860)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **PASSAGE TO BE ENACTED**.

On motion of Representative GAGNE-FRIEL of Buckfield, 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-860)** was **ADOPTED**.

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 **House Amendment "A" (H-875)** to **Committee Amendment "A" (H-860)** was **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Buckfield, Representative Gagne-Friel.

Representative **GAGNE-FRIEL**: Mr. Speaker, Ladies and Gentlemen of the House. We did discuss somewhat earlier this particular amendment. I think we should revisit this. As legislators we are obligated to public safety. Repeat offenders need more time in prison, not more time on probation. Maine already has the lowest incarceration rate. We should not endanger the public in the long term because Maine's prisons are overcrowded. I ask you to please vote for House Amendment "A" and I ask for a roll call.

The same Representative moved that **House Amendment "A" (H-875)** to **Committee Amendment "A" (H-860)** be **ADOPTED**.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-875)** to **Committee Amendment "A" (H-860)**.

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

Representative **BLANCHETTE** of Bangor moved that **House Amendment "A" (H-875)** to **Committee Amendment "A" (H-860)** be **INDEFINITELY POSTPONED**.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I guess I feel like I am living through déjà vu all over again. I believe it was yesterday that we debated this bill. I can tell you in all honesty and my committee not only debated this bill, but we compromised in order to come out of the Criminal Justice, Public Safety Committee with a unanimous committee vote. There was give. There was take. It was a joint effort by 13 elected officials that we took into the consideration

the sentencing commission that had met for six months, the Sex Offender Commission that had met for six months. We took these bills and we married them together very successfully, but not without a lot of soul searching and pain on everybody's part.

I need to quote some of the things that were said in a recent newspaper article that drives the point home of why this is a bill that is going to help the people of the State of Maine. Probation is the most heavily used sentencing option in many types of cases. With the caseloads topping 140 per probation officer, the system is unmanageable. Lawyers and correction officials have said that. You have corrections officers that are supervising way too many people in the prison system, both in the state and on the county level. This is because 54 percent of the people in our corrections facility at Warren are probation violators and their probation is mostly on a technical cause.

If someone is picked up for a probation violation and they have more than one year left of their sentence, they have no option but to go back to the state prison. I have people, human beings, let's not forget these are human beings that we are asking to live in inhumane conditions in our prison because there are four people in one cell that was designed and approved by the accreditation of prison for one person. This cannot continue to happen. We have worked and worked and worked with brightest and the best minds in this state that are in charge of our correctional facilities. We need to implement the bill as it came out of Criminal Justice, Public Safety in a unanimous committee report as it stands. I would urge you to vote with me to Indefinitely Postpone this amendment. Let's complete the people's business. Thank you Mr. Speaker.

Representative **SHIELDS** of Auburn **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-875)** to **Committee Amendment "A" (H-860)**.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. I won't repeat my comments from yesterday when I supported this legislation. I do want to say that I thank the Representative for giving us another opportunity to look at this. I think that this piece of legislation will have an impact in several years. If we pass it in its current form, it will have a negative impact.

Ladies and gentlemen, there is no doubt that our prisons are full, but those people who are in our prisons are there for a reason. They are there because they violated our laws and because they violated drug laws that put in jeopardy many of our constituents. My fear and the fear of a lot of people out there, especially DAs, is that this legislation is going to be putting people back on the streets that shouldn't be there without supervision. I believe this amendment is a much more cautious approach to reducing our prison population. In the meantime, there are things that we can do by putting more people, more guards into our prisons and accounting for more space for our prisoners. Ladies and gentlemen, when I have to choose the safety of my constituents, my law abiding constituents or with the inconvenience of those prisoners who have gone into our prisons

for many very troubling reasons, I will always choose my constituents. Please support this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Kaelin.

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I really don't have an awful lot of familiarity with some of those legal issues involving this bill. I have tried to stay away from law enforcement throughout all of my 53 years. When I listened to the debate the other night, Thursday I think it was, I spent time out in the hall on the phone with our local Sheriff in Waldo County who I have a lot of respect for and who has been very creative in trying to overcome some significant overcrowding problems in our county jail. I talked to Scott Storey about the bill and the commission's recommendations and I have a lot of respect for what the Public Safety Committee has done in this area. Scott's view was on balance it is a pretty good thing. I think it will help us a little bit with overcrowding. As the evening wore on I went to see the Sheriff's Association that night and then I got some phone calls over the weekend, including our District Attorney and began to look at it a little more carefully. I am now convinced that there are at least two or three classes of criminals that would be released under the Majority Report on second convictions. You have the yellow paper in front of you. You don't have to read off it. Easter Sunday I heard from Jeff Rushlaw who is our prosecuting attorney in the county. He has convinced me that, in fact, Representative Faircloth's amendment is a good balance between the protection of public safety for our constituents and easing the overcrowding of our jails, which is certainly important. I would urge my colleagues to vote against the Indefinite Postponement of this amendment so that we can get to it and support it. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. Ordinarily I would look at the amendment and say this is a good amendment and I can really support this. I have told my fellow committee members that I am very tempted to. What aggravates me is that the different district attorneys came once to our committee. That is all. If they despised this report as much as they say they do, then why didn't they come more often? I know a few of them personally came to me and said they didn't like it. They weren't too crazy about it. You need to go to the whole committee. Many of you that have come before the Criminal Justice Committee know that we have a very open committee room. It is a very open committee process. We will listen to all concerned. We will often take comments of the people that come to represent their concerns. Why, I ask, didn't they come to us and scream and yell and make it very loud and clear that they were very upset with where we were going.

I got a few e-mails early on, but then we continued to work on this bill and work on this bill, they stopped. They stopped the e-mails and they stopped the communications. I automatically assumed that they were okay with this. As my committee chair, Representative Blanchette from Bangor said, this was not easy for any of us. Believe me, none of us would have gone here and done this if we weren't in the situation that we are in. I do believe that we need to be tough on criminals. I do believe that if you abide by the law and follow the law, you won't be in prison and you won't go to jail. Yes, I believe that our prisoners should be in jail. That is the safest place for them and the safest place for the people back home. I have to correct what I just said because at this time it isn't the safest place for our prisoners. This

amendment troubles me because I shouldn't question why it was brought forward. It does concern me. Thank you.

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

Representative **PERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I know I have spoken before on this. This amendment does not gut the bill. It does not bring back in all the probations and stuff that were eased and taken out. There are some areas that I have some real concern with and that is what this amendment is trying to do. First of all, there is no probation for Class W possession. It really does concern me. I am dealing with an area that has some significant substance abuse problems. Class W drugs are not alcohol. They are not legal. They also carry with the possessor a very difficult problem of addiction. You may be able to say that you have to go to treatment, but treatment does not work with these people. Unfortunately because of the illness, without some real clout behind it and without the guidance that probation would give them.

It also concerns me about second offenders who then will have the same lightness of term in probation that a first timer will have. I would hope and pray that first time through there were certainly some lessons learned. That doesn't always happen.

The other issues are around the non-probation for arson or animal cruelty. Those also are areas that need to be very carefully watched because of what is known and proven that if this is not taken care of then it can lead to much more serious crime. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative **LESSARD**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, am concerned with this bill, but you know what? Being from a law enforcement community for many years was an education listening to the experts testify on all aspects of the criminal justice system. I was enlightened by a lot of things that were presented, especially in the area of probation. Let me assure you that with this bill the judges will have the authority or the right to sentence people that deserve to be sentenced. Never mind about probation. What is probation? Probation is it feels good, we'll give you two years probation, along with 30 days suspended on and on and on. Yes, I have problems with the bill, but it is a fair bill to begin with. The commission will be in place and certainly I have reservations also, but certainly I will bring them up in January when the commission reports back. We will have some statistics to show if we are on the right track. Right now we don't have the information and all of these amendments are coming forth.

We debated these issues and we looked at them. Where are the statistics that we can work with and hang our hats on and say that this is fair? This is what we should do for the safety of the public. We are concerned for the safety of the public. It is a hard bill. People realize that we are allowing probation for all kinds of things. You look at the bill, the serious crimes, the judge has the latitude to go more serious than we are doing it now. It is a good bill. It has to be tweaked. It is not by offering amendments after amendments. I could have offered amendments all day, but to what end. Let's do what we have already and continue to process and come back in January or the first part of the year and correct those if they are to be corrected. There is substantial information that we can act on. I implore you to defeat this amendment. Thirteen members of that committee heard long and hard on these issues. It feels good to have these amendments and I admire those who support that, but not for now. Let's see what the statistics are and see where it comes from and then we will go ahead. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative McNeil.

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. I hope that the statistics that the Representative from Topsham are talking about are not my constituents back home who are already victims and the families of those victims.

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

Representative **SYKES**: Mr. Speaker, Ladies and Gentlemen of the House. Please don't forget another part of LD 1903 that would be impacted by this amendment. It creates two additional alternative sentencing options for the judge the third disposition and administrative release. The objective here is to get the judiciary to get away from probation, to relieve some of those probation overloads and for those judges to use some of these sentencing alternatives. Defer disposition, which is actually for a Class C, D and E crime and administrative release, which is for a Class D and E crime. These are activity proven alternatives in other states that can be effective and will also at the same time help us reduce some of the probation overload. Remember, we are trying to get away from the use of probation, but we are creating two additional sentencing alternatives, defer disposition and administrative release. I hope we will Indefinitely Postpone this amendment. Thank you.

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

Representative **FAIRCLOTH**: Mr. Speaker, Men and Women of the House. I will address some of the issues that have arisen since this issue was last before us. I agree with everything in substance that Representative Blanchette says about this piece of legislation. If the amendment were to be accepted, we would let many, many people completely off probation. That is what the amendment does. There is a huge list, I should have it distributed and I am sorry I didn't, of misdemeanors that with the amendment would be completely let off probation, theft, negotiating worthless instruments, forgery, criminal trespass, trespass by motor vehicle, criminal invasion of computer privacy, false swearing, falsifying physical evidence, tampering with public records and the list goes on. The great majority under the amendment of misdemeanor crimes would be left off probation completely. We all agree on that point.

What the amendment does is it says for things like Schedule W drugs, not marijuana, serious Schedule W addictive drugs to maintain probation. Who are some of the people that suggested this to me? Probation officers. They say, listen here is guy who is eight years as a probation officer. Let's these other things off probation. That is reasonable and that is fine. Schedule W, you need to monitor. Why? You have to do random drug testing. You have to do random home visits. You won't find anywhere in the committee report any legal authority like you have with a probation officer to go enter into a home for anyone. There is no such process created in here under the administrative release. There is no mechanism. I talked with the Assistant Attorney General and he said the same thing. There is no mechanism by which to do that monitoring. This is great for restitution. That works. That is good, but not for somebody who is addicted to Oxycontin. That doesn't make sense.

All this amendment does is carve out some narrow and reasonable exceptions. If the amendment were to prevail, all first time felony offenders would have their probation reduced. All of the first time felony offenders would have their probation reduced just like under the underlying bill. It is not an issue. We are just talking about under this amendment, the repeat offenders and the

career criminals. That is reasonable and appropriate. Under administrative release for these misdemeanors, Don Gean, a former Democratic legislator from York County was very clear where in one of those areas where they have drug court, they said they still need probation. We need it because we need to help transition these people back on the straight and narrow path. He thought it would be a violation of confidentiality, an undermining of the relationship with the treatment provided for them to be policing, if you will, in the manner of a probation officer. He didn't like it. It wasn't a good idea. It wasn't one that he thought would be helpful to the people who need to get help when they are addicted to these drugs.

Truth in sentencing law was passed in 1995. Again, I respect the Sentencing Commission, but I happen to agree with the Attorney General. I happen to agree with the Chief Justice who opposed the increase in good time from five to nine days. If this amendment were to pass, you would still increase from five to seven days. It is a moderate, reasonable middle ground that would let lots of people off of probation, lots of people onto shorter probation and because it would go from five to seven days, let lots of people out of jail earlier. This amendment is extremely moderate. It carves out some narrow appropriate exceptions. Let's work together to add this on and then we can move on to what is an excellent piece of legislation.

This isn't any threat to the bill. It is an improvement to the legislation. Thank you.

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

Representative **MILLS**: Mr. Speaker, Men and Women of the House. Just a few remarks because I did pick up this orange sheet earlier and quite frankly, I found it offensive to suggest for a moment that the 13 members of this committee that I serve on proudly were not thinking about public safety or were not thinking about victim's rights and who were not thinking about putting repeat offenders in jail. I am a bit offended by the content of that yellow sheet. I want to say that we are very in tune with victim's advocates and victim's rights and we changed the bill many times to accommodate the needs of victims in the bill. I won't repeat everything I said last Thursday because this is the exact same amendment that was proposed last Thursday that we all voted to Indefinitely Postpone. It is not an amendment. It is not a minor tinkering. It is, quite frankly, a rewrite of the bill and it completely undermines the bill that we worked so hard on for the last several months in committee and for six months in the commission.

I think the good Representative from Bangor simply misunderstands the whole concept of probation and the concepts in this bill surrounding administrative release and deferred disposition and the concept of good time and work time, which is a new thing in the law that we are proposing. It is not some automatic decrease in anybody's sentence.

Probation is an easy thing to talk about. People have understandings about probation. The good Representative from Bangor has talked about probation officers going to people's houses and checking on them and seeing if they are doing drugs and what not. That would be good if that were so, but that is not so. Probation officers do not have a chance to go to people's houses and go to their places of employment, not when they have caseloads of up to 300 probationers per probation officer, not when they have to try to focus their time on violent offenders, domestic violence offenders, sexual assault offenders and the like and not when they are automatically violating people for technical offenses resulting in overcrowding in the jails and the prisons.

The Sheriffs were part of the commission. The Sheriffs were very deeply involved in writing this bill. The Sheriff's Association

has backed this bill. To help ease the overcrowding in the jails and to help the courts and the DAs and members of the criminal justice community be a little bit more creative with what they do and how they handle people on first offense and second offense property crimes and people who don't pose the kind of threat to public safety that people convicted of domestic violence do and people who are convicted of various sex offenses do.

We are very much acting in the interest of public safety in passing this bill and in passing it unamended.

The orange sheet asks about second offenses for selling Crack or Oxycontin to children and second arson convictions and second offenses for aggravated assault. I am not interested in putting those people on probation. I am interested, as is the committee, I think, in putting those people in prison where they belong. We can't put them in prison for long sentences right now because there is no room in the inn. The room is being taken up by technical violators of probation, burglary of motor vehicle offenders and the like. People who filch six packs of beer from a store on a Saturday night and violate their probation. I want to save the precious resources we have in our prisons and in our jails for those who are indeed a threat to public safety. That is why it is important not to dilute this bill, not to undermine this bill, not to change the bill, but to vote for it unamended.

The bill asks for members of the criminal justice community to think a little bit outside the box, to be more creative in sentencing. Instead of walking into court in the morning and saying that I want three years of probation on Joe Schmo or a years probation, think about administrative release.

When it comes to people who sell Oxycontin or sell Crack to other adults or to children, those are felony offenders. All current ranges of incarceration are available for those offenders. For felony and misdemeanors, drug cases, drug court is available and drug court is a good alternative and creative sentence that does not require probation. The drug court has its own resources, its own case managers who test those individuals and who ensure that they are in counseling and who require that they report to the court every week or every month as the court requires. That is a good program and an effective program without probation even being involved. It is not necessary to put first offense misdemeanor drug possession convicts on probation to achieve the good work of the drug court.

I ask you to vote with me in Indefinitely Postponing the gentleman's amendment as we did last Thursday and then go on to vote again to pass this good bill unamended. It is in the public's safety. Thank you.

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

Representative FAIRCLOTH: Mr. Speaker, Men and Women of the House. I strongly support the goal of increased public safety and I strongly support the goal of letting more people out on probation, decreasing probation ranges and increasing good time and with the amendment all those things happen. One I respectfully disagree about, a factual point, probation now, I checked with Kennebec and Penobscot County probation officers, do now, today, monitor Schedule W drug possessors. When people are saying it is too crowded and they can't do it, they do it now. If this amendment were to pass and relieve all of these misdemeanors off the probation roles and all of these first-time offenders down to lowered probation, they were able to do so even more. They are already doing it now. Why? One probation officer told me that an Oxycontin, Schedule W, drug possessors is a high-risk offenders, even if it is a Class D. He wants to help that person transition. It was not me who said you need probation after drug court. It was a treatment provider. He said it is very important because those people fall of the wagon.

This guy is in on their side. He is on the side of the drug addict trying to help them get straight. He says that probation is needed after drug court. By the way, drug court isn't in every county of the state. If it were, it would be necessary. Charlie Leadbetter from the Attorney General's Office, the father of our criminal code. We look inside here, inside the Committee Amendment, there is no legal authority for anyone, anywhere, anytime to go into a home, like a probation officer can and say, hi, we are checking in on you. They do that now, but if the Committee Amendment passes without the amendment, there is no one with the legal authority to go to that home and check. There is no legal authority to do the drug testing. That is very necessary to help that person.

First time offenders, let's decrease their probation period and respectfully I happen to agree with the Chief Justice and the Attorney General that going from five to nine days good time is too much. Thank you very much.

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

Representative GERZOFSKY: Mr. Speaker, Ladies and Gentlemen of the House. Again, I have sat here and I have listened. I have this yellow paper, it is a great color, on my desk. I read it. The same time that I read my Maine Criminal Statutes. Ladies and gentlemen of the House, if you deal drugs in the State of Maine, it is a Class C crime. That gets you time in Thomaston or Warren now that we have Warren. It puts you not in jail, not on probation, it puts you in prison. That is where we start. I looked at this and I think how misleading. I have seen things on my desk that have been misleading. I probably have put things on your desk that might have been a little bit misleading, but nothing to this extent. This is printed on the right color paper. The commission and the study did not want to do away with probation. It did not want to do away with good time. We did good time for up to 15 days a month. We didn't take it back to two days a month. We cut it back to 9, 10 and 11 days a month to only the people who are doing their time without spitting on guards, without spilling their peas on the floor at dinnertime, without causing any disturbances. They are earning some good time. Not very many of those people are going to graduate with any good time on their books, because as I said last week, the guards love to say, 30 days loss of good time. If you don't have 30 days built up, they will be glad to deduct it as you get it.

Ladies and gentlemen, I have heard about punching women in the face. I have heard about selling drugs to kids. I have heard about arson. I have read all of this. If you punch a woman in the face in this state in a bar, after the bartender gets a hold of you, you are going to go to jail. You are going to go and do some time in prison, because you can't assault people in this state. It is against the law. No matter what anybody comes here and stands up and says and puts things out on yellow paper, it is against the law and you can't change that. You are not allowed to burn buildings down. It is a Class C crime. A Class C crime gets you time in prison.

Ladies and gentlemen, good time is a tool that the guards happen to use. I worked in the prison. I know what I am talking about. Probation is something that we need for people that have been released from jail or released from the court that need to be supervised. When a probation officer has 100 people on his role, he is not going to supervise them. He can't supervise them. We are not going to spend the money to hire another 100 probation officers. That is why this bill is so important as it is written. The committee I sit on, and since I got elected to this fine body, I have been on Criminal Justice. I am not a Johnny Come Lately that just happened to come in and say that I don't like what you are doing to my bill. I want it changed. I worked on this bill. My

committee worked on this bill. There are lawyers on my committee. There are furniture makers on my committee and I will tell you right now there are a couple of cops on my committee. One of them likes to say it every time he opens his mouth because he knows what it is like to deal with these people on the street and wants them behind bars as we do. We know the real life world. We can't keep putting people on probation without probation officers to handle it. This bill of ours gives us that.

We go from 15 days a month good time down to five days a month and now we are going to go back to nine days a month so that we can use it as a tool. Believe me, we don't graduate people with much of it on their books.

Ladies and gentlemen, please, I implore you to Indefinitely Postpone this amendment and let's get on with our business. It is running late. Thank you very much.

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

Representative GROSE: Mr. Speaker, Ladies and Gentlemen of the House. I was told when I first came up here last session that you pay attention to the committee votes. You go with your committee. You trust their judgment. We had a unanimous vote on our committee. I can honestly tell you that this was not easy. We really had some head banging there and temper tantrums and everybody didn't get what they wanted. I just want to reiterate that. You do trust your committee. I trust committees. When I hear you stand up and talk about what you deal with in your committees, I trust a lot of your judgment. Some times I will vote against it, but a good majority of the time I trust your judgment. That is all I am asking on this committee here. We made a vote. We worked hard on it. I just wish everybody would take a good hard look at this. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-875) to Committee Amendment "A" (H-860). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 444**

YEA - Adams, Ash, Barstow, Blanchette, Bowles, Breault, Brown R, Bull, Churchill J, Clark, Cummings, Daigle, Dunlap, Duplessie, Earle, Eder, Fischer, Gerzofsky, Glynn, Greeley, Grose, Hatch, Jackson, Jacobsen, Jennings, Ketterer, Landry, Lessard, Lundeen, Maietta, Makas, Marley, Marraché, McCormick, McGlocklin, McKee, McLaughlin, Millett, Mills J, Mills S, Norbert, Norton, Nutting, O'Brien L, O'Neil, Patrick, Pellon, Percy, Pineau, Richardson E, Richardson J, Richardson M, Sampson, Saviello, Sherman, Simpson, Smith N, Smith W, Snowe-Mello, Sullivan, Suslovic, Sykes, Tobin D, Tobin J, Usher, Vaughan, Woodbury, Mr. Speaker.

NAY - Andrews, Annis, Austin, Beaudette, Bennett, Berry, Berube, Bierman, Bliss, Bowen, Brannigan, Bruno, Bryant-Deschenes, Bunker, Campbell, Canavan, Carr, Clough, Collins, Courtney, Cowger, Craven, Crosthwaite, Curley, Davis, Dudley, Dugay, Duprey B, Duprey G, Faircloth, Finch, Fletcher, Gagne-Friel, Heidrich, Honey, Hutton, Joy, Kaelin, Koffman, Ledwin, Lemoine, Lerman, Lewin, Mailhot, McGowan, McKenney, McNeil, Moody, Murphy, Muse, O'Brien J, Paradis, Perry A, Pingree, Piotti, Rines, Rogers, Rosen, Shields, Stone, Sukeforth, Thomas, Thompson, Trahan, Treadwell, Walcott, Watson, Wheeler, Wotton, Young.

ABSENT - Browne W, Churchill E, Cressey, Goodwin, Hotham, Jodrey, Kane, Moore, Peavey-Haskell, Perry J, Rector, Tardy, Twomey.

Yes, 68; No, 70; Absent, 13; Excused, 0.

68 having voted in the affirmative and 70 voted in the negative, with 13 being absent, and accordingly the motion to

**INDEFINITELY POSTPONE House Amendment "A" (H-875) to Committee Amendment "A" (H-860) FAILED.**

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **ADOPTION** of House Amendment "A" (H-875) to Committee Amendment "A" (H-860) and later today assigned. (Roll Call Ordered)

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

**ENACTORS  
Acts**

An Act Regarding the Continued Provision of Free and Appropriate Public Education for Eligible Children of Kindergarten Age

(S.P. 801) (L.D. 1960)

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.**

An Act To Streamline the Sales Tax Credit for Worthless Accounts To Eliminate Unnecessary Burdens on Certain Maine Businesses and Consumers

(S.P. 646) (L.D. 1714)  
(C. "A" S-451)

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

On motion of Representative LEMOINE of Old Orchard Beach, was **SET ASIDE.**

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

Representative MCGOWAN: Mr. Speaker, Men and Women of the House. I want to apologize for not being here yesterday when this bill was presented to the House. I feel obligated today to rise and speak against this bill. I really would like to explain a few details about it. The title is a little deceiving. I would like to explain to you what this bill really does. There are some car dealers in the State of Maine that have what they call in-house financing. In-house financing is they finance whatever the car is worth in house. If I went into a garage and told them I didn't have any money for a down payment and I didn't have any money for the sales tax, they would probably tell me that they would finance this whole package. What they don't tell you is what percentage of interest they are going to finance this package for. They add in the sales tax. They add in the down payment and the price of the car and then in some cases they charge as high as 18 to 19 percent interest.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Clough. For what purpose does the Representative rise?

Representative CLOUGH: Point of Order, Mr. Speaker. There is nothing in this bill that refers to interest rates in any part of this bill.

On **POINT OF ORDER**, Representative CLOUGH of Scarborough asked the Chair if the remarks of Representative MCGOWAN of Pittsfield were germane to the pending question.

The SPEAKER: The Chair gives great leeway in the debate. The Chair would rule that the Representative from Pittsfield may proceed.

The Chair **RULED** the Representative MCGOWAN of Pittsfield can proceed.