

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twentieth Legislature**  
**State of Maine**

**Volume II**

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Pages 890-1770

you. I think you have a more responsible choice. I would urge you to reject the Majority Report. Let's focus on our priorities. Let's do it without a tax increase.

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

Representative **BRANNIGAN**: Mr. Speaker, Men and Women of the House. I am not sure if I am getting poorer, but I am getting older. I just wanted to clarify a statement that was made a few minutes ago about general purpose aid. I am not in any way an expert on it, but I don't believe that we are, in the Majority Budget, increasing it for the second year. The 3 percent increase is on top of, I believe, the 5 percent increase of this year. Subtracting from this year to get next years would be the wrong way to go. Secondly, I believe the habit and the way things have been done in the Legislature over the last few years is to deal with the cushion in the second year in the second year and not deal with it all together. I think those things have to be kept in mind regarding the Majority Budget, which I hope you will support. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I really want to support this Majority Report. I think it is great. It is wonderful. It is delicious. It has a lot of what I want. It has a lot of what I came here for for the last seven years. I applaud the committee for putting together this bill. While I was with my granddaughter on Friday, they were working hard. Thank you for that.

I can't support the Minority Report. It has a lot of frosting on it, but it doesn't hold up to the temperature.

Mr. Speaker, men and women of the House, I have a problem that needs to be resolved before I can support the Majority Report. It anticipates raising \$26 or \$27 million from a tax on prepared foods. The Part II Budget will extend the tax on prepared foods to 7 percent. This will mean all prepared foods. From what I am thinking, this will mean that every small store in Maine that sells hot dogs and Nachos will now have two tax rates they have to deal with. In my store, I have a cash register that can handle that. In Maine, we have an unusual situation on how we compute tax. We have tax tables. We don't have a percentage. I wish we did, because it would save us a lot of headache and cost programming a tax table, which is harder to program than programming a percent. In my store I can handle up to four different tax rates, but 70 percent of the stores in Maine have low-end machines. They will have to replace their cash registers with much more expensive machines, because these low-end cash registers cannot support two tax rates. This increases their misery index, that is what I have heard of at one time. It is unnecessary.

I spoke with Maine Revenue Services today and from a conversation I learned that the money anticipated to be raised is really the money from the non-class A restaurants and does not anticipate revenue needed from these stores, but unfortunately, Maine Revenue Service does not know the difference between McDonalds restaurant and Joe Perry's McDonalds Market. I ask the committee to please fix this problem. I would like to vote for this budget. Thank you.

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. 410**

YEA - Ash, Bagley, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher,

Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, Mayo, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Povich, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Sullivan, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Buck, Labrecque, Lovett, Watson.

Yes, 82; No, 65; Absent, 4; Excused, 0.

82 having voted in the affirmative and 65 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-724)** was **READ** by the Clerk.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-724)** and later today assigned.

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-724)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-725)** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** 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, 2002 and June 30, 2003" (EMERGENCY)

(H.P. 655) (L.D. 855)

Which was **TABLED** by Representative COLWELL of Gardiner pending **ADOPTION of Committee Amendment "A" (H-724).**

On motion of Representative BERRY of Livermore, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The same Representative moved that the House **ACCEPT** the Minority **Ought to Pass as Amended Report.**

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. First, I appreciate the opportunity the Speaker has allowed to move this forward, having waited for hours and hours for amendments to be printed, this is indeed an opportunity to have the debate. You have in front of you Committee Amendment "A," which is the larger of the two packages in front of you in that document, at XXX. Hopefully this is the only time you will ever see that many numbers at once. It is essentially the amendment that the Speaker mentioned. This is the piece that deals with the domestic violence. It is in the Minority Report, entitled Committee Amendment "B," which is what we are going to debate now. Some of this is going to be repetitive. You have heard it before, suffer, but I will try to give you a little bit more detail and move forward.

In our proposed amendment, which I would urge that you support, which is in front of us, we raised about \$47 million. It is mostly though some of the things we had talked about earlier in the session. We propose to close all of the state liquor stores, as originally proposed to use up what was originally called the biennial reserve and the Fund for a Healthy Maine, which now stands at about \$10 million. The remainder of the reserve that has been set aside for when tobacco, the so-called tobacco money, took a somewhat temporary dive in a couple of years and finally we pick up about \$17.5 million as originally proposed by the Chief Executive in his budget on reductions in the Fund for a Healthy Maine Program. If you remember, this reduction was used to cover the substantial Medicaid shortfall. It was substantial when we began this session and it continues to be substantial and growing.

Our primary uses of this money, which differ, again, from the Majority Report. We have essentially covered in some detail the fact that these two reports are very similar. The places where it differs, you have heard somewhat before. GPA, this Minority Report would provide an additional 1 percent of GPA funding for the second year of the upcoming biennium for a total of 4 percent increase in the second year. In addition to that, we would add \$3 million for FY 03, which is, again, the second year of the biennium for a cushion to that GPA.

In addition to that, we have made provisions, and again, some of these duplicative with the Majority Report. I don't mean to suggest that by giving you this list, these are not in the Majority Report. The very important thing that we have had no debate on is the state retirees' health insurance and its unfunded liability. We will begin to make the first \$2 million payment on that against what I recall is a \$700 million liability, just to give you a sense of the urgency of this. We will collectively, both reports, provide for the demolition of the prison at Thomaston, the old prison. We will provide in this budget, not in lapsed balances, the retired teachers' health insurance increase. That part that the state pays for will rise under our proposal from 30 to 35 percent. We will provide another \$200,000 to the Magnet School. We will provide \$2 million for biomedical research. We will provide \$2 million for R & D, the category of R & D money primarily going to the university. We will provide \$300,000 in the incubation centers that we largely set up last year and all but one have now been selected and cited. Perhaps most importantly, at least from my perspective, is this budget provides a solid committed \$10 million to tax conformity, something I think is extremely important for next year. We need to begin to make a down payment on what we know is an \$18.5 million bill for next year. This budget does that in no uncertain terms. The majority budget, I need to say this in detail, has the words tax conformity

in there. It provides for many other possibilities for use of that money.

Finally, as the Speaker mentioned, an amendment will be added to this, if it is successful, to provide the same programs for domestic abuse and domestic violence, which is now at about \$4.2 million for the biennium, as is provided in the Majority Report. With that, Mr. Speaker, I think that provides enough detail and I appreciate the opportunity. Thank you.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I won't drag this out too long, but I do want to just respond to the additional cuts to the Fund for a Healthy Maine. Having served on the Appropriations Committee in the previous Legislature, it was an opportunity that the Legislature took to fund smoking cessation programs, child care programs and you will see in many of your communities, the Healthy Community Coalition Groups working to improve the health of your constituents. To suggest as the Executive did in his previous budget to fund ongoing costs from this dedicated revenue source, which we did. We started as a one-time opportunity to fund some ongoing programs that would hopefully prevent some costs in the future. We look at our population that is growing older and the needs, we tried to plan for those needs. One of the smart things we can do is increase our prevention efforts. That is part of it.

The liquor stores was another issue. I felt like I have battled enough on that issue. I had hoped that we were beyond that at this point. I didn't see the career centers in the Minority Report, I apologize. I consider that part of the solution. We heard a speaker earlier say that it was the worst time to raise taxes. I think it is a worse time to cause tuitions to rise more. It is a worse time to stop our economic development. It is a worse time to stop investing in our efforts to avoid making things worse.

I am pawing through my papers again. I was hoping that the Representative from Acton would go on much longer and give me more time. Not to say that I am disappointed, but surprised.

Again, I spoke to the Majority Report and I think there is so much more there that serves the state. I will be voting against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. I have a couple of other things. The House Chair of Appropriations reminded me. I am sorry I disappointed him. Relative to the Fund for Healthy Maine, this is one of those ideological differences, which there was some comment before on in the last debate. It was a large new source of revenue for the state. We spent, essentially, in the last session, against some of our better judgment, now comes some reality, at least, certainly not totally, because we can always raise taxes, but some reality is that during this time and partly because of those new programs, the cost of Medicaid has gone up and it is continuing to raise quite rapidly. The Fund for a Healthy Maine, however you view it, as an opportunity for preventive care, there is an opportunity to pay for rising Medicaid costs. It is there and available. I tend to look it as available primarily for paying for programs that we have instituted and that are growing rapidly. We have no capacity in this state to reduce programs. I don't know why. I wish it were different, but it isn't. We keep packing them on one after another. There is never anything that is shut down in this state. We had to make big choices, unfortunately. This is one of them. What do we spend this windfall, this new money on? This is a stark difference. This budget proposal says spend a substantial part of it on the rapidly rising costs of Medicaid, others suggest preventive care. The choice, if it isn't

as stark as it can be, should be viewed that way and that is a distinct difference. I just wanted to mention that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative COLWELL: Mr. Speaker, Men and Women of the House. I have to rise on this issue. I, too, urge my colleagues to vote against the pending motion and for a number of reasons. It is not because of the line items in the budget. There are many that are similar. Now we understand that an additional one, part of the amendment is including domestic violence and sexual assault. I commend my colleagues on the other side of the aisle for recognizing the importance of this issue.

My objection still remains based on the bottom line. Actually the bottom line has just gotten worse for the Minority Report with the addition of that amendment. It has increased the structural gap by another, roughly, \$5 million. We are now up around \$50 million. Really my biggest objection is still, and will remain, the notion that somehow we can guarantee ongoing programs like GPA, like increases in higher education, like all those ongoing programs that our constituents rely on to make life in this state so much better and that we can do that somehow with these one-time pots of money. In the Minority Report, when it does reach for ongoing sources of money, it reaches for the one source of money, the Fund for a Healthy Maine, that only a year ago this state was being praised above all other states, for utilizing and designing a system to utilize that tobacco settlement money to dedicate it to providing health care and tobacco related cessation programs, child care and child development programs, increased access to Head start, increased access to substance abuse counseling programs. We were being praised and held up as a model to the rest of the nation for using that money in the manner in which the rest of the nation felt we should. People called me, I am sure they called you, from other state Legislatures saying it is unbelievable how you can do that and focus in on the correct and the appropriate use of those tobacco settlement funds. I was proud then and I guess I am proud of the Majority Report for holding onto that.

You are right. There is a big difference in philosophy, but you know what? There is no difference in philosophy of fiscal conservatism in the Majority Report, because for every dollar that we invest in the Fund for a Healthy Maine in prevention, cessation, early childhood development, we save \$7 in future health care and Medicaid costs. I guess I would say that for this Representative from a relatively unwealthy community of working class people, if the bottom line is to get our Medicaid costs under control, I think the last thing we want to be doing is chewing up that whole Fund for a Healthy Maine, because, in fact, we will only be exploding our Medicaid costs seven fold by not investing in those preventions and cessation programs. It just makes no sense to me.

My other objection still is the 1 percent statewide de-appropriation to have a unilateral disarmament, throw up your hands government on autopilot move, although what we are really talking about in this time when we need more child protective workers, we know we do, we just lived through an awful spring dealing with those child protection issues, so we de-appropriate 1 percent, how many child protective workers is that? We know we don't have enough Game Wardens to enforce the game laws in this state. How many Game Wardens is that? We know we don't have enough corrections officers to man our prisons. How many corrections officers is that? I guess it is still the bottom line that troubles me. I do compliment and commend the minority for their hard work on this. I would still urge my colleagues, at this point, to defeat the Minority Report and go on to the Majority Report. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative ETNIER: Mr. Speaker, Men and Women of the House. I would back up the Majority Leader, Representative Colwell, in his opposition to his Minority Report. My friend from Acton, Representative Nass, says we have little appetite for cutting programs here. I would have to differ with him in so far as in the Part I Budget that we dealt with the Fund for a Healthy Maine in, we did cut \$18 million worth of the money for the Fund for a Healthy Maine and tobacco settlement monies coming into the Fund for a Healthy Maine Program. That was less than what is proposed here today in this Minority Report by about half. It was a significant cut, nonetheless. In addition, in the Part I Budget, we cut combined between the Department of Human Services and the Department of Mental Health and Retardation and Substance Abuse Services and this number is little off because we ended up backing into the cost of living increase for nursing homes. It was around \$40 million of general fund money that we cut from those two departments in terms of Medicaid Services and COLAs and pharmacy and PNMI's and reduction in the MAP account, etc. It is approximately \$40 million if you allow that we did do the COLA for nursing homes in the end of the day for a total loss of federal and general fund money of around \$128 million, I would say. That was in the Part I Budget. Those are serious cuts. Those are cuts that we have taken. On top of that we have taken \$18 million out of the tobacco settlement money that we, as a state, strongly endorsed last year for cessation and prevention.

What I gather the Minority Report does is basically match the Chief Executive's and the administration's original proposal for cuts to the Fund for a Healthy Maine Program. That is all well and good if you want to take a 26 percent reduction in the community and school grants program that relate to tobacco cessation. If you want to take 58 percent out of the evaluation of the Fund for a Healthy Maine Program and how effective it is. If you want to reduce by 38 percent the cessation and media amount, if you want to reduce by 44 percent, the home visitation amount, if you want to reduce by 17 percent the money spend on substance abuse, if you want to reduce by 20 percent the money for drugs for the elderly, if you want to reduce by 45 percent the childcare money, although that was put partly back in by federal money, if you want to reduce Head start, if you want to reduce dental health programs by 33 percent, then you should support the Minority Report. We chose not to in the Part I Budget. We have basically followed what was, I believe, a unanimous or nearly unanimous from the Health and Human Services Committee, their recommendations to the Appropriations Committee were do not cut the Fund for a Healthy Maine. I believe there was one dissention from that committee. We went along with their recommendations to a point, but we ended up cutting significantly more than what they recommended in the Part I Budget. I urge opposition to the Minority Report and urge your continued support of the Majority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. We have heard that the Minority Report is irresponsible because it has \$45 million more in its structural gap, but having been here last year when we passed the budget, that had over \$280 million structural gap with only one year to make up for it. Half that money in the structural gap is \$10 million this year, which means it automatically has to be in the next two years of the budget. Half of that difference is because the Minority Report properly funds GPA. If we are doing it this year, then we have to do it next year and the year after. We could get rid of our structural gap for by properly funding

GPA. That seems to be how the Legislature, for quite a while now, seems to deal with all their problems. They don't fund General Purpose Aid to education the way it is supposed to be, at the 55 percent level, which was passed in the '80s and we never got to it. In the 118th, I believe it was, the strategy was, we will increase 6 percent every year until we get to that magic number, but we don't do it. There is always something more important than paying our bills. It is always more glamorous to do something new than to pay your bills. It is true. We heard about all of these things that we are going to cut by 17 percent or 23 percent or 14 percent. I will tell you that if you vote for the minority budget, you will be increasing by 33 percent the money going to general purpose aid to education. That is more important to me than all these other little programs. We aren't cutting anything in this budget. Instead of increasing it by 4.9 percent, we are increasing it by 4.6 percent. That is not a cut. That is just not quite as big of a growth.

I have to take issue with a point that was made about cutting child protective services and the terrible tragedy that we had. That tragedy happened because we had an overzealous child protection worker. That child apparently needed to be brought up to pass this budget, because it was useful. That child was taken out by over aggressive child protective workers and was not in the home. We didn't have a tragedy because we couldn't get to a home of a child.

I leave you back with my original point, if you want a 33 percent increase in GPA funding, which still is a 33 percent decrease in where we should be, but at least it is more than where the majority budget puts it. I would urge you, if you care about GPA, if you care about property taxes and if you care about kids, the minority budget is for you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. Three years ago the Fund for a Healthy Maine had the most impressive legislative launch that most folks around here have ever seen. Every single member of the leadership in both houses and in both parties stood at the microphones in front of the cameras and touted the concept and the commitment that we were placing in funding prevention for the first time. That is what it is all about. It is funding now so we don't have to pay later. If you look at every aspect of the Fund for a Healthy Maine in terms of the programs, it is funding early intervention, child care, smoking cessation. It is attempting to deal with problems before they become more costly. Let's not make any mistake in assuming that trading in the investment in early childhood, preschool development and education, is an effective trade off for the GPA. To cut the development of children, to transfer the resources to the more formal education is not a reasonable trade off. The State of Maine got accolades and praised nationally because we were one of the few states that had the courage to dedicate these funds to prevention and early intervention that we all knew at the time that we were making the commitment of these funds and that it would be a very visible target for being raided by other legislators over the years. That will not stop with us and that Fund for a Healthy Maine will always, as long as it is there, be a tempting target for us to use for ongoing services. Let us protect the original intent and maintain one small piece of our financial commitment for prevention and early intervention. Invest now and save later. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. I have two wishes I wanted to discuss. One is something that we just heard and it concerns me a great deal where a judgment has been made that the case that we are so

familiar with now with DHS was caused by an overzealous worker. It concerns me that we would say that when we don't have all the facts in front of us. We know that confidentiality prevents the Department of Human Services from divulging the exact reasons why the children were removed from the home originally and to guess or accept one side without hearing both sides, I think is the wrong thing to do.

The second item that I want to talk about is the budget itself. I would ask that you would support the majority budget and defeat the current motion. As we put this budget together, I watched very carefully that we had, what I call, a balance. The members of my party heard this story over and over as we worked on this where I wanted to make sure that there was balance between the money that we put into health care and the money that we put into education, economic development and social services programs and that we did not put more money into one area at the expense of another, because we are charged with overseeing all of government, not just one piece.

The majority budget, I believe, has reached that point where all of the programs that are important to all of us have been funded at an appropriate level so that there is balance in this budget. I would ask that you would support the majority budget. Thank you.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I am really appreciating all of the wonderful comments that I am hearing about education and the importance of K-12 education from both sides of the aisle, and especially how absolutely crucial it is that we get to 55 percent funding from the state. That was a commitment that we have made. I understand we are not bound by law, but it is the right thing to do. It seems to me that that has to be a tremendous priority. I am grateful that the other side of the aisle has taken up this issue with so much enthusiasm, but I want to jump back and say we cannot fund K-12 at the expense of early childhood. Learning does not begin at age 5. Learning begins at birth and no matter how much we fund K-12, if we have children coming into our schools ill prepared, either because they have not had quality daycare or their parents have not had the skills with which to parent them effectively, our teachers and our schools cannot repair the damage. Last session we created and crafted an absolutely beautiful piece of legislation. Part of it was the Start Me Right. It was doing something for that group of citizens who cannot speak for themselves. We have to speak for the children. This Legislature last session did that in an incredible way. Do not undue that piece of work, because education is all one piece. We have to remember those who can't speak for themselves. I would just remind you of the fabulous parent education program in Belfast called, Parents Are Teachers Too, it has been going for years and years. It was created as a grassroots effort out of that local need. They have been going long enough to demonstrate the effectiveness. What they found was that learning delays in early childhood have been cut by half because of the wonderful programs that they presented. Let's just think about what that means in special education costs. Whatever we do with this budget and you all know where I would like to find some extra money for our public schools. It is not the Fund for a Healthy Maine. Please don't tamper with that. Keep that fabulous piece of work that you did last session. Thank you.

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

Representative **ROSEN**: Mr. Speaker, Ladies and Gentlemen of the House. You have heard a lot of numbers, but if you will indulge me for just a second, I would like to toss a couple more by your way so that you are able to at least get a

global view. An earlier speaker mentioned that it was important when the Appropriations Committee looked at the budget that it takes a holistic view of the entire state budget and that is what we need to do tonight when we take this vote. This reduction in the growth that generates some of the savings in the programs, if it hasn't already been mentioned, I would just like to point out that there are several categories that are exempt from this slower rate of increase. Those would be GPA, teacher retirement, Maine Maritime Academy, the Technical College System, the University of Maine, the state debt service, general assistance, all Medicaid Programs in the Department of Human Services and all Medicaid Programs in Mental Health and Mental Retardation. Those are all exempt. Just to give you, again, a global number, the state budget for the biennium, 2000-2001, that we are now just ending, totaled \$4,967,000,000. The current Part I Budget that we passed with 2002-2003 is \$5,200,000,000. This is a 4.95 percent increase. In real dollars that is an increase of \$246 million. The Minority Report is requesting that that increase be 4.59 percent or \$228 million. In other words, we are still increasing the rate of growth of government, but we are trying to do it at a slightly slower rate to realize the slow down that has taken place now in revenues that are pouring into the treasury. It is not the intent to cripple any program. It is not the intent to sabotage the effectiveness of any of these programs, but it certainly is a recognition that rather than raising new taxes, we would like to be able to fund the growth of government at a slower rate from existing services. This seems to be a very modest proposal that is certainly not as devastating as some would make it out to be.

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. 411

YEA - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Mayo, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Mr. Speaker.

ABSENT - Bagley, Buck, Dorr, Goodwin, Labrecque, Landry, LaVerdiere, Lovett, Perry, Watson.

Yes, 56; No, 85; Absent, 10; Excused, 0.

56 having voted in the affirmative and 85 voted in the negative, with 10 being absent, and accordingly the Minority Ought to Pass as Amended Report was **NOT ACCEPTED**.

Subsequently, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

Representative TRAHAN of Waldoboro **PRESENTED House Amendment "A" (H-730) to Committee Amendment "A" (H-724)**, which was **READ** by the Clerk.

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

Representative TRAHAN: Mr. Speaker, Honorable Members of the House. I urge your adoption of this amendment and I will explain why. Many of you in your communities at home have experienced the incredible effects of thermal imaging. In my community of Waldoboro, our town got together and in about a year we raised enough money to buy one of these cameras. I will try to explain really quickly what these cameras do. They seek heat or when you point a thermal imaging camera into a dark room filled with smoke, the camera will pick up the varying degrees of heat or in this case the origins of fire or victims in a fire. I probably don't need to stand here and explain how important these cameras are for our fire departments. I have given you two handouts. One shows where a child's life was saved with a thermal imaging camera and the other explaining the bulk purchasing program, which is the foundation of this bill.

In this amendment I ask for \$5,000 for seed money in the Thermal Imaging Camera Fund to get it started. I have commitments from people in the private sector to give private money to this fund. The real important part of the fund is the bulk purchasing. In states like New Jersey, there have been significant savings, sometimes up to \$10,000 per camera by buying these cameras in bulk. Ladies and gentlemen of the House, this amendment does ask for \$5,000, but it could have the impact of saving thousands upon thousands of dollars for our municipal governments. More importantly, it will save human lives. It will save property by finding a fire before it becomes a huge fire. Ladies and gentlemen, it may someday save someone in your family.

I urge you to pass this amendment. I guess I am just tired. I will end it there. Thank you.

Representative BERRY of Livermore moved that **House Amendment "A" (H-730) to Committee Amendment "A" (H-724)** be **INDEFINITELY POSTPONED**.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I do not move Indefinite Postponement because I don't approve of the idea in this amendment. I move Indefinite Postponement because I believe there is another package, a larger amendment, that would include a number of bills, which would include LD 260, which does the same thing. I fully intend to support that amendment when it comes. I think it would be in conflict with this one.

Representative O'BRIEN of Augusta **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-730) to Committee Amendment "A" (H-724)**.

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 O'Brien.

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. I would like to thank Representative Trahan for bringing this forward. I had a similar bill. I do agree with him of the absolute importance of this measure. Our local fire department in Augusta recently did a fundraising drive of a couple years and purchased two thermal imaging cameras. I want to tell you that on a personal note, we suffered a devastating fire three summers ago. I remember walking in the bedroom where the fire originated, the room was black, and I

remember walking in and wondering if my son was in his bed. I thought he went out to play golf, but I didn't know. I look back on that now and realizing the importance of the thermal imaging camera. He was not there. I have seen how they work and I think every fire department needs at least one of these. I think this is a very modest request. I would ask that you do not support the Indefinite Postponement.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. The good Representative from Waldoboro, Representative Trahan, has brought forward a very good proposal. It was well received by the committee of jurisdiction that it went to. It was well received by the Appropriations Committee. It was well received by our esteemed Chair, Representative Berry. It is my hope that we will be able to fund Representative Trahan's amendment later on when we get to the enactment stage of this budget, but in order to fund this amendment and perhaps others that come along, we will need a two-thirds vote in order to gain the money possible to fund these sort of amendments and I urge your support at that time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. This is indeed a dilemma. We have the package that everybody keeps referring to is on the yellow handout and in the last page it is roughly \$2 million that was designated for the House Republicans as part of that split up of the table issue, which we have spent the last few days dealing with. It is the third item, LD 260, I think. That amendment is out there waiting to be brought in, as has been suggested, to be joined with Committee Amendment "A" shortly after we get a two-thirds vote. If we don't get a two-thirds vote, there may be some interest in some of these things. There may be no interest in any of them. That is really not our call to make. The dilemma for us, the minority, is what do we do on Representative Trahan's amendment. Here is what I am going to do. I don't want to mess up the amendment. I don't want to mess up that plan that I have just described, but I am going to vote against Indefinite Postponement because I think this is a good idea. I don't know what else to do at this point. There may be some other ones that come along. We are trying not to mess anything up. We are trying to recognize the good ideas. We hope that it works. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Members of the House. I really appreciate the attempts to skirt the line to say that this might get into the budget later, but, ladies and gentlemen of the House, I am not willing to take that chance. This bill is a lifesaving bill. It is a property saving bill. It is good for your communities. It is win, win for everyone. I wish and I hope that you would not take the chance that this would fall by the wayside like things in the past have. I am just not willing to take that chance. I urge you to support this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. We have one of these thermal imaging cameras in our fire department, but we raised the money the hard way. It cost us \$20,000. I went through the demonstration of that. I was amazed at what this could do. I believe every department should have one. As a member of the Board of Selectmen, I want to find it in our budget next year to get another one for our department, somehow. I believe this is probably one

of the most important things that we could do in this Legislature is to make sure that we want to save lives during a fire. I could not believe how clear you could find a person in a smoke filled room. I was there. It was imitation smoke, but that doesn't make any difference. It is just amazing what these can do. If a person has never been in a room and seen what they can do, I highly recommend that we do it. I will be voting against the Indefinite Postponement because I think this so important to the State of Maine and every fire department.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. This is one item that is very near and dear to my heart. Having served on Criminal Justice, we listened to hours of testimony from I think every major fire fighter within the state endorsing this program for thermal imaging cameras. I am one of the lucky Representatives in this body. I come from a city that has four major fire departments, four buildings in our city. We all have thermal imaging cameras. We know it can save lives. It is a proven fact that it saves lives. We all, every community here, faces the potential of numerous deaths because you do not have a thermal imaging camera. It will go into a room, detect heat of a child imprint having been in a bed and the firefighter knows there is a child in that room, probably hiding in the closet, because three and four year olds think I am always safe in the closet or I am always safe under the bed.

I have heard the implication that there might be money further on in this budget. I am here to tell you that I am going to support this amendment because that is how vital it is. If it is there, then we will face that, but I can't take the chance of one more child dying for a simple \$5,000 revolving loan fund. Vote for this. Your constituents will thank you. This is a good expenditure of tax dollars. Thank you Mr. Speaker.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I don't know if everyone in this body knows that I am a Fire Chief of a small town. I don't take this idea lightly. I support it. I was a cosponsor with the Representative from Waldoboro. The issue right now is that this item is in another amendment, which if it doesn't pass by two-thirds, none of this work that you have seen previously, I think it is all in jeopardy. It won't matter if you support this amendment by itself. It won't happen unless the whole package passes by two-thirds. I love the idea, but it is just necessary, as I see it, to vote for Indefinite Postponement so we end up with a clean document.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. The Criminal Justice Committee did hear this bill and did support the bill, but at ten times the cost. Realistically, \$5,000 won't do anything. It may start a fund, but the actual purchase price of these units far exceed what would be available in a loan fund. Until we are serious about a level of funding for serious loans, I support the Indefinite Postponement.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **TRAHAN**: Mr. Speaker, Members of the House. I need to respond very quickly to that belittling, I guess, of the \$5,000 fund. I worked very, very hard on this bill for the last year. I have spoken with many businesses that are committed to this fund to the point where they are willing to give money to this fund. Again, I will tell you that this is seed money



to create the fund and the language so that this fund can then take in private money. I believe this is a priority for the people that are sitting here, both parties, the majority and minority party support this bill. I can guarantee that because I have spoken with members of this body individually.

Ladies and gentlemen of the House, I am asking you again to not take a chance with this very important bill. There is two parts to this bill that are important. There is the fund to get started, to get private money, but more importantly, is the bulk purchasing program that will be done through the Fire Marshall and the Department of Public Safety. What they will do is they will search through the communities, find the people who want to purchase the cameras and then they will negotiate on behalf of those municipalities for a lower price. That is win, win and it is going to cost us \$5,000. Please support this amendment.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Heidrich.

Representative **HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. I was a volunteer fireman many years ago. The last fire I was in the procedure was always two firemen going into a house with a scott pack on. When we arrived at the fire, my partner wasn't there. The fire was bursting through all the windows. I entered the building with a scott pack on. You can't see too much with a scott pack on. I guess I went two feet into the building when I had to get on my stomach and crawl because we heard there was a child in the bedroom. The first room I found was a closet where I got lost. I couldn't find my way in and I couldn't find my way out. I am sure many of you were volunteer firemen. You have probably gone through the same thing. Finally, I found a hallway and went down into the bedroom and searched the entire bedroom and could not find the child. The first time in my life, I panicked in a fire. I couldn't find my way out. You could not see your hand in front of your face with a search light. Thank God I found curtains. When I found the curtains, I pulled myself up, took my helmet off and smashed the window and the rescue squad pulled me out of the building. Thank God the child had already left. A thermal imager in that case, we would have known what was happening. If I had gotten lost in the building, they would have found me. Please consider this when you vote. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. Believe it or not, I really didn't intend to speak on this. In my other life, I volunteer with the Salvation Army. I am the Vice Chairman. Any of you who are volunteer firemen probably know we do a lot of work with firemen bringing relief, bringing coffee and just being there those long nights when you are fighting fires. I spoke with some firemen. We heard a good story from the good Representative from Oxford, Representative Heidrich, about the child that he went in to try to save. First off, firemen, there is a lot of procedure and processes, kind of like we have process here, but there is a lot of chaos that goes on in a fire and a lot of times you have to act to do what you have to do. I spoke with one fireman and he told a little different story about the dead body of that child that they couldn't find. Unlike the Representative from Oxford, Representative Heidrich, the story had a happy ending. The story I was told didn't have quite so happy of an ending. I would urge you to defeat the pending motion because not all stories have happy endings, but a few more will if we pass this.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-730) to Committee Amendment "A" (H-724). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 412**

YEA - Ash, Bagley, Baker, Berry RL, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Kasprzak, Koffman, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, McDonough, McGlocklin, McKee, McLaughlin, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Patrick, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Chick, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Hall, Haskell, Heidrich, Honey, Jodrey, Ledwin, MacDougall, Madore, Mayo, McKenney, McNeil, Mendros, Michael, Michaud, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Paradis, Peavey, Perkins, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Stedman, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Andrews, Blanchette, Buck, Goodwin, Labrecque, Landry, LaVerdiere, Lovett, Matthews, McGowan, Perry, Watson.  
Yes, 77; No, 62; Absent, 12; Excused, 0.

77 having voted in the affirmative and 62 voted in the negative, with 12 being absent, and accordingly **House Amendment "A" (H-730) to Committee Amendment "A" (H-724) was INDEFINITELY POSTPONED.**

On motion of Representative COLWELL of Gardiner, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-724)** and later today assigned.

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

**REPORTS OF COMMITTEE  
Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Creating a Pilot Project to Provide Video Camera Surveillance at Intersections in Ellsworth"

(H.P. 728) (L.D. 948)

has had the same under consideration, and asks leave to report:

That they are **UNABLE TO AGREE.**

Signed:

Representatives:

FISHER of Brewer  
BUNKER of Kossuth Township  
COLLINS of Wells

Senators:

SAVAGE of Knox  
O'GARA of Cumberland  
GAGNON of Kennebec

The Committee of Conference Report was **READ** and **ACCEPTED.**

Sent for concurrence.