

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY)

(H.P. 1420) (L.D. 1919)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932), "T" (H-935), AND "V" (H-937) thereto in the House on April 15, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY HOUSE AMENDMENTS "Q" (H-932), "T" (H-935), AND "V" (H-937) AND SENATE AMENDMENTS "A" (S-518) AND "P" (S-543) thereto in NON-CONCURRENCE.**

On motion of Representative BRANNIGAN of Portland, the House voted to **RECEDE.**

The same Representative **PRESENTED House Amendment "Z" (H-958) to Committee Amendment "A" (H-904), which was READ** by the Clerk.

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House. This amendment, because it appears that we will not be able to have a two-thirds vote to make this an emergency, this strips off the emergency preamble and makes all the adjustments necessary given that this bill will not take affect until after July 1.

House Amendment "Z" (H-958) to Committee Amendment "A" (H-904) was ADOPTED.

Representative O'NEIL of Saco **PRESENTED House Amendment "Y" (H-951) to Committee Amendment "A" (H-904), which was READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Men and Women of the House. In my eighth year here I believe this is the first time I have ever ventured into the world of the budget and offered an amendment to one. By way of explanation, this was in the works before we broke a couple of weeks ago, but there was considerable math to be done downstairs in Fiscal so we didn't get it back up in time when we broke for the evening. Since we backed up the bill, it is my opportunity to offer it.

It is a really simple amendment, Mr. Speaker. It goes back to a request by the good chair, Representative Brannigan, who made it many times throughout the session starting in January where he would look at us longingly and say that I wish somebody would find us some money. Painful cuts were proposed, revenue enhancements were proposed. Some were suggested in the document that is before us that is pending adoption. Most folks within that committee, if not all of them, found them painful, although artfully done, they didn't want to do them. I felt terrible too. We were cutting some necessary services for folks who were very vulnerable. I went out and did the Representative from Portland's bidding and I found him some money. What this amendment (H-951) does is it restores some of those painful cuts and it alleviates the need for some of the more dubious revenue lines.

The money that I found, by the way, is found by adding some efficiencies, correcting some deficiencies, mostly in the insurance code and Mainecare and the State Employee Health Plan and booking those savings. By booking these savings, sorry to be so

late, but I am pleased to tell my friends in Appropriations and in the House that they can restore funding to some of those priorities that ended up on the cutting room floor, as it were.

Fortunately because the savings were booked with this amendment, we can also address another little nuisance issue that has been confounding us lately and that is tax relief and tax reform. There should be enough money left over there to do pretty much what the Homestead Plus proposal wants to do. It does so without raising the sales tax or a sin tax, which is an action that has caused lots of us plenty of anxiety. Both the restorations to the budget and the ancillary property tax relief are paid for by these savings and efficiencies that we realize in the amendment. There is more. I think it has stronger societal benefits in terms of us doing things in a comprehensive way that takes into account the synchronicity among economic development, taxation, health care and education funding under the umbrella of the budget. I please ask my House members to support House Amendment "Y." It has been before you for a couple of weeks. I know I have talked to lots of you about it. I think it puts us in a very good posture moving forward. Thank you.

Representative BRANNIGAN of Portland moved that **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "Y" (H-951) to Committee Amendment "A" (H-904).**

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

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House. I hope you don't think that I asked for this. I know that certainly we wanted help wherever we could. I certainly encourage people to look at this amendment. It really is a total rewrite of many things, the bill and taxation and Dirigo Health. It is a major piece of work. I certainly admire the Representative from Saco, Representative O'Neil, for the energy and thought that went into this. It is astounding, actually, that this would be in front of us at this late time. I hope you will stay with the budget that we have been working on and proposing and will just take this amendment as an exercise for learning and for possibly future changes here and there. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative CLOUGH: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CLOUGH: Mr. Speaker, Men and Women of the House. I would ask my good friend from Saco, Representative O'Neil, if he could identify the source of the funding for this? It seems like quite a bit of money and I would like to know what the source is of all this extra money.

The SPEAKER: The Representative from Scarborough, Representative Clough has posed a question through the Chair to the Representative from Saco, Representative O'Neil. The Chair recognizes that Representative.

Representative O'NEIL: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the question, there is a fiscal note attached to pretty much move some money around. The source of the money, as I mentioned, is correcting deficiencies and streamlining some things that have some glaring holes in them. When we do this, we book, without having people in the State Employee Health Plan suffer any decrease in benefits, we booked between \$28 and \$30 million from the State Employee

Health Plan. We book about \$120 million by making sure that there are no more uninsured in Maine. We maximize under the current and proposed Mainecare eligibility levels about \$80 million in federal funding. One of the unknowns could be savings booked from the same efficacies that were proposed, but likely not to be realized under the existing Dirigo. Those savings could be anywhere from \$100 to \$200 million. There are unquantifiable at this time.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I just found a copy of this amendment. I am noticing on Page 36 and I will read it. It is quite interesting. It says, "Financing for coverage under the Dirigo Health Insurance Program is provided through an individual health assessment. Beginning January 1, 2005, all resident individuals and non-resident individuals subject to income tax liability must pay an individual health assessment of 5 percent for the first \$150,000 of that individuals adjusted gross income and an additional 1 percent of any portion of that adjusted gross income that exceeds \$150,000, so 6 percent of everything over \$150,000. The amendment repeals the provision in current law relating to savings offset payments by health insurers and third-party administrators." It sounds to me like a pretty healthy increase on your income tax.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Saco, Representative O'Neil, and I have had discussions about health care now for several years. I am really going to miss his presence in future sessions. When I saw this amendment come across the desk, I realized that this is a culmination of everything he had been talking about for a very long time. Some time ago when we were discussing the universal health care bill, I asked for some estimates from the budget office about what it would take to fund an effort. One of the outcomes from that surprised me. I was expecting an astronomical number that would be unrealistic. It came out to be something that actually sounded quite attractive. The 5 percent of your adjusted gross income taxed on the State of Maine to pay for all of your medical insurance, I thought about my own situation. That would be a bargain. I thought about everybody I know, my family and my relatives. That would be a bargain.

Yes, there are some details about whether your employer starts to pay you more because they dropped their health insurance policies. Yes, there are some things to work out. I can't think of anybody I know that wouldn't look at this outcome and say, I will take that in a heartbeat.

I know it is a difficult time of year to do this, but I think he is really onto something here. I intend to support this. If it fails to pass, I intend to keep it in my briefcase for next year. We seriously need to ask ourselves, if we pass this thing, the dramatic change we have all asked for would be a legacy for this Legislature to come up with this. I can totally support this. I hope you give it serious thought. The time may be right now.

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

Representative **WOODBURY**: Mr. Speaker, Men and Women of the House. This proposal has any number of innovative aspects toward health insurance. I seriously commend my colleague from Saco for bringing this forward. Often when we talk about universal health insurance we talk about something that has first dollar coverage for any kind of health care that you may want or need. That clearly is a kind of

universal health insurance. It is extremely expensive and in my judgment unaffordable. What Representative O'Neil has put forward with this amendment is a totally different concept of universal health insurance. It is one that has substantial cost sharing using medical savings accounts as a vehicle to do that. I believe this is a model that we all should study very carefully as we consider where to go forward with health insurance in this state in the future. I suspect that this year is probably not the time, but I seriously commend my colleague for working so hard on this and bringing these very innovative and good ideas forward. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Ladies and Gentlemen of the House. I had a baseball coach when I was a kid who used to after a 2 and 14 season, he said, "You guys had an awful lot of moral victories." I grew to detest moral victories. I also realized that you don't win all of them. In that spirit, I thank my colleagues, the Representative from Scarborough, the Representative from Arundel, the Representative from Yarmouth for their interest. They brought up a couple of points that I think need clarification, lest anybody in here thinks that my motives were less than pure. The Representative from Scarborough, Representative Clough, pointed out the healthy increase in the income tax. In answer to his question originally, the savings that are booked to fund the property tax and the property tax relief and the restorations to the budget do not come from any income tax at all. They come from the savings resulting from a comprehensive and fair entitlement to health care in a market based system.

As the Representative from Yarmouth, Representative Woodbury pointed out, that is probably a very good thing.

The Representative from Arundel, Representative Daigle indicated that there may be some question as to whether an employer who now contributes to health insurance for their employees would be required or not required to maintain that effort. I just wanted to clarify that there is no ambiguity at all in reference to that question. This is not an employer mandate. This is what we would call an individual mandate. We have an individual mandate in automobile insurance, but we have a hammer to hold over the head of those who fail to comply, pull their license, their registration or their vehicle. We have no such hammer in the realm of health insurance. The only way to really design and enforce an effective individual mandate in health insurance is to tax them for it. There is a little semantic difference. We call it an individual health assessment. It sounds nicer. It is a tax. Bear in mind, ladies and gentlemen, over the years I have sent you things that have showed that people who are in health plans where basic coverage happens with reasonable copays and cost sharing, if the employer pays for that, it is generally on the line of about 20 percent of what the employer pays in people costs, wages and salaries. As a percentage of the state budget out of the general fund, it would include the highway fund too, as a percent of the people cost, those wages and salaries, we are at about 18 something percent to pay for our health care. This is not including the cost of out of pocket contributions for family members. You have people in the individual market, non-group who pay 30 or 40 percent of their income to buy an individual policy. Again, to reiterate the Representative from Arundel's point about bargain, you tell me which is a better deal.

Ladies and gentlemen, vote for this if you feel like it. Save it if you feel like it. Chew it up and spit it out if you feel like it. I tell you today that on the 28th of April that this has to happen. Something along these lines has to happen. The economy of

Maine is standing on the edge of an abyss. We are in a fiscal morass looking down and it ain't getting better. One of the biggest drivers is the vice that health care has on our businesses and our individuals. I submit to you that a model like this would make Maine a haven for businesses to locate, businesses who are now paying 20 percent of their payroll for people costs and are going up.

I submit that you don't need a ton of command and control regulations to control the costs of health care that empower consumers that would perform that better, consumers who are spending their own money on their health care. Ask the doctor is a \$75 x-ray would work just as well as the \$750 MRI because it is my money. If I don't spend all that \$750, then I get to keep it under the new rules under the HSAs. Medical savings accounts, my friends, you have heard me decry over the years and vote against it and kill it. The Representative from South Portland can attest. He has championed the idea. It is an idea whose time has come, but they just been improved as of December when Congress passed the HAS legislation. Now the medical savings account is no longer a cost shifting tax shelter for the healthy wealthy. It is not. Poor people can afford them. They can afford to set aside money. Their employer may decide to set it aside for them because as the Representative from Arundel says, the employer is getting a good deal. Poor people can fund education for their kids. They can have a vehicle to fund their retirement. Ladies and gentlemen, my colleagues who are contemporaries in the baby boom, the crippling effect our generation will have via long-term care, funds for HSAs will go for those. Why are we not rolling out the red carpet for this?

Mercier, leading actuarial firm in the nation, two days ago released a study saying that 73 percent of over 900 employers that they surveyed, almost 1,000 employers, said that by the year 2006 they will be offering health plans with HAS compatibility. The nugget behind that is you get a higher deductible, which I have always hated, but let's face it, that is all that is out there being bought now. Now you give tax advantage to the employee, pre-tax money that can come out and be carried over and it is pre-tax coming out. It brings the premium way down, folks. Why not make that progressive, slide the scale by making an attachment point or a deductible that is the same as the proportion of income, which is what this amendment does and you eliminate the cost shifting. You eliminate the uninsured. You eliminate a lot of the bad debt and charity care. It will work.

Again, do what you want with this. It is out here to make a point. I would love to see us pass it. It might take until July before we can figure out all the details. I would be willing to have somebody call us back in to work for it. Ladies and gentlemen, if you are afraid of that morass, if you are afraid of that abyss, if you are afraid of the structural gap and afraid to tackle that sucker, this is the way out. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. My first four years here I was a member of the Banking and Insurance Committee. If your head is spinning right now, you need to know what a freshman sitting on Banking and Insurance with Representative O'Neil there with one term under his belt. When this came out, I have to tell you we are doing the exact same thing that everybody else does. If you are doing your taxes, chances are a lot of you are doing them on April 14. My husband was driving them up here so I could sign them and we could get them in the mail. When this came through, I simply said to Representative O'Neil that that was interesting reading. That was last week. I can't hold it up, but there was a little salmon colored sheet that he had out here. I took it home and I

looked at it. This morning when I saw the Representative upstairs, I said, what has happened to your amendment? He said that we hadn't been able to get the budget back to talk about it. This will work. You want to pass tax reform. You want to do the number one thing walking outside going door to door campaigning or anything else, they tell you to do something about health care. Wealthy people tell you that. Poor people tell you that. Employers tell you that. Employees tell you that. I am beginning to think that the dogs are barking it somehow. This will work.

I have to tell you that in the last week and a half there are more people paying attention right now than I have seen in a long time. You want to be bold, this is bold. You want people to say, have you done anything? Have you really tried to make a change? Yes, we have tried to make a change and this will do it. I think it is interesting. We don't seem to be getting very far on tax relief. This might be worth taking the time and doing it right and listening. We have had it on our desks for over two weeks now, because we were off a week. Shame on us for not looking at it. Shame on us for digging our heels in and saying that we would only look at one thing or another. Whatever side you were on, we are all guilty. Shame on us. This is worth looking at. This is worth looking at now. It is worth passing and going from there. I am willing to take the risk and maybe this Legislature will do something that will have people talking, not about Palesky, not about 1A, but, wow, did you see what they finally came up with? Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "Y" (H-951) to Committee Amendment "A" (H-904). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 497

YEA - Adams, Barstow, Beaudette, Bennett, Berube, Bierman, Blanchette, Bliss, Brannigan, Breault, Browne W, Bryant-Deschenes, Bull, Clark, Clough, Cowger, Cressey, Crosthwaite, Cummings, Davis, Dudley, Duplessie, Duprey G, Earle, Faircloth, Gagne-Friel, Gerzofsky, Glynn, Hatch, Hutton, Joy, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, McGowan, McKee, McLaughlin, Millett, Muse, Norton, O'Brien L, Paradis, Pellon, Percy, Perry A, Pingree, Richardson J, Shields, Smith N, Snowe-Mello, Stone, Suslovic, Tardy, Tobin D, Trahan, Usher, Vaughan, Walcott, Wheeler, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Ash, Austin, Berry, Bowen, Bowles, Brown R, Bruno, Bunker, Campbell, Carr, Churchill E, Collins, Courtney, Curley, Daigle, Dunlap, Eder, Finch, Fischer, Goodwin, Grose, Heidrich, Honey, Hotham, Jackson, Jennings, Jodrey, Kaelin, Landry, Ledwin, Lewin, Maietta, Marley, McCormick, McGlocklin, McNeil, Mills S, Moody, Moore, Murphy, Nutting, O'Neil, Peavey-Haskell, Perry J, Pineau, Rector, Richardson E, Richardson M, Rines, Rogers, Rosen, Sherman, Simpson, Smith W, Sukeforth, Sullivan, Thomas, Thompson, Tobin J, Treadwell, Twomey, Watson, Woodbury, Young.

ABSENT - Canavan, Churchill J, Craven, Dugay, Duprey B, Fletcher, Greeley, Jacobsen, Marraché, McKenney, Mills J, Norbert, O'Brien J, Patrick, Piotti, Sampson, Saviello, Sykes.

Yes, 67; No, 66; Absent, 18; Excused, 0.

67 having voted in the affirmative and 66 voted in the negative, with 18 being absent, and accordingly **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) was INDEFINITELY POSTPONED.**

Representative BOWEN of Rockport **PRESENTED House Amendment "H" (H-919) to Committee Amendment "A" (H-904), which was READ by the Clerk.**

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Bowen.

Representative **BOWEN**: Mr. Speaker, Men and Women of the House. I will be quick. I know we want to get some supper. I have a quick amendment to fix an oversight when the bill was put together. It has to do with Section DDDD. It is at the very end of the document if you start flipping through it. You may recall that this section of the budget bill makes a substantial change in the level of the state's commitment to funding health care benefits for our state retirees, state employees, state police, community college, turnpike and I think as it was amended even Maine Maritime folks were covered by this. Unfortunately for whatever reason, a major recipient of these benefits are left out of this commitment language and that is the teachers of Maine. As most of you know, one of the benefits promised to teachers in this state is that the state will pay a certain percentage of health insurance costs and retirements is currently 40 percent. According to a document I had here back along that the Representative from Cornville, Representative Mills gave me, said that the state as we sit here is obligated already to pay over the distant future something in the order of \$50 million in post retirement benefits just for teachers. We have made a substantial promise to these people. The language, as I recall, it was explained very well last week by the Representative from Portland, Representative Brannigan, that we got some money for the budget out of the State Retiree Health Insurance Fund and to sort of offset their fears that we were going to renege on our promise. We put some language in the budget. It doesn't really cost anything in this budget. It is simply language that strengthens our promise to them. There was a great quote from Representative Brannigan I wrote down. He said, "We put this in here to give retirees some security that we would not do away with or change benefits in a way that would be bad for them." In summary, that is the promise that we were making to these state employees. This amendment, very simply, which is very short, would include teachers among those beneficiaries for whom the state is making this very strong promise that we will not do away with or take away their benefits. Clearly at some point in the history of this institution it was decided that one of the benefits of a career in the classroom in this state would be that the state would contribute a chunk of money and a promise to provide some support for health care costs and teacher's retirement.

We have heard a lot in this session with the educational policy and contract negotiation bills about teacher workload and the effect it is having on driving some teachers out of the business. We know about our national rankings for teacher's salary and we know that we ruffled them a lot when we forced them to line up like criminals and get fingerprinted here a few years ago. I think it is time for a positive message for Maine's teachers to come out of this institution. We even heard in the debate the other day on the regionalization bill about how important our schools, our educational system is to this state. It only seems fair to me that if we mean it, we really mean it, then we will extend to teachers the same type of promise at no cost, I would add, in this budget, the same promise of security and retirement that we extend to state employees, Community College System employees, Turnpike Authority, State Police and virtually everybody else. I would appreciate your support. Thank you.

Representative **BRANNIGAN** of Portland moved that **House Amendment "H" (H-919) to Committee Amendment "A" (H-904)** be **INDEFINITELY POSTPONED**.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. Our relationship with teachers, we pay 40 percent now. There is a big hope and effort over the years and over the coming years is to get a larger portion of help to the retired teachers. This is a different situation than with our state employees. Teachers are not our employees. We don't have the same relationship. It was my understanding that when this was discussed earlier that we are not even sure that the teacher's union wanted to tie themselves in this way even if they could. This ties working employees of the state, which teachers are not, to the retiree benefits. This, I believe, is not an appropriate amendment, not appropriate part of this piece of the budget. Thank you Mr. Speaker.

Representative **RICHARDSON** of Brunswick **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "H" (H-919) to Committee Amendment "A" (H-904)**.

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 "H" (H-919) to Committee Amendment "A" (H-904). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 498

YEA - Adams, Ash, Barstow, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Cowger, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, McGlocklin, McKee, McLaughlin, Mills S, Moody, Norton, O'Brien L, O'Neil, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Richardson J, Rines, Rosen, Simpson, Smith W, Sullivan, Suslovic, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Glynn, Heidrich, Honey, Hotham, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, Maietta, McCormick, McNeil, Millett, Mills J, Moore, Murphy, Muse, Nutting, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Churchill J, Clark, Craven, Duprey B, Fletcher, Greeley, Jacobsen, Marley, Marraché, McGowan, McKenney, Norbert, O'Brien J, Patrick, Piotti, Sampson, Saviello, Smith N, Sykes.

Yes, 73; No, 59; Absent, 19; Excused, 0.

73 having voted in the affirmative and 59 voted in the negative, with 19 being absent, and accordingly **House Amendment "H" (H-919) to Committee Amendment "A" (H-904)** was **INDEFINITELY POSTPONED**.

Representative **BRANNIGAN** of Portland **PRESENTED House Amendment "AA" (H-964) to Committee Amendment "A" (H-904)**, which was **READ** by the Clerk.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. This is an amendment that will allow small libraries with a certain help to be able to gain federal funds. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative ROSEN: Mr. Speaker, Men and Women of the House. Would it be possible to receive some elaboration from some folks that have dealt with this issue? It would be appreciated just to clarify what the intent of the amendment is and the difficulties that libraries face in terms of what this amendment is attempting to rectify.

Currently schools and libraries in the state receive funds through this PUC source to connect and upgrade some access and to provide some other interconnection capabilities. This is not clear to me reading the amendment what problem they are now facing. It talks about the inability to comply with certain standards and apparently \$300,000 worth of additional funds will be made available to compensate for that. If there is someone here that can give us a little more enlightenment as to what this amendment is designed to alleviate, it would be very helpful?

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. I think I understand what this amendment is alluding to. As a requirement by the federal government that libraries that provide Internet access, install some kind of filtering or other process to protect children who are using library computers from reaching pornographic sites. There are many libraries in the State of Maine and many librarians which gristle at the suggestion of any censoring at all, even those that are intended to protect our children. They don't wish to comply, under the federal requirement, libraries that do not wish to protect children would lose their funding. This is a mechanism to protect those libraries. It is a policy that I do not support. I, therefore, cannot support this amendment. I believe that children should be protected. When you drop your kid off at the library and you know that they are going to go on the Internet, knowing the Internet as well as I do, we absolutely need that firewall up there. It is a very reasonable thing in society. Therefore, Mr. Speaker, I request a roll call.

Representative DAIGLE of Arundel REQUESTED a roll call on the motion to ADOPT House Amendment "AA" (H-964) to Committee Amendment "A" (H-904).

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

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House. I do believe it has to do with the screening. My understanding was that some libraries cannot afford the screening. It would have to do with smaller libraries. They needed this assistance in order to get federal funds. My understanding is it was not to get around any particular law. Thank you Mr. Speaker.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I rise here at this time because of a concern I have about what the origin of this piece of legislation is. This document has never been in front of the Utilities Committee. I sit here and look at my committee chair and both of us look at each other and go, huh. No one has talked to either one of us about this that I know of. I am concerned about this piece of legislation coming in here. We have a universal service fund that is available. There are two funds collected, federal and state, in this state that provide money to libraries. Therefore, I move that this document be Indefinitely Postponed.

Representative BERRY of Belmont moved that House Amendment "AA" (H-964) to Committee Amendment "A" (H-904) be INDEFINITELY POSTPONED.

Representative DUNLAP of Old Town REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "AA" (H-964) to Committee Amendment "A" (H-904).

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

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House. I would just like to clarify that this amendment was requested by the State Librarian.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. Just to amplify briefly my remarks earlier, filtering software is available and libraries can avail themselves to it. Some of it is free. It does require it to be set up and requires librarians who choose not to use the filtering software to otherwise enact policies and to make sure that the computer is in a public space, open space, rather than a closed cubicle or a closed room. The idea being that an adult can walk by and supervise these things. I know some libraries claim they may not have the facilities, but in all cases I think we see a pattern from the libraries resisting this, believing that completely unrestricted free speech is the only standard they think is appropriate. Unrestricted free speech, I think we all understand that, the way our founding fathers conceived it, but the Internet is a dangerous place. It is a very dangerous place. The federal standards are very reasonable. I encourage you to support the pending motion to Indefinitely Postpone this. It is about protecting our children. It very seriously is about that and nothing more. Thank you.

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

Representative BLISS: Mr. Speaker, Men and Women of the House. It is, in fact, true that this appeared almost out of nowhere and did not come to the Utilities and Energy Committee. It is, in fact, true that none of us seem to have any knowledge of it coming here. It is also true that the Public Utilities Commission does administer this fund and libraries can avail themselves of it. It seems to me though that if the State Librarian has asked for this, then there must be a reason. If there are strings on receipt of federal funds and if small libraries from not particularly wealthy towns and communities in our state aren't able to access the federal funding because of the inability to cover the costs of those strings, it is the very least that we can do as a state to ask the Public Utilities Commission to take that into consideration when they are administering and dispensing the funds that are available. I would ask you to defeat the motion for Indefinite Postponement and go onto pass this amendment. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "AA" (H-964) to Committee Amendment "A" (H-904). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 499

YEA - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Glynn, Goodwin, Heidrich, Honey, Hotham, Jodrey, Joy, Kaelin, Landry, Ledwin, Lewin, Maietta, McCormick, McNeil, Millett, Mills S, Moore, Murphy,

Muse, Nutting, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

NAY - Adams, Ash, Barstow, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Cowger, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jennings, Kane, Ketterer, Koffman, Lemoine, Lessard, Mailhot, Makas, McGlocklin, McGowan, McKee, McLaughlin, Mills J, Moody, Norton, O'Brien L, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Richardson J, Simpson, Smith N, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

ABSENT - Churchill J, Clark, Craven, Duprey B, Fletcher, Greeley, Jackson, Jacobsen, Lerman, Lundeen, Marley, Marraché, McKenney, Norbert, O'Brien J, O'Neil, Patrick, Piotti, Rines, Sampson, Saviello, Smith W, Sykes, Twomey.

Yes, 60; No, 67; Absent, 24; Excused, 0.

60 having voted in the affirmative and 67 voted in the negative, with 24 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "AA" (H-964) to Committee Amendment "A" (H-904) FAILED.**

Subsequently, Representative DAIGLE of Arundel **WITHDREW** his **REQUEST** for a roll call.

Subsequently, **House Amendment "AA" (H-964) to Committee Amendment "A" (H-904) was ADOPTED.**

Representative BRANNIGAN of Portland **PRESENTED House Amendment "BB" (H-965) to Committee Amendment "A" (H-904)**, which was **READ** by the Clerk.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. This amendment is almost a technical amendment. When we did the tax and match for PNMI's, which are private non-medical institutions, which serve handicapped people with disabilities, people in or around nursing facilities, anyway, when we did a tax and match we put in the date when the tax would be collected, but we neglected to put in a time in which reimbursement to the facilities would be made. This just fills that in to be August 1. Thank you Mr. Speaker.

House Amendment "BB" (H-965) to Committee Amendment "A" (H-904) was ADOPTED.

Representative McGOWAN of Pittsfield moved that the House **RECONSIDER** its action whereby **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) was INDEFINITELY POSTPONED.**

Subsequently, with unanimous consent of the House, the same Representative **WITHDREW** his motion to **RECONSIDER** whereby **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) was INDEFINITELY POSTPONED.**

Representative GLYNN of South Portland moved that the House **RECONSIDER** its action whereby **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) was INDEFINITELY POSTPONED.**

Representative RICHARDSON of Brunswick **REQUESTED** a roll call on the motion to **RECONSIDER** whereby **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) was INDEFINITELY POSTPONED.**

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to **Reconsider** whereby **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904)**

was **Indefinitely Postponed.** All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 500

YEA - Andrews, Annis, Ash, Austin, Beaudette, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Carr, Churchill E, Clark, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dugay, Eder, Glynn, Goodwin, Heidrich, Honey, Hotham, Jennings, Jodrey, Kaelin, Ledwin, Lewin, Maietta, McCormick, McGowan, McNeil, Millett, Mills S, Moore, Murphy, Muse, Nutting, O'Neil, Peavey-Haskell, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Tardy, Thomas, Tobin D, Tobin J, Treadwell, Woodbury, Young.

NAY - Adams, Barstow, Bennett, Blanchette, Bliss, Brannigan, Breault, Bull, Canavan, Clough, Cowger, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Joy, Kane, Ketterer, Koffman, Lemoine, Lessard, Mailhot, Makas, Marley, McGlocklin, McKee, McLaughlin, Mills J, Moody, Norton, O'Brien L, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Simpson, Smith N, Sullivan, Suslovic, Thompson, Trahan, Usher, Vaughan, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

ABSENT - Churchill J, Craven, Duprey B, Fletcher, Greeley, Jackson, Jacobsen, Landry, Lerman, Lundeen, Marraché, McKenney, Norbert, O'Brien J, Patrick, Piotti, Sampson, Saviello, Smith W, Sykes, Twomey.

Yes, 69; No, 61; Absent, 21; Excused, 0.

69 having voted in the affirmative and 61 voted in the negative, with 21 being absent, and accordingly the House **RECONSIDERED** its action whereby **House Amendment "Y" (H-951) to Committee Amendment "A" (H-904) was INDEFINITELY POSTPONED.**

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending the motion to **INDEFINITELY POSTPONE House Amendment "Y" (H-951) to Committee Amendment "A" (H-904)** and later today assigned.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1418) (L.D. 1916)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907) AS AMENDED BY HOUSE AMENDMENTS "A" (H-923), "B" (H-946), "C" (H-947), "D" (H-950), "E" (H-952), AND "F" (H-953) thereto in the House on April 16, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907) AS AMENDED BY HOUSE AMENDMENTS "A" (H-923), "B" (H-946), "C" (H-947), "D" (H-950), "E" (H-952), AND "F" (H-953) AND SENATE AMENDMENTS "A" (S-552), "B" (S-555), AND "C" (S-559) thereto in NON-CONCURRENCE.**

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

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