

# MAINE STATE LEGISLATURE

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

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Pages 682-1357

asking us to give them this option, this tool, and to ensure that there is fairness. I think we can trust the working people of Maine to do a good job at making sure of what they promise. The Maine Clammers Association and others have said, "We will work with all the growing areas to make sure that this is fair." I think we can have faith in them. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 251**

YEA - Adams, Annis, Blanchard, Boland, Canavan, Connor, Dunn, Eberle, Fischer, Grose, Hayes, Marley, Mazurek, Muse, Peoples, Percy, Pingree, Rand, Smith N, Theriault, Trinward, Tuttle, Watson, Mr. Speaker.

NAY - Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchette, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Carey, Carter, Casavant, Cebra, Chase, Clark, Cleary, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Eaton, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Moore, Nass, Norton, Patrick, Pendleton, Perry, Pieh, Pilon, Pinkham, Plummer, Pratt, Prescott, Priest, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Treat, Valentino, Vaughan, Wagner, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury.

ABSENT - Bliss, Duprey, Emery, Pineau, Piotti.

Yes, 24; No, 122; Absent, 5; Excused, 0.

24 having voted in the affirmative and 122 voted in the negative, with 5 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative GERZOFSKY of Brunswick, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-741) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, March 27, 2008.

**SENATE PAPERS**

Bill "An Act To Ensure Equitable Payment for E-9-1-1 Services" (EMERGENCY)

(S.P. 905) (L.D. 2279)

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

**REFERRED** to the Committee on **UTILITIES AND ENERGY** in concurrence.

Resolve, Authorizing the Creation of a Veterans Campus and the Conveyance of the State's Interest in Certain Real Property in the City of Bangor

(S.P. 904) (L.D. 2275)

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs who wishes to address the House on the record.

Representative **BRIGGS:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today and ask that we adjourn today in a moment of silence, in honor of the soldier, Tyler Smith, from my neighboring town of Bethel, Maine. He was killed in the line of duty in Iraq this past weekend. May our thoughts and prayers go out to his family during this difficult time. Thank you, Mr. Speaker.

At this point, the Members of the House stood and joined in a moment of silence in honor of Army Pvt. Tyler J. Smith, of Bethel.

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-806)** on 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, 2008 and June 30, 2009" (EMERGENCY)

(H.P. 1547) (L.D. 2173)

Signed:

Senators:

ROTUNDO of Androscoggin

MARTIN of Aroostook

Representatives:

FISCHER of Presque Isle

CRAVEN of Lewiston

MILLS of Farmington

CAIN of Orono

VALENTINO of Saco

WEBSTER of Freeport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-807)** on same Bill.

Signed:

Senator:

TURNER of Cumberland

Representatives:

MILLETT of Waterford

FLOOD of Winthrop

ROBINSON of Raymond

GILES of Belfast

**READ.**

Representative FISCHER of Presque Isle moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Tonight I move the Report of the majority of the Appropriations Committee, but I want to say that it is not something that I take great satisfaction in.

The five members of the Appropriations Committee, from the Republican side of the aisle, are tremendous advocates for their beliefs and are exceedingly hard workers, and I have the utmost respect for the work that they have done. The five members of this body, we could not ask for better partners to work with on the second floor. Led by the Representative from Waterford, Representative Millett, that caucus did yeoman's work, as did our caucus, and I want to thank them for the efforts that they expended down on the second floor. They worked through illness; they worked through late nights, long days; and I think you all should know that regardless of the division that we may be talking about over the next few days, it is not a personal disagreement with anyone. We have our beliefs, others have their beliefs, and in this case we just happen to disagree, but I think that when I go home after this session, I will continue to talk about the agreements that we had.

You have to remember that this Report represents a great deal of work done together, that the Republicans and the Democrats on the Appropriations Committee worked almost to the end together. These were not decisions made apart; in fact, they were decisions made hand in hand with the policy committees. The Committee on Health and Human Services, the members of that committee sat in the well of our committee, days and nights with us, to come up with most of the decisions that are represented in both the Majority and the Minority Reports. Please remember that this is not a bitter or divisive time in this body; there is a simple disagreement about a small number of issues that could not be bridged and we accept that, but we leave friends from that second floor.

I also want to remind you that the way we got into this situation was not something that this Legislature is responsible for. Last year, we passed a bipartisan, two-thirds budget in June, and it was something that all of us were proud of; it structurally changed state government. And yet, because of the national economy, because of the credit crisis and the mortgage crunch that we all hear about when we read the Business pages of the newspaper, we had a \$95 million revenue downturn in December. Many states had similar revenue downturns, and many states are grappling with the same choices that we are here in Maine, so our committee came back in January and we began to work on how to bridge that gap. As we neared the completion of our work, we got more bad news from the national economy, another \$95 million hole in our state's budget, and nobody did anything wrong. We worked together more and more, we had more public hearings, we had more work sessions, in a bipartisan way to try to bridge that gap. In the end, we agreed on a vast majority of the items that are in both Reports, roughly \$150 million of the \$190 or so, were agreed in a bipartisan way.

I think that it is important that we often forget about the others who help us with our work here in Maine, we are a part-time Legislature. We could not do this on our own, and I think it is important that we thank the people on the policy committees. We thank the individuals from the public, who came and testified; we want to thank the advocates, who spent days and nights here

with us as well; and most especially, we want to thank the staff of both partisan offices, of the Speaker, of the President's Office, of the administration; and also of the nonpartisan offices like the Office of Fiscal and Program Review, who are still working to draft all of the amendments that people have brought forward to them, and we will not be able to consider them all, because there were so many of them, until tomorrow. But all of those folks deserve credit from us here in this Chamber.

The last thing I want to say before I close this evening is that the work that our committee did over the summer was unusual. Generally, the Appropriations Committee meets, roughly, once a month, throughout the break and our two sessions. Yet this summer, our committee met at least twice a month all summer, so when people say that there is a downturn in the economy and then another, our committee was very well prepared for those downturns because we worked all summer together looking for efficiencies, and many of the ideas that are represented in both Reports come from the work that we did in the warm days of August, and the cooler days of September and October, and the snows of November and December, that was work that was being done here in the Legislature to prepare us for what we will have to do now with this budget.

Again, I want to thank the members of our committee for the great work that they did, and I want to remind you all that as we come forward tomorrow to consider amendments, that we should do so in the most respectful way, because we want to leave here friends in a few weeks, not enemies, and we want people to be proud of the way that we conducted ourselves in the people's business. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative FISCHER of Presque Isle **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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 Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 252**

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Brautigam, Briggs, Bryant, Cain, Canavan, Carey, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Boland, Browne W, Burns, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Berube, Bliss, Duprey, Emery, Haskell, Rand.  
Yes, 82; No, 63; Absent, 6; Excused, 0.

82 having voted in the affirmative and 63 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-806)** was **READ** by the Clerk.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-806)** and later today assigned.

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Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Establish a Wellness Tax Credit"

(H.P. 1443) (L.D. 2059)

Signed:

Senators:

PERRY of Penobscot  
STRIMLING of Cumberland  
NASS of York

Representatives:

PIOTTI of Unity  
RAND of Portland  
CLARK of Millinocket  
GOULD of South Berwick  
WATSON of Bath  
CHASE of Wells  
PILON of Saco  
LANSLEY of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-805)** on same Bill.

Signed:

Representatives:

KNIGHT of Livermore Falls  
WOODBURY of Yarmouth

**READ.**

Representative PIOTTI of Unity moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Belfast, Representative GILES.

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise not to debate this bill. This was a bill that I submitted, and I fondly call it the wellness bill. I thank the Tax Committee for their work and their time on this. In the end, I just decided the timing of the bill was not good.

The bill, just real quickly, was to encourage wellness in the workplace. As you know, health insurance costs, health costs in general, are rising tremendously in this country and it seemed appropriate that we might take a step to encourage business owners to encourage their employees to live healthier lifestyles, thereby helping to lower those costs and live better. I was pleased that I got the unanimous support of the Legislative Council to bring this in on an emergency basis, and it would have created a \$100 per employee tax deduction, with a maximum of \$10,000 per employee, on a tax credit basis. That is the good piece, that I think the timing for this was good.

The not so good piece is there is no money for a tax credit right now, so unfortunately I am going to let this go as the Taxation Committee has recommended. I will say, though, there are several other states that are considering this type of legislation, there is movement afoot, there are some bills

nationally that are along this line, again, to try to incent our employers to help our employees lead better lives. With that said, I thank you all and look forward to maybe bringing this back next year.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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#### UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Conserve Gasoline and Preserve Clean Air"

(H.P. 1440) (L.D. 2056)

(H. "A" H-786 to C. "A" H-765)

**TABLED** - March 25, 2008 (Till Later Today) by Representative JACKSON of Allagash.

**PENDING - PASSAGE TO BE ENGROSSED.**

On motion of Representative HINCK of Portland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-765)** 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-786)** to **Committee Amendment "A" (H-765)** was **ADOPTED**.

On further motion of the same Representative **House Amendment "A" (H-786)** to **Committee Amendment "A" (H-765)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "B" (H-820)** to **Committee Amendment "A" (H-765)** which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-765)** as Amended by **House Amendment "B" (H-820)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-765)** as Amended by **House Amendment "B" (H-820)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

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On motion of Representative BRIGGS of Mexico, the House adjourned at 5:58 p.m., until 9:00 a.m., Thursday, March 27, 2008 in honor and lasting tribute to Army Pvt. Tyler J. Smith, of Bethel, Jerome P. O'Kane, of Millinocket and H. Sturgis Hodgdon, of Hollis.