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The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

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

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY)

(H.P. 778) (L.D. 1043)

TABLED - June 14, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-620)**.

Representative FLOOD of Winthrop **PRESENTED House Amendment "A" (H-636)** to **Committee Amendment "A" (H-620)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With a large and complicated document like this, often there is some drafting and data entry errors are inevitable. It has been tradition that the first amendment offered to a biennial budget would be that of the House chair dealing with technical amendments and I have four. It lies before you as (H-636) and I'm just going to briefly read the items that are all encapsuled within that one amendment of technical change.

This technical amendment does the following: It adds language to correct an unintentional reduction in allocations for the lottery operations. Secondly it corrects Part V language to conform to the intent to permit state employees to work through December 30, 2011 and teachers to work through June 30, 2012 to avoid the provision that would require them to contribute 100 percent of their health insurance costs until reaching normal retirement age. This was a very, very small, I think four letter error, but it had a very serious impact. So we were glad that that was caught and has been changed. The third item is a correction to Part S to add the committee having jurisdiction over Legal and Veterans Affairs to the Appropriations Committee as having the opportunity to review a contract prior to final execution. It also clarifies the initial payment process in Part S. The fourth item corrects language in two Part A initiatives in the Department of Education to conform to what was proposed in the Chief Executive change package and voted on by the committee. The initiatives related to reallocation of position costs between programs or funds and the numbers are correct but the initiative descriptions did not get updated. That is the extent of the technical changes.

But I did want to mention something else brought to my attention by the Representative from Eagle Lake, Representative Martin. It is not part, but it is an omission from this that we will correct in January. I wanted to just publicly inform you that typically in our biennial budgets we've tried to take care of the funding of our share of retirement for one or two military retirees who served during a time of conflict, generally speaking the Grenada conflict, and it's not a huge amount of money but we've been trying to catch up on those over time. We paid for two such military retirees a couple of years ago. We just simply forgot to do it this time. It's our oversight. We will address it in January in the next supplemental budget, but the four items I initially listed are the ones in the technical amendment. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-636)** to **Committee Amendment "A" (H-620)** was **ADOPTED**.

Representative HASKELL of Portland **PRESENTED House Amendment "B" (H-638)** to **Committee Amendment "A" (H-620)**, which was **READ** by the Clerk.

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

Representative **HASKELL**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I urge you to take a look at this amendment. I want, before we pass this budget, to have it be very clear whether we affirm or reject the recommendations of the Appropriations Committee regarding security in this building. I would first say that no one asked me to put this bill in. No member of the Judiciary approached me nor did they provide me with any encouragement or discouragement regarding this amendment. This is purely my own device today that I'm bringing to you.

In this budget there is $546,123, just over a half a million dollars, included to provide 100 percent security screening at the State House for us. During this period, and frankly since 2001, and I have all of the State of the Judiciary speeches since 2001 here which I will not read to you, but you can all be sure if anytime you're here you'd been listening to our Judiciary talk about security at our courts. Currently security at our courts is only provided just over 20 percent of the time and this is a place where we know there are criminals going in because it's a court. We know there are people who are anxious, frightened, scared, angry, all going into our court houses, and this budget for which we are responsible for the other branch of government, we have not been able to find the funds in order to fully provide them with security at the 39 courthouses and buildings.

I think before we decide that we are more important, that we ought to be thinking about whether or not we ought to move toward a more full security screening at our courthouses. I find it both astonishing that we would do it first here. This was a recommendation not of my committee, not of Criminal Justice and Public Safety, but a recommendation of Legislative Council. I find it both astonishing that we would consider ourselves so important in our fishbowl that we needed fulltime security and not have the consideration for those people who are going to the courthouse to pick up a protection from abuse order to fill out the paperwork. That might be a dangerous situation and I think until we have fully supported security in our courthouses, we ought not be providing it for ourselves. So I offer this amendment which simply shifts that money from the state budget over into the Judiciary. It does not unbalance the budget and I think it's a more appropriate use of that amount of money. Thank you, Mr. Speaker.

Representative FLOOD of Winthrop moved that **House Amendment "B" (H-638)** to **Committee Amendment "A" (H-620)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I respect very much the Representative from Portland, Representative Haskell, and particularly her leadership in public safety. The area of concern in this particular amendment that she is proposing, the State House security, was very important to our Legislative Council and it was an objective of the Legislative Council in the budget to provide additional security for this building and for the people that come into it. The council also provided to us a total

of $8 million in savings to the budget and it was a priority of theirs to improve safety and I believe that we met public safety needs throughout our budget as we listen to the different commissioners come before us and express their needs. I personally and I think the committee wants to honor their legislative leadership's safety priorities at the State House and we also want to firmly maintain the integrity of the bill before you and not pull out pieces or shift pieces around. I do hope that you will support the Indefinite Postponement motion. Thank you, Mr. Speaker.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-638)** to **Committee Amendment "A" (H-620)**.

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 "B" (H-638) to Committee Amendment "A" (H-620). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 181

YEA - Ayotte, Beaulieu, Beliveau, Bennett, Bickford, Black, Burns DR, Cain, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Hayes, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, Maloney, Martin, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Pilon, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Rotundo, Sanderson, Sarty, Shaw, Sirocki, Stevens, Tilton, Timberlake, Turner, Waterhouse, Weaver, Webster, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Priest, Rankin, Rochelo, Russell, Sanborn, Strang Burgess, Stuckey, Theriault, Treat, Tuttle, Valentino, Volk, Wagner R, Welsh.

ABSENT - Fredette, Wintle.

Yes, 83; No, 65; Absent, 2; Vacant, 1; Excused, 0.

83 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 2 being absent, and accordingly **House Amendment "B" (H-638)** to **Committee Amendment "A" (H-620)** was **INDEFINITELY POSTPONED**.

Representative BURNS of Whiting **PRESENTED House Amendment "C" (H-639)** to **Committee Amendment "A" (H-620)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Mr. Speaker. I realize that most of you folks in this chamber are in the posture to reject the amendments as they come through. I understand what the procedure is and I know you are as tired as I am and you want to get out of here as soon as possible. I would just ask your indulgence for a moment and please listen to what I have to say. I will try to be very brief.

As most of you know our Chief Executive has petitioned the Federal Government with a formal request for a waiver of maintenance of effort requirements. Essentially this went to the Honorable Kathleen Sebelius at the U.S. Department of Health and Human Services and we are anticipating, I think the state, a favorable answer to that request. My understanding is there has already been a verbal agreement to give us that request for a waiver. Maine's situation with Medicaid program is extremely generous and in several instances it has exceeded the minimum guidelines for eligibility set by federal laws. I want to give you a couple of examples so that you'll know what I'm talking about. I think most everyone here understands this.

Childless adult waivers programs, in regards to that Maine is one of just six states that covers childless adults through a waiver. Our waiver program ensures approximately 17,500 adults with an annual budget of over $80.3 million. Medicaid/Medicare buy-in programs. Under that, Maine, Connecticut, and the District of Columbia are the only states and districts that exceed the federal minimums and requirements for eligibility for this buy in program, where the federal requirement for a qualified Medicaid beneficiary is 100 percent of federal poverty level. Maine's eligibility is 150 percent. Where the federal requirements for specified low income Medicare benefits is 120 percent, Maine's eligibility rate is 170 percent. For qualified individuals the federal requirement is 135 percent. Maine's eligibility rate is 185 percent.

The Katie Beckett program, for instance. Maine covers 1,000 children in this program at an annual cost of $20 million, state and federal money. Maine is now charging a 2 percent premium and the present program cannot continue. That would be one of the things we're asking for a waiver on. Unfortunately, Maine is unable to sustain this program because of dwindling resources. Maine faces an $800 million deficit in fiscal year 2012 and 2013. Today one in five Maine residents, approximately 300,000 individuals, are covered under MaineCare, Maine's Medicaid program. The proposed 2011 and 2012 budget includes more than $460 million in state funding just to support this loss. The reason for this is because of the dwindling effects of the American Recovery and Reinvestment Act. Passages of the Affordable Care Act require the state to maintain their existing Medicaid eligibility standards, even though those eligibility standards were higher than those in the ACA, and Maine is disproportionately affected by maintenance of effort requirements because it has significantly expanded Medicaid services to optional populations over the last decade.

Today Maine is second in the nation in the percentage of the population that receives benefits, roughly 30 percent. Some of the extended benefits include the childless adult waiver, over $80 million in state and federal funds. The Medicaid buy in program and the coverage for parents which far exceeds federal eligibility requirements. Medicaid represents 21 percent of the proposed state budget for this year, roughly two-thirds of DHHS's overall budget. From 1996 to 2010, state funding grew 83 percent, while enrollment grew $100,000. This amendment that I proposed here, if enacted, if attached to the budget, will not increase the budget. It will not slow the budget up. What it will do, if and when we receive the waiver from Secretary Sebelius, when we receive that the state and our commissioner of Health and Human Services will be allowed to adjust our rate of eligibility from the 200 percent that we are paying right now, that we are allowing right now, down to the federal minimum amount of 133 percent.

If I just might quickly read the amendment in case you don't have it up, "This amendment allows the Commissioner of Health and Human Services, upon receipt of a waiver from the Federal Government, to decrease the income eligibility levels for the delivery of federally approved Medicaid services. The commissioner is required to submit a report and suggested legislation changing the income eligibility levels to the joint standing committee of the Legislature having jurisdiction over

health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs." So consequently what you would facilitate happening here today if you allow this amendment to stand and be attached to the budget, you would give this state the opportunity to decrease the eligibility rate to what the federal standard is, 133 percent. The commissioner of Health and Human Services will then have to report back to these two committees so we would get the final say on it before any changes were actually made, and consequently we would save this state millions and million of dollars, the millions of dollars that are going to be needed in my estimation before we get back here next winter. We're going to be back here with a supplemental budget, there's no question in my mind, because of dwindling resources. This is an opportunity to fill those voids with money that we would be allowed to redirect to services that we all care about without having to deal with it in a supplemental budget. I would ask you to strongly consider this amendment and accept it and attach it to the budget. Thank you very much, Mr. Speaker.

Representative FLOOD of Winthrop moved that **House Amendment "C" (H-639)** to **Committee Amendment "A" (H-620)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-639)** to **Committee Amendment "A" (H-620)**.

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 Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I sincerely do appreciate the Representative from Whiting's perspective and views. He is a gentleman. The income eligibility levels will continue to be reviewed by the commissioner and her staff as a matter of course without specific direction here. We have worked with the commissioner on both the HHS and the Appropriations and Financial Affairs Committees on these matters and we will continue to do so. It is our view that the commissioner has been very responsive and active, as has the Executive, in efforts to move appropriately regarding eligibility. Many such changes are governed, however, by federal statutes and additional guidance does not seem to be really warranted here. I believe that the commissioner has demonstrated appropriate change efforts in this arena and I support her. I believe she will continue to provide guidance and leadership to all aspects of DHHS and work closely with the respective joint standing committees. It is also important to again keep the integrity of this document in tact. It is an agreed upon document in its entirety and it is vital to keep it as negotiated. Again I respect very much the views of the Representative from Whiting, Representative Burns. I request that you support the motion to Indefinitely Postpone and I request a roll call.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-639) to Committee Amendment "A" (H-620). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 182

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Cebra, Chapman, Chase, Chipman, Clark T, Clarke, Cornell du Houx, Cray, Curtis, Cushing, Dill J, Dion, Dow, Driscoll, Duchesne, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Gifford, Gilbert, Gillway, Goode, Graham, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kent, Keschl, Knight, Kruger, Kumiega, Lajoie, Libby, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Priest, Rankin, Richardson D, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Black, Burns DC, Burns DR, Cotta, Crafts, Crockett, Damon, Davis, Dunphy, Foster, Guerin, Hamper, Hanley, Harmon, Kaenrath, Knapp, Long, Malaby, McClellan, McFadden, McKane, Parker, Prescott, Richardson W, Sanderson, Sarty, Timberlake, Turner, Willette A.

ABSENT - Celli, Clark H, Fredette, Wintle.

Yes, 117; No, 29; Absent, 4; Vacant, 1; Excused, 0.

117 having voted in the affirmative and 29 voted in the negative, 1 vacancy with 4 being absent, and accordingly **House Amendment "C" (H-639)** to **Committee Amendment "A" (H-620)** was **INDEFINITELY POSTPONED**.

Representative MALONEY of Augusta **PRESENTED House Amendment "D" (H-640)** to **Committee Amendment "A" (H-620)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Maloney.

Representative **MALONEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have a simple amendment. When we calculate COLAs, instead of capping the amount of a pension eligible for a COLA at $20,000, we would raise that cap to $25,000. This will cost $26 million. Where do I find $26 million, from the liquor contract renewals. Instead of using $20 million from the future liquor contract money this year, we would take $46 million. That's the full amendment.

Why is this important? It is important because when someone has worked their whole life as a teacher or for the state or as a law enforcement officer and that person receives a pension, the pension should increase as the cost of living increases or how is the person going to survive? Thirty-eight percent of teachers and 55 percent of state workers have a pension at $20,000 or below. If the cap is raised to $25,000 it would cover the pension of 55 percent of teachers and 70 percent of state workers and retired law enforcement.

So let me explain a little more of how I find $26 million. We are currently taking $20 million from the future liquor contracts. All we have to do is increase that number to $46 million. We have done this in the past. In 2005, we took $120 million as a down payment from the liquor contract. Yes, doing this now means that 10 years from now we won't have access to money from the liquor contracts, but if we do not raise the cap now we will never be able to do it in the future. Now this change will give us a onetime cost of $26 million. Later this same change will cost over $125 million. So we have to do it now.

I bet all of you have heard from a retired teacher or public employee in the last week. One of them published an editorial in the *Kennebec Journal* today and I'd like us all to consider her words. She wrote: "The state is trying to take away the benefits that were promised to workers when we started at our jobs, some of us decades ago. If the Governor and legislators are all about getting down to business and pro worker, why are they cutting us down like this?" Let's tell them that we're listening. Let's pass this amendment. Thank you.

Representative FLOOD of Winthrop moved that **House Amendment "D" (H-640)** to **Committee Amendment "A" (H-620)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Mr. Speaker.. Mr. Speaker, Ladies and Gentlemen of the House. I want to thank the Representative from Augusta for her very thoughtful presentation. There were a lot of accurate comments in her presentation. The advance payment on the liquor contract is currently scheduled at $20 million. This was an idea that I developed over the fall and then when we got the actual budget document I became more and more convinced that we would need some other source of revenue to help us through the waning hours of our budget, and tried to develop a funding vehicle that would be both beneficial to biennial budget closure and to also help us in the long term with infrastructure needs, reserves and liquidity. We try very hard in this process to be sure that we did not establish a very large onetime fund in the down payment of this. We wanted to keep this as low as possible so as to avoid structural gap issues down the road and it seems as though $20 million was the sweet spot that we could agree to. If we raise this too much higher to the level that the Representative from Augusta suggests, that could very well take some potential bidders or lessors out of the picture and that really was not our intention. We wanted to make this a competitive process in 2013 and the lower we kept that down payment the better off we would be.

What this contract will do is it will establish a down payment, as has been said, and also annual payments over a 10-year period. Our objective was to keep those payments as high as possible. That way we'd be again putting money to our General Fund, to our Stabilization Fund, to our Highway Fund, and to our Clean Water and Safe Drinking Water Funds to help with long-term infrastructure and again reserves. It would be inappropriate to use a very large sum of money for retirement issues in a onetime fund for a long lasting program, so what the Appropriations Committee did was, having discussed this for several months and working on it in as bipartisan way as possible, we agreed to set up a three-year structure upcoming to take the first $15 million available from our cascade and put it into a special retirement reserve fund to help. In the event that additional monies were available, that money would be turned back into the retirement program and help people with that COLA. It was a very tricky and difficult amendment to craft, but various Representatives on the committee developed that and I think it's a very sound procedure that we developed.

The $20,000 cap that was established in the COLA was an agreed upon number as all things were in our budget. There was a lot of difficulty in coming up to what was a fair, equitable, empathetic type of a retirement plan that did not take away anything from retirees, and by putting a cap at $20,000 on the COLAs down the road, we felt that we were covering all people with some kind of a cost of living. Many retirement plans don't have a cost of living at all. This way we are able to maintain one and we felt that $20,000 was a reasonable cap, and again, that was agreed upon by all the members of the committee.

We deliberated for three months on all the aspects of the pension program and many of us deliberated seven months more than that to get an understanding of how all the moving parts come together is a very complex vehicle called a retirement plan. We reached unanimous conclusions on our deliberations two weeks ago and much needed long overdue changes in our biennial costs and unfunded actuarial liability will come from that. Again, we're not taking away anything from retirees and we're not requiring employees to pay more, yet we're still able to achieve these savings in the most empathetic and humane way, again as described unanimously by the committee. What we're really doing here is we're limiting the upside potential and if you look across the country and at what other states are having to do now, I believe that our solution is extremely fair, not only to the state employees but to the 1.2 million people who are the primary funders of our State Retirement System. I think that the plan we came up with was fair and respectful, helps us meet our responsibilities to all the people of Maine, and also to be very fair to our employees. To do something to change the $20 million to $46 million as the Representative from Augusta has suggested would be taking away from the future infrastructure needs that are chronically underfunded and I mentioned those before: the highway and bridge programs, the sewer and water programs, and also we'd be contributing here to the Stabilization Fund. I believe we accomplished a very reasonable pension plan and in accomplishing it we also established a reserve fund to take care of things in the next couple of years. I respect the wishes of the Representative from Augusta, but I believe the Appropriations Committee did a fine job of coming together on a very, very complex thing and developing, I think, a very fair solution. So I hope that you'll support the Indefinite Postponement and Mr. Speaker, I request a roll call.

Representative FLOOD of Winthrop **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-640)** to **Committee Amendment "A" (H-620)**.

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 Augusta, Representative Blodgett.

Representative **BLODGETT**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I rise in support of Representative Maloney's House Amendment D to the budget. I appreciate all the hard work that was done on both sides of the aisle to come to this budget. However, I don't believe that we should be doing this at the expense of our retired teachers or retired state employees who planned this after working many years for the state, for public safety. And teachers, I've heard from hundreds of them. I believe that we should be able to increase this to the money that they deserve over the many years that they have dedicated their career to the State of Maine. Thank you. I ask for a roll call.

The SPEAKER: The Chair would inform the member the roll call is already in order. The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm sorry to keep rising about these issues, but they are extremely important issues and I think they need to be discussed a little bit further. I have great respect for the entire Appropriations Committee, including the good Representative chair from Winthrop, but I disagree with some things that have come out of that. No decision is ever perfect. I can't imagine what it's been like throughout the winter considering all of the emails and calls and letters that I got, and probably most you in the House got, from public employees, retirees, and everybody else who anticipated, I guess, the worst of what the final budget would be, and they had a real difficult job in Appropriations trying to make a fair decision on how this was going to be split up. But I, like many of you, come in here with the goal of not only improving the economy but also tackling the pension reform and also welfare reform. As I got those complaints and those letters from my friends and constituents back at home, I was chastised over and over again about the possibility of them having to sacrifice. My consistent answer was to everybody, everybody is going to have to tighten their belt here, myself and every one of my constituents that falls into this

category, because that was the message that I heard and that was the message that I accepted before we were done with this budget, everyone would be treated fairly and everybody would have to have equal sacrifice. Whether it was welfare reform or it was public employees or retirees, everybody was going to receive the same. I'm not sure that that's happened.

When I was a public employee, my first hitch, I poured 40 years of my life into 25 years like many others did. My retirement contribution went from zero to 7.5 percent while I was in. I lived with it, I got by just fine. I came out of there, I went into retirement and then ended up down here along with other jobs. I didn't see that fairness carried over into all of those realms. What I did see was a group of retirees who are kind of in a position where they really can't pull together and have the impact on this body that other groups can, bearing the brunt, I think, of a lot of our reforms. When we say that we're not taking anything away, we ignore the fact that the economy is so bad, whether it's our doing or it's somebody else's doing, and things have been going downhill here for the last several years. That's been taking away from our retirees and I'm not talking about retired state troopers, I'm talking about teachers, DOT workers, other people that have retired with a package. Their earning ability has gone down constantly, consistently, and now after the last two years of no COLAs we're telling them it's going to be another three years. We're also capping the amount of $20,000 which is the subject of this amendment. I'm not sure that we have consistently applied the harm, I guess, or the effort to make this a fair reduction, a fair implementation. I think that we have missed this mark just a little bit here. I think that the retirees are bearing the brunt of this right now. I haven't seen the overall welfare reform that I thought was going to happen. Maybe that's in the future, we can work towards that. I haven't seen the adjustments in current employees. I know that's a touchy subject, but I think that is part of the package. But I am seeing the impact on retirees, people whose buying ability has diminished every year and it's going to continue to diminish these three years that we're putting caps on their cost of living increases. Some of them are not able to go back to work, as I've been able to and some you have been able to, some of whom are where they are and they have what they have to live on. I think this is a reasonable compromise. I think the good Representative from Augusta has a reasonable amendment and I would ask that you support it and reject the pending motion and support that amendment. Thank you very much for listening.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the amendment brought forth by the good Representative from Augusta.

But I would first like to thank the Appropriations Committee for all their hard work that has produced a bipartisan unanimous budget. They have spent many hours working late into the night tackling the many challenges that this budget contained and I thank them for their work.

In the interest of full disclosure, I am a retired state worker. I support this amendment because it increases the cap on the cost of living adjustment on the retirement benefits for retired state workers, retired teachers, retired ed techs, retired school bus drivers, retired school janitors and retired school secretaries receiving $20,000 to $25,000 from the Maine Public Employees Retirement System. Remember, this cap is new to the pensioners and it is permanent.

I understand that these are tough times and that all of us need to share in the sacrifices that must be made. However, it is not asking too much to increase the COLA to apply to the first $25,000 of a retired worker's pension. If $25,000 seems like an overly high bar, consider that the cost of living, including food and fuel prices, has been rising with no end in sight. This is a permanent fix that we're putting on.

I believe that this increase is the right thing to do and I ask that you follow my light in support of this amendment and also against the motion to table indefinitely.

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

Representative **LOVEJOY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the current motion and in support of Representative Maloney's amendment. One of the things that I was reminded of by one of my constituents was that in fact when we changed from state employees and teachers being under Social Security to being under the state pension, that they were assured that they would get cost of living raises equal to what Social Security provides. The employees are not the reason that we have such an unfunded liability. If you look at what we contribute now from the state side into the pension, it's less than half what we would be if those folks were still under Social Security. We've saved a lot of money by having them under this plan versus under Social Security, and we continue to. Now the state has been saving money on this all along. Are we now going to take and save more money by refusing to provide cost of living raises? I would hope not. We have to consider we want a lot of things. I listened to the debate on IF and W and the number of people that support it but didn't vote to fund it, and I know that has been an ongoing issue. Somewhere along the way we've got to say what's right and what promises do we keep. I believe this is one that we should keep. Thank you.

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

Representative **MAZUREK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to make a remark that I am a retired teacher and one of the things of being a retired teacher is that you have to work if you're going to survive because the retirement is not very good. To deny a three percent cost of living raise to retired teachers or state employees, I think, is criminal in nature. It really is. When you get the oil bill or you go to the store or you go anywhere and prices go up and you live on a meager retirement, it's very difficult. Fortunately I was able to do other things in my retirement, but I know many retired teachers who are not as fortunate as I am to be able to do other things and they are suffering economic woes because of the fact they just can't keep up with the cost of living. So this little amendment, I think, should be supported and I would urge you to do that.

You know, we talk about the value of education; we talk about how important it is. If we want to have young people go into the field of education in Maine, we've got to do something to make it attractive instead of driving people out of it. I know that if I had a choice today, if I know today what I knew back when I came here, I probably would have never taken the job, and I've urged my kids not to become teachers. I said to them don't make the same mistake that your old man made. Get a job where you can make some money and when you retire you can at least live halfway decent. I guarantee you those three kids of mine or four kids of mine, they'd be fine teachers. I know they are. They are fine coaches. So please vote for this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you, Mr. Speaker. I request permission to ask a question of the Chair.

The SPEAKER: The Representative may ask his question.

Representative **DAVIS**: Mr. Speaker, I just received a communication that this possibly might be a conflict of interest for me. I am a retired state employee. If it is a conflict I would like to be excused from voting. At any rate, I would like to have an opinion from the Chair. Thank you.

Representative DAVIS of Sangerville asked leave of the House to be excused from voting on L.D. 1480 pursuant to House Rule 401.12.

The SPEAKER: The Chair would rule that you don't have a specific identifiable interest that no other retired state trooper or state employee has. In the Chair's opinion you are eligible to vote on this issue. Did you want to speak on this issue or no?

The Chair advised Representative DAVIS of Sangerville that he was eligible to vote on the pending question.

Representative **DAVIS**: You have spoken quite eloquently, Mr. Speaker. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. I rise only to make a point that the average teacher retirement income in Maine is $19,000 and if I look at the federal poverty level numbers I see that for a family of two, $19,500 is 133 percent of the poverty level. A lot of our programs, MaineCare and other kinds of programs to help lower income families, kick in at that kind of level. So I just want to remind us that as we're talking – I'm speaking, by the way, in support of Representative Maloney's amendment and making the point that the people we're talking about are close to the poverty level if you've got a family of two living on that $19,000 retirement. So as you push your button on whether or not you're going to Indefinitely Postpone this amendment or not, I ask you to think about those people and to think about the fact that the money that we put into their hands will move out into the general economy and will be of economic benefit to small shops and owners and car shops and all the rest in our economy. I think it is an economic development vote as well, Mr. Speaker. Thank you.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In the interest of shared sacrifice, if I've done the math correctly and read the chart correctly, the three percent COLA on raising the cap by $5,000 is the equivalent of $150, give or take, a year. According to this chart I'm looking at about the tax proposal, there are 6,759 families with incomes in excess of $356,000 who will see an average tax decrease of $3,015 a year. One hundred and fifty dollars versus $3,015. I'm looking for where the shared nature is there. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. I hate to rise and delay the vote on this amendment, but what the Representative from Rockland said struck a chord with me. I've always believed in the recent history that we're losing our teachers to other states such as Massachusetts. The pay down there is about double and so is the retirement. Our kids that are graduating from college, like the University of Maine at Farmington, generally are leaving in droves for other states. This is the outflow of people, teachers.

Also, I'd like to point out that state employees, we have quite a turnaround on state employees, and where do they end up? They work for the towns, the municipalities, because the towns pay a lot better than the state does. So you know I don't know if it's the right funding mechanism or not, but eventually Maine is going to have a hard time filling teacher positions and state employee positions. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In the last few months we've debated all of these issues. I respect everyone's opinion who has spoken today. They are right. There is a problem here and there is problem throughout Maine beyond these walls, beyond the state workers and the teachers who are in this issue right now, in retirement. In Maine, area contractors are out of business now. There has been no business. This is the summer going on. There is a lot of people that had their retirement in funds in the stock market and got a lot of that wiped out a few years ago. There are big issues here. We're losing more than just teachers out of Maine. We're losing young people because we don't have work here for them to go to when they graduate from college or from the technical college or even from high school.

One of the things that we looked at was our choking unfunded liability that was looming in the future. It was going to be so large in the next few years very quickly that it was going to be one quarter of our entire budget, one quarter. That would push one heck of a lot more out than what we were managed to do this year out of our budget. We'd lose programs. We probably definitely would lose people actually working. We had to find solutions that were fair. The $20,000 retirement piece that we chose wasn't just out of the air. We looked at that and as one of the Representatives mentioned earlier, the average retirement pay for state workers and teachers is $20,000, $19,000 and something. We looked at that. By picking $20,000 we were able to deal with the average pension and the people that have been in there the longest, because long ago when they retired they had smaller retirements, so they would have, that would be the category of the funding, their pensions would be around $20,000 and we picked that.

Now people that have more than $20,000 for retirement can probably afford a little bit more than those people in the $20,000 and under. They will still get $20,000 COLA. They will get that and it will be compounded. It's not just a one shot deal every year. Once it goes into effect it will be three percent on the first $20,000 and that amount will be compounded. Not one pension will actually go down as a result of what we did. The future will go up a heck of a lot slower, I agree, and we're all in that boat. All of our futures are going to go up a heck of a lot slower, but we will be, in this process, removing one of the biggest shadows that we had over our budget and that was the unfunded liability. We didn't include the two percent contribution so that was a benefit. That would have cut it down and that would have reduced what people were getting, but we didn't go that route. We tried to be fair, we tried to be practical. Those that are currently having salaries that are active in our system, they are sacrificing. Their merit pay is frozen. Their longevity going forward is frozen. There is a shared sacrifice there. The businesses out there and the people that are beyond these walls and beyond our state workers, they are going to see a benefit because all of them, including the state workers, will actually get tax reductions and the focus of the tax reductions, if you looked at it closely, are going to mostly be on the middle income people. So the middle income people will look to benefit, even the ones that are teachers or the ones that are retired from state work.

On the tax piece, also I want to point out that there are 70,000 people, 70,000 additional people that will actually be taken off the

Maine Income Tax tax rolls this time. So we looked at that. We didn't just pick numbers out of the air. We all worked together in a bipartisan manner. We chose the safest, best plan going forward that people would still be improving in the future, wouldn't be cut today and all of Mainers, 1.3 million people, will actually benefit from this. Understand that it's a sacrifice. We understand. My sister is a retired teacher. I hear it all the time. So it does happen, but we all are in this together and we are all trying to make it as comfortable and as fair going forward as we could, and I really want to thank the committee. I think that everyone on that committee did an excellent job at looking at all the issues, listening to all the problems, and working together to find the fairest solution that we could. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Maloney.

Representative **MALONEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I do want to thank the Appropriations Committee. They have worked long hard hours and I respect enormously the work that they have done. I have put in this amendment because it does affect people who are living on a fixed income, people in all of our districts. This is the teachers, the law enforcement officers and the state workers.

I just wanted to correct one thing that we just heard from the good Representative from Wells. I have an email from Sandy Matheson, who is Maine Retirement. The number of teachers who have their pension at $20,000 or below is 38 percent. If we raise the amount of the pension cap to $25,000 then the number of teachers is at 55 percent. For state workers, the number of state workers who have a pension at $20,000 or below, that number is 55 percent. If we raise it to $25,000, then that number becomes 70 percent. So simply by going to $25,000 we can cover the pension of 55 percent of teachers and 70 percent of state workers. We can do it from the liquor contract money so we're not impacting any other programs and I think this is something that we can do for people who are in all of our districts that will really make a huge difference to them. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-640) to Committee Amendment "A" (H-620). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 183

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DR, Cain, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Dow, Dunphy, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Hayes, Johnson D, Johnson P, Keschl, Knight, Libby, Long, Maker, Malaby, Martin, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Richardson D, Richardson W, Rioux, Rosen, Rotundo, Sanderson, Sarty, Sirocki, Stevens, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Webster, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Davis, Dill J, Dion, Driscoll, Duchesne, Eberle, Edgecomb, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knapp, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Plummer, Prescott, Priest, Rankin, Rochelo, Russell, Sanborn, Shaw, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Welsh.

ABSENT - Celli, Fredette, Wintle.

Yes, 75; No, 72; Absent, 3; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 72 voted in the negative, 1 vacancy with 3 being absent, and accordingly **House Amendment "D" (H-640)** to **Committee Amendment "A" (H-620)** was **INDEFINITELY POSTPONED**.

Representative BERRY of Bowdoinham **PRESENTED House Amendment "F" (H-645)** to **Committee Amendment "A" (H-620)**, which was **READ** by the Clerk.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Before I explain my amendment I want to echo some of the sentiments here that have been expressed of respect and appreciation for the work of our Appropriations Committee and our entire leadership team. I can think of few times in my experience here in this body that a process has been conducted in the Appropriations Committee around a budget that is fairer, more thoughtful and more honest, and I credit especially the House chair with much of that good and honest work. So thank you.

The amendment that I present today is the Minority Report from the Taxation Committee to the tax portion of this budget. It is founded on some fundamental principles that benefits that we choose to extend should go to the many and not just to the few, and that jobs are best created in our state by ensuring that there is money in the pockets of working Maine families, whether those are senior citizens who have worked or folks who are currently working and struggling to raise their children and put food on the table. Jobs are best created by ensuring that there is money in the pockets of those who will spend locally and not be more likely to invest that money overseas.

The amendment reflects values of equity, of minimizing shift to property taxpayers and of paying as we go. Let me speak to the concern in the current budget that is before us that we seek to correct. This budget creates winners and losers. Those making over $356,000, on average, receive a benefit of $2,905, specifically the 6,759 families who do receive a benefit, less than half of one percent of Maine families receive over $3,000, $3,015. That doesn't account for the estate tax changes. Those are the winners.

The losers in this budget include minimum wage earners who already have a tax burden that is 40 percent higher than any other decile, 40 percent higher than those of moderate income, 40 percent than those of the highest income. The losers include property taxpayers, all property taxpayers because there is a shift both in the reduction to aid to our towns and cities of over $90 million and a reduction in the property tax and rent refund program, which to those who currently receive that benefit at the maximum level is a $400 cut. The losers also include all future taxpayers because, Men and Women of the House, Mr. Speaker, there is just under half a billion in future costs that is incurred in the tax portion of this budget. Not in this biennium but later. Essentially we're running up the credit card. So again, the losers include minimum wage earners, all property taxpayers and all future taxpayers. Very few actually benefit.

So the fix is easy. The amendment that I offer, the Minority Report of the Taxation Committee, would benefit in the income tax proposals that it offers 16,000 more families. We're heard today about families being dropped from the tax rolls. That means nothing to those who don't pay income tax already, who are paying because of high property taxes and high sales taxes, the highest burden. We can benefit 16,000 more Maine families with the income tax provisions that are in this proposal before you.

In addition the amendment restores aid to our towns and

cities and therefore to our property taxpayers, $50 million, more than half of the cuts to revenue sharing that are in the budget before us. And more, it restores the cuts to circuit breaker, the property tax and rent relief program entirely, so that those who are struggling to hang on to the family farm or to keep working the waterfront are able to do so and grandma can stay in her house.

In addition the amendment is fiscally responsible because it removes the provisions that incur close to half a billion dollars in future costs, running up the state credit card by removing the changes made to the estate tax, benefiting only 550 of Maine's wealthiest families – some of them don't live here year round – and by removing the benefits for nonresidents.

What's this saying? If we were to adopt this amendment we would retain all of the business provisions that are in the budget before us. These are largely items agreed upon by the majority and the minority on the Taxation Committee. Section 179, expensing, is retained. The Maine Capital Investment Credit, retained. The New Market Credit, retained. The Income Tax Credit for investment in fishery infrastructure, exempting meals for retirement facilities, commercial fishing, bags for redemption centers, aircraft and parts, and full restoration of the Business Equipment Tax Reimbursement program. All of the business benefits are in the minority amendment and a little money, less than a million but it's something, is left on the table for our appropriators to fund the great bills that this body has passed and which will otherwise die on the special Appropriations Table very soon.

Men and Women of the House, we can create a budget, a tax budget where everyone wins, where the many benefits and not just the few, and where more jobs are created by keeping money locally where it will be spent locally. We can move forward with those measures that we agree on that will create jobs and we can ensure that future taxpayers or property taxpayers will not pay more, that we will not simply shift the burden onto those that can least afford it and those who work, I might argue, the hardest. There is a better way where all Maine families win, where more jobs are created. And so, Mr. Speaker, I urge the body to vote in favor of this amendment. Thank you.

Representative FLOOD of Winthrop moved that **House Amendment "F" (H-645)** to **Committee Amendment "A" (H-620)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to say that the Representative from Bowdoinham, Representative Berry, is a gentleman with tireless energy and I respect very much his efforts on behalf of the State of Maine, particularly dealing with his expertise in tax policy. The proposal that he presents to us here is very different from the tax reform plan that was agreed upon unanimously to place in the budget. The entire budget negotiation is an honorable, trusting and delicate balance. It is negotiated very carefully and we are committed to sticking with our agreements with the Democrat caucus, and I know the Democrat caucus has demonstrated that they will honor their agreements with our caucus as regards to tax reform proposals, as regards to other proposals in this bill. This is a budget bill built upon unanimous trust and agreement and we cannot remove any of its building blocks. It remains intact because all the building blocks of this budget are important. We honor our agreements throughout the three and a half months of difficult yet earnest and unanimous negotiation I request that you support the Indefinite Postponement motion and I request a roll call.

Representative FLOOD of Winthrop **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-645)** to **Committee Amendment "A" (H-620)**.

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 "F" (H-645) to Committee Amendment "A" (H-620). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 184

YEA - Ayotte, Beaulieu, Beck, Bennett, Bickford, Black, Burns DC, Burns DR, Cain, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Gifford, Gillway, Graham, Guerin, Hamper, Harmon, Harvell, Hayes, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Libby, Long, Lovejoy, Maker, Malaby, Maloney, Martin, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Pilon, Plummer, Prescott, Rankin, Richardson D, Richardson W, Rioux, Rosen, Rotundo, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Tilton, Timberlake, Turner, Tuttle, Valentino, Volk, Waterhouse, Weaver, Webster, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Hanley, Harlow, Haskell, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kruger, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Mazurek, McCabe, Morrison, O'Brien, Peoples, Peterson, Priest, Rochelo, Russell, Sanborn, Stuckey, Theriault, Treat, Wagner R, Welsh.

ABSENT - Celli, Fredette, Wintle.

Yes, 93; No, 54; Absent, 3; Vacant, 1; Excused, 0.

93 having voted in the affirmative and 54 voted in the negative, 1 vacancy with 3 being absent, and accordingly **House Amendment "F" (H-645)** to **Committee Amendment "A" (H-620)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-620) as Amended by House Amendment "A" (H-636)** thereto was **ADOPTED**.

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

Representative CAIN of Orono **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-620) as Amended by House Amendment "A" (H-636)** thereto.

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 Passage to be Engrossed as Amended by Committee Amendment "A" (H-620) as Amended by House Amendment "A" (H-636) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 185

YEA - Ayotte, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Boland, Bolduc, Burns DR, Cain, Carey, Cebra, Chapman, Chase, Clark T, Clarke, Cornell du Houx, Cotta, Cray, Crockett, Curtis, Cushing, Damon, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Gifford, Gillway, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Hogan, Innes Walsh, Johnson D,

Johnson P, Kaenrath, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Luchini, Maker, Malaby, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Tilton, Turner, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood.

NAY - Beaudoin, Blodgett, Briggs, Bryant, Burns DC, Casavant, Chipman, Clark H, Crafts, Davis, Gilbert, Goode, Harlow, Hinck, Hunt, Kent, Lovejoy, MacDonald, Maloney, O'Brien, Peterson, Russell, Stuckey, Theriault, Timberlake, Treat.

ABSENT - Celli, Fredette, Wintle, Mr. Speaker.

Yes, 120; No, 26; Absent, 4; Vacant, 1; Excused, 0.

120 having voted in the affirmative and 26 voted in the negative, 1 vacancy with 4 being absent, and accordingly under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-620) as Amended by House Amendment "A" (H-636)** thereto and sent for concurrence.

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Use a Portion of the Sales and Use Tax for the Protection of Maine's Fish and Wildlife

(S.P. 155) (L.D. 563)
(S. "C" S-284 to C. "A" S-154)

Which was **TABLED** by Representative CURTIS of Madison pending **FINAL PASSAGE**. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you, Mr. Speaker. I have no desire to belabor this, no desire to postpone it. It has certainly been pounded to death. I would just like to answer a couple of questions. I was asked many at noontime. The bottom line to all of this, if this does not pass the department will get no extra money. It will not happen. It has been 40 years, the money has not come. It will not be a priority and it will not happen if we don't have a mechanism such as is before us to do it. Thank you, Mr. Speaker.

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

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 186

YEA - Ayotte, Beck, Bennett, Bickford, Black, Bolduc, Briggs, Bryant, Burns DC, Burns DR, Cain, Cebra, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Cushing, Damon, Davis, Dill J, Dion, Dow, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Fitts, Flemings, Flood, Fossel, Foster, Gifford, Gilbert, Gillway, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Herbig, Hunt, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Lajoie, Long, Longstaff, Lovejoy, Luchini, Maker, Malaby, Maloney, Martin, McCabe, McFadden, Morissette, Morrison, Moulton, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Rioux, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Timberlake, Turner, Tuttle, Valentino, Volk, Waterhouse, Weaver, Welsh, Willette A, Willette M, Wood, Mr. Speaker.

NAY - Beaudoin, Beaulieu, Beavers, Beliveau, Berry, Blodgett, Boland, Carey, Casavant, Chapman, Chase, Chipman, Curtis, Driscoll, Eves, Fitzpatrick, Goode, Harlow, Haskell, Hayes, Hinck, Innes Walsh, Kruger, Kumiega, Libby, MacDonald, Mazurek, McClellan, McKane, Nass, Nelson, Priest, Rankin, Richardson D, Richardson W, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Stuckey, Tilton, Treat, Wagner R, Webster, Winsor.

ABSENT - Celli, Fredette, Hogan, Wintle.

Yes, 99; No, 47; Absent, 4; Vacant, 1; Excused, 0.

99 having voted in the affirmative and 47 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Resolution was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Acts

An Act To More Closely Coordinate the Classification of Forested Farmland under the Farm and Open Space Tax Laws with the Maine Tree Growth Tax Law

(H.P. 400) (L.D. 507)
(C. "A" H-573)

An Act To Amend the Laws Pertaining to High-stakes Beano

(H.P. 418) (L.D. 535)
(H. "B" H-606 to C. "B" H-402)

An Act To Establish the Maine New Markets Capital Investment Program

(S.P. 311) (L.D. 991)
(C. "A" S-299)

An Act To Amend the Child and Family Services and Child Protection Act

(S.P. 352) (L.D. 1152)
(C. "A" S-294)

An Act To Clarify the Workers' Compensation Insurance Notification Process for Public Construction Projects

(S.P. 477) (L.D. 1515)

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.

Resolves

Resolve, To Study the Feasibility of Consolidating Health Plan Coverage for State Employees with Other Public Employees

(S.P. 261) (L.D. 857)
(C. "A" S-258)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

CONSENT CALENDAR
First Day

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