

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Regular Session**

April 7, 2006 - May 24, 2006

**Appendix**  
**House Legislative Sentiments**  
**Index**

Pages 1488-2248

**ERRATA:**

**The header on all pages  
of this file should read**

**“April 27, 2006”**

**instead of**

**“April 27, 2004”.**

CRAVEN of Lewiston  
FISCHER of Presque Isle  
LERMAN of Augusta  
MILLS of Farmington  
MILLETT of Waterford  
NUTTING of Oakland  
BOWEN of Rockport

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

CURLEY of Scarborough

**READ.**

On motion of Representative FISCHER of Presque Isle, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-1063) was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1063)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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Nine Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-577)** on Bill "An Act To Update Teachers' Minimum Salaries"

(S.P. 480) (L.D. 1381)

Signed:

Senators:

MITCHELL of Kennebec  
SCHNEIDER of Penobscot

Representatives:

DAVIS of Falmouth  
FINCH of Fairfield  
EDGECOMB of Caribou  
NORTON of Bangor  
GOLDMAN of Cape Elizabeth  
MAKAS of Lewiston  
CAIN of Orono

Three Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

TURNER of Cumberland

Representatives:

STEDMAN of Hartland  
LANSLEY of Sabattus

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-578)** on same Bill.

Signed:

Representative:

MERRILL of Appleton

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE**

**ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577) AS AMENDED BY SENATE AMENDMENT "A" (S-620)** thereto.

**READ.**

Representative GOLDMAN of Cape Elizabeth moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 Rockport, Representative Bowen.

Representative **BOWEN**: As many of you know, the minimum salary proposal was part of the budget originally. It came before our committee. We had, as I recall, a long hearing in Appropriations on this proposal and tried to get to the heart of what the problems are that we are trying to solve with this piece of legislation. What we identified was basically three issues that the salary piece was supposed to fix for us. One of the problems was you had young teachers who were coming out of college and going into the workforce at the bottom of the salary scale and many of them had lots of debts from their university experience that they wanted that salary higher to help them offset those costs. We also had the issue of retaining the other teachers in the teacher corp. because we know there is a lot of turnover. We lose a lot of teachers in the first five years and it was thought that if we get salaries up, that would help that as well. Also we had the issue of, to some extent, equalizing salaries between the different districts. We have some very high paying districts and we have some that are very low. Underfunded districts can't afford to compete with the more wealthy districts. When we sat down to work on the budget, we tried to figure out some ways to solve those problems without having to go through the process of having the dramatic effects on collective bargaining and property taxes and so forth that this proposal will have.

The good news is we have managed to do quite a lot, frankly, in the budget that all of us passed here a few weeks ago to solve, or at least take a big step forward, on all three of those problems. With regard to college debt problem, you may already be aware that the state has a program called the Educators for Maine Program, which is run by FAME. What it is is a program that offers forgivable loans to students who are in an education track and going into teaching up to \$3,000 a year for the four years they are in school. When they become teachers in service for every year of teaching that they do, they get one year of those loans, \$3,000 forgiven. It is a great program. Unfortunately what we have found in the hearing is that the program is underfunded. One of the pieces that was put into the supplemental budget that we passed a few weeks ago was a near doubling of the amount of money from the General Fund going into the Educators for Maine Program. They are right now sort of crunching numbers to figure out how many more people we are going to be able to bring into the program. They are going to do some things to expand the availability of the program and make it so it is a little more effective in getting the word out that this is available to young college students who want to go into teaching and we think in that way we are able to sort of take a big step forward on the college debt load issue.

On the retention of in-service teacher's issue, we actually got a couple of things accomplished this session that I think we can be very proud of. Thing number one we did is we passed by a wide margin, as I recall, the local assessment moratorium bill. As most of you know, the local assessment system that was put in place a couple of years ago created a tremendous amount of

work, paperwork, took teachers away from teaching, away from working with kids so that they could basically push paper around. It was not a very well designed system. The committee worked very hard to come up with a way to put a moratorium on that while it was reworked. We passed that in here. With that single piece of legislation, we dealt a serious blow to the workload issue that from my perspective as a classroom teacher is one of the main issues driving teachers out of the profession. We are spending way too much time on paperwork and not nearly enough time with kids.

The other piece that we put into the budget to deal with retention issues is the National Board of Teacher's Standards Certification Program to put a cash benefit for those teachers. Probably nobody outside of the profession knows about this, but there is a body called the National Board of Professional Teaching Standards, which many years ago established a set of standards for exemplary teaching and awards a board certification, much like you find in many other professional fields to those teachers who achieved those high standards. It is a very difficult process to undertake. It takes a year or a year and a half to do it. It is very costly. The consequence is, you end up with teachers who spent a tremendous amount of time looking at their craft, honing their craft, learning and working on the material that they work with and becoming better teachers. We have about 100 of those teachers in the state now. We have tens of thousands across the nation. In 30 other states, we discovered when we were researching this, offer some sort of stipend to board certified teachers to encourage them to come to those states and teach. As of the passage of the budget here a few weeks ago, Maine has also become one of the states, to my knowledge, the only one in New England, which offers a stipend to nationally board certified teachers who have achieved this very high distinction. I have learned, coincidentally, from an e-mail that I got yesterday at my school e-mail account, from my assistant principal, forwarded from the Commissioner, says, "As you may know, the Legislature recently agreed to provide a \$3,000 annual stipend to any Maine teacher achieving National Board certification. As a result, more teachers are expressing interest in certification." It goes on to explain how to achieve the certification process and who to contact at the department and so forth.

So, already, even weeks after this has been put into place, teachers are beginning to look at taking the time out of their schedules to pursue board certification and become better teachers. By rewarding our great teachers and by doing what we can on workload, I think we have taken some giant steps forward in this session on teacher attention issues.

The last issue having to do with more equality among salaries across the state, we actually got another chunk done out of the budget by putting more than \$40 million towards to EPS ramp up to 55 percent that we are in the middle of right now. Over the next couple of years we are making a dramatic state funded expansion of money into our education system. The sheet I have here from the Department of Education indicates in '04 and '05 the state's share of total spending on K-12 education was \$737 million. That is expected to top a billion by the '08-'09 school years. That is four years to add a quarter a billion dollars in new funding to our schools. What that means is for schools that are at or above the EPS number, that could potentially mean property tax relief if the local school districts take the step of controlling spending and applying that money to property tax relief.

You also have nearly 100 districts that are below the EPS numbers established by the state. This spreadsheet has been floating around that has the over/under on the 100 percent of EPS. We have, by my count, almost 100 districts that are under

what the state says they should be spending. The additional money that we are going to be pouring into these districts over the next couple of years means that those low districts that haven't had the resources to provide a decent salary to those teachers are going to have more resources. We know that the EPS system contains a salary matrix provision that has average salaries across the state and as the amount of money pouring into EPS continues, that salary matrix will be adjusted each year to move that salary up. Those districts below EPS will be expected to raise their teacher's salaries as we continue to make these dramatic investments in our schools over the next couple of years.

The three issues we had in front of us, we worked very hard in the Appropriations Committee trying to find a way to do this in the budget. I think that we did it with that and a couple other pieces of legislation that we have been good enough to pass in this body and, most importantly, we have done this without what we all know is going to be a dramatic impact on our local districts, an unfunded liability that even conservative estimates place at at least \$50 million to bring not just these teachers under \$30,000, but all the other teachers in the teacher's scale up to a higher level. We have done a lot. We have managed to avoid a burden placing another burden, another mandate, on our local districts that the property tax is going to have to take care of. I think we can walk out of here without supporting this provision and go home to our teachers and tell them that we have done a good job.

I was back in the classroom after all of these weeks just earlier this week, back with my eighth graders and my teacher colleagues and I was happy to tell them that I thought we had made a lot of progress this session and that they could be proud of the work that we have done for them. I would ask that we oppose the pending motion and move on to the Ought Not to Pass.

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I like all the things I just heard. The thing that bothers me a little bit is what we are really trying to do here is address some of the problems that some of those 100 SAUs have. If we can pump money into their schedule by giving those people who are below a minimum of 27 for the coming year and \$30,000 for the following year, it helps them move that much more quickly. These SAUs actually have several teachers, in fact, what we are trying to do, this is it, at state's expense is pay those districts for everyone they have below \$27,000 for next year and below \$30,000 for the following. That is not just new hires. That is anyone who makes below that.

I have been hearing the problems that people think that has. Actually it doesn't have the problems we are hearing about. I invite you to talk with the commissioner or whoever you need to to get the facts on that. This is our way of trying to help with that recruitment and retention problem. What has been happening is the lower end of the pay scales have not been moving. It gets very difficult for small schools to attract the kinds of teachers that they want to have, that would give their children the same kind of equity that schools who can pay more attract. This is our way of trying to help that piece and address it. That money is pumped into the salary schedule then it becomes part of that salary schedule and since the teacher salary grid is a piece of EPS that is expenditure driven, then the state reimburses you for that salary. Since most of these districts are high receiving districts, that comes at a pretty good rate. If you are a high receiver, the state reimburses you considerably more. Most of you probably know what percentage you have of state subsidy. That, along

with, paying for the increase on the base, moves small schools up quite quickly. That was our goal in this bill.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I represent six schools. They are minimum receivers. They are minimum receivers not because they are wealthy communities, but they are that way because they are low in enrollment and high in assessed value. What this bill would do is tend to push up the wage structure in such a way that it would really create an expense on those communities that would have to come out of the property value, because they are not the high receiver schools as the good Representative from Bangor had indicated would gain by this method. I would encourage you to defeat this measure and vote red, please.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would also urge you to vote against this motion. Having dealt with teacher's salaries, negotiating salaries over the years, it has been my experience that once you have changed the base number, the whole scale goes up too. When this happens, this puts an additional burden on the local system to meet those demands of salary for people wherever they are on the scale. When you look at those districts, particularly in southern Maine and in the larger cities, most of them do not have this problem because they are already at a \$30,000 base or more. This is not an issue for them. For the smaller towns and smaller SAUs in the state, this can be a tremendous burden over the next few years.

I would urge you to look at the Senate Amendment, which is (S-629), which was added in the Senate. Some of the expectations from this particular amendment, the intent of the Legislature, is the 123rd Legislature will appropriate at least \$2,118,308 in fiscal year '07 and '08 to carry out the purpose of this bill. This is putting a burden on the next Legislature to meet the demands we are placing on them by putting this bill in action. That is only one of the problems that I can see as related to this amendment. As an example, I would like to encourage you to vote against this. Let the local districts as their money rolls in from the state to meet their education costs, address this issue locally and let them do it without being told by the state that you have got to do this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with the last three speakers. I would like to add something very short and sweet. This morning we were talking about bonds. It was suggested that we listen to our citizens back home. I haven't heard that at this point. I have e-mails from several school districts in southern Aroostook County. One of them talks about the devastation that this would perform on what they are trying to do now. There are a few things left out that ought to be mentioned. Southern Aroostook School District, the Superintendent over there, they have had take backs already on those individuals who are not teachers, but who work in the school districts. We are talking bus drivers, some of the aides, some of the people who work year round, we are getting a skewing of money here simply by saying, let's help the teachers along.

A couple of other issues, I got a call from the Town Manager in that area. One of the six towns in the Southern Aroostook School District, they are having a town meeting next week,

because they are behind on the payments in the school district and they are going to have a town meeting to see whether or not they can get a bank loan to pay their share into this school district. These districts are struggling now to get things paid for. The Superintendent also told me they are in the process of negotiation and the papers that are on the table now on a starting salary of \$30,000. What is your funding on the 281 form on the essential programs and services? They said they are getting 64 percent. I said that is not bad. He said that is not the whole story, because the funding formula has things like \$38 per kid for substitute teachers. That is not nearly enough. He also said there is a line for supplies. They are over on that. You throw in a number of costs that they are going to have and may continue to have around fuel and busing, he told me that they are going to have to raise over \$980,000. By the time you figure out what the EPS formula actually contributes towards the full school operation, it is hardly 64 percent. It is somewhat lower than that.

I also had an e-mail from Roger Shaw who is Superintendent at Mars Hill. He uses the same language. He uses very specific examples of what is taking place. It is great for us to be able to stand down here and speak hypothetically, but when you talk to those 100 school districts that were mentioned before and they give you number after number. I think it causes us to take a deep breath before we do this.

I would also add, I asked the Superintendent if he had the average salaries around the state? He said that he did. There are some nice starting salaries, especially in those areas where they are above the 88 percent per labor market and the 100 or 107 percent labor market where they are already going to get reimbursed. I appreciate the good Representative from Bangor telling us that this is certainly going to help move those salaries up so that maybe we will be at that 88 percent labor market. He also gave me some top salaries too. There are top salaries that are pushing \$60,000 a year in this state. As a negotiator, you are talking about lower starting salaries. One of our tricks, if you will, when we were negotiating was to look who was on the salary schedule and where and we never bothered with the lower end of the salary schedule for the very few people that were there. If you look at the upper end of the salary schedule, some of those are fairly decent. We used to say, let the school board figure out what they can do if they want new teachers in here. They can play around with the lower end of the salary schedule. Some of this business about low salaries are a function of how negotiations took over a series of years.

If you look at the average teacher's salary, I hate to talk to average, in this state is not far out of line for the average wages in this state. We all play these games. At one time when I was on the NEA Board, I was called in and we wanted to have the average teacher's salary the same as the average salary in the State of Maine. We exceeded that for a period of time. This is just another way of doing this. We understand this is a political year. I understand that. We understand probably why some of these bills are in. I think the reality is people are going to get hurt, seriously real live people. They have roads to fix. They are going to borrow money out of the bank for tax anticipation notes, if that sounds familiar, to pay what they owe the school districts.

Out of Aroostook County, in general, the superintendents are saying, you are killing us, in a figurative way, I gather, maybe literally. I would oppose the \$30,000 with all due respect to the profession that I served in for 30 some years. I think it is out of line at this time. I think if EPS was operating on a correct labor market, you might be able to support this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Goldman.

Representative **GOLDMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I certainly appreciate the dilemma that this particular kind of bill can present. I do not wish, in any way, to either sound or be unsympathetic to those various dilemmas. There are a couple of points that I really would like to make.

Number one, we already have in statute a minimum teacher's salary. From time to time it gets raised. The last time that I remember it being raised was almost 20 years ago. In statute right now the minimum is \$15,500. Having looked at the various salary scales throughout the state, I don't think there is anybody who is a full-time classroom teacher who is actually being paid at that minimum. As with other things from time to time, it becomes a necessary economic competitive necessity. It is one of the things that the state statutes certainly are expected to do. It is to update those kinds of minimums. Therefore, that is where this particular effort comes from.

As far as any kind of precedent, I was a superintendent beginning more than 20 years ago, the last time the minimum was raised. It was raised in a somewhat different manner, perhaps that is the way this should have happened. In any rate, we had block grants and we began to do some creative negotiating. We did, in fact, have sympathies for raising the minimum. I am sure everybody in this body also has sympathies for doing that, particularly in those parts of the state where teachers are not competitive as far as statewide salaries are concerned.

We found, as a matter of fact, that it was a healthy process and one that helped us sometimes to look at what we are doing. In many cases, some teacher's salary scales have far too many steps and there needs to be some kind of regrouping or rethinking how you do it. It also was possible for us to take the process over more than one year. The negotiating process allowed us to respond to some of the dilemmas that people are raising in a more orderly and more manageable fashion. I personally do not have total answers to any of the issues that people are raising. I do think that this is a major way in which states make statements. In this case, a statute statement of a minimum salary that from time to time as people look at our state and come to it and look for employment, it is important to make sure that these minimums are raised periodically.

I do want to commend my good colleague, Representative Bowen, I deeply applaud the steps that were taken, the stipends and the loan forgiveness. Those are all important issues. When this discussion was started in our committee earlier, of course, we had a somewhat different understanding of where the money was coming from, how it would be used and a little different version of how this would happen. I do want to go back and emphasize that it is a state statute necessity. We already have a minimum in place. At \$15,500 it is not going to attract many young teachers coming into the state. Thank you very much.

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There was a question put to me and I don't think I answered it. I will direct your attention to the amendment with the filing number (S-620) if you are having trouble understanding where we are. This bill has been amended. Someone said that the state picks up the cost for the minimum salary for the first year. I want to direct your attention to what it says about the second year. It says each school administrative unit shall establish a minimum salary of

\$30,000 for certified teachers for the school year starting on June 30, 2007 and in each subsequent school year. I did just want to point that out, because I had been asked about that.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **CEBRA**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I understand this amendment covers the starting salaries for the first year and it has an intent, but not a mandate to have the Legislature and the state pay after that? Who pays for all the other salaries that are increased as a result of the ripple effect that we heard mentioned here at the local level?

The SPEAKER: The Representative from Naples, Representative Cebra has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Once those higher minimum salaries are rolled into the EPS grid, your community then will receive the portion of that that you receive in state subsidy. That is what happens as teacher's salaries do increase because of that grid.

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

Representative **TRAHAN**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The previous speaker confused me a bit. I was wondering if there could be a clarification. There was an amendment that was attached in the other body. Are we voting on the Majority Report out of committee or are we voting on the bill as it came back from the Senate?

The SPEAKER: The Majority Report as amended by Committee Amendment "A." The Clerk indicates that the Senate Amendment is not before us because we have not yet adopted the report. Therefore, it would not be proper to be before us. At this stage, it is as you look on Supplement #3 it will indicate to you that the pending question before the House in which a roll call has been ordered is to accept Report "A" Ought to Pass as Amended. The Representative may proceed.

Representative **TRAHAN**: Thank you Mr. Speaker. Having talked to several members who are very confused on where we were, I just wanted to have you clarify that in order take action that has been done in the other chamber, we first have to pass this bill to get on to that.

The SPEAKER: That is correct. You can't get there yet until we have taken our action first, then we could adopt the Senate Amendment if that is the decision of the body.

The Chair recognizes the Representative from Winterport, Representative Kaelin.

Representative **KAELIN**: Point of Order, Mr. Speaker.

The SPEAKER: The Representative may state his Point of Order.

Representative **KAELIN**: Thank you Mr. Speaker. As I understand it, what is before us is Senate Amendment (S-577), which you just confirmed. If I read that fiscal note carefully, it tells me there is a state mandate involved in passage of that amendment, particularly in the future years. I believe the bill is in the posture before us where it would pass on a simple majority. I would like to ask the Speaker if he could rule as to whether or not

there shouldn't be a mandate preamble on this bill requiring a two-thirds vote for passage.

The SPEAKER: The Chair would answer that he wouldn't answer that question until the question was ripe, meaning the question was before us. At this time the only question before us is acceptance of Report "A." If we get to that point, your motion to consider would be appropriate before us and then I would rule on it. The Representative may proceed.

Representative KAELIN: Thank you Mr. Speaker. Before the vote is taken the question about whether or not there should be a mandate preamble on the motion is at that time appropriately before you.

The SPEAKER: After Engrossment that is when it would be appropriate for you to rise and state an objection.

The Chair recognizes the Representative from Sabattus, Representative Lansley.

Representative LANSLEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess in the confusion we were speaking about ramping up a \$27,000 minimum salary to a \$30,000, which that information is not correct now with running the Committee Amendment. So it is a \$30,000 minimum salary with the fiscal note that is attached to the Committee Amendment.

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

Representative NORTON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do think that the good Representative from Sabattus is correct. I was premature. I was looking at the Senate Amendment. I do think that the posture we are in is the \$30,000 piece of it.

On motion of Representative DUPLESSIE of Westbrook, TABLED pending the motion of Representative GOLDMAN of Cape Elizabeth to ACCEPT Report "A" Ought to Pass as Amended and later today assigned. (Roll Call Ordered)

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

An Act To Amend the Fees for Probate Filings  
(S.P. 717) (L.D. 1800)  
(C. "A" S-617)

Which was TABLED by Representative TARDY of Newport pending PASSAGE TO BE ENACTED. (Roll Call Ordered)

Subsequently, Representative FLOOD of Winthrop WITHDREW his REQUEST for a roll call.

The Bill was PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

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

**BILLS IN THE SECOND READING  
House as Amended**

Bill "An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age"

(H.P. 1224) (L.D. 1717)  
(C. "C" H-1058)

Was reported by the Committee on Bills in the Second Reading and READ the second time.

On motion of Representative VAUGHAN of Durham, was SET ASIDE.

On further motion of the same Representative, the House RECONSIDERED its action whereby Committee Amendment "C" (H-1058) was ADOPTED.

The same Representative PRESENTED House Amendment "B" (H-1070) to Committee Amendment "C" (H-1058) which was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Vaughan.

Representative VAUGHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It has been stated that the Legislature has no actual interest in doing anything to protect the public from sexual predators. I know that a lot of people from both sides of the aisle have submitted bills within the last couple of years. This amendment prohibits a person who has been convicted and sentenced as a 10-year registrant or as a lifetime registrant from taking residency and maintaining registry in a small municipality that does not have its own police department or other law enforcement agency is capable of responding to a call within five minutes.

There are a number of small towns in this state, probably every one of us has such a situation in our districts. They are towns without police forces.

The SPEAKER: Will the Representative please defer?

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette and asks for what reason the Representative rises?

Representative BLANCHETTE: Point of Order. I would ask the Speaker to rule on the germaneness of this being before us. This appeared before Criminal Justice and Public Safety in the form of a bill and it was LD 285. It came out of the committee Ought Not to Pass on May 5, 2005. I would like a ruling immediately please.

Representative BLANCHETTE of Bangor asked the Chair to RULE if House Amendment "B" (H-1070) to Committee Amendment "C" (H-1058) was GERMANE to the Bill.

Subsequently, Representative VAUGHAN of Durham WITHDREW House Amendment "B" (H-1070) to Committee Amendment "C" (H-1058).

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Representative MCLEOD of Lee inquired if a Quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

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Representative TARDY of Newport PRESENTED House Amendment "F" (H-1075) to Committee Amendment "C" (H-1058), which was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Tardy.

Representative TARDY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I offer this amendment, which creates a new crime of aggravated gross sexual assault so that this body can stand for and recognize that there is a difference in the ways in which some crimes can be committed. What I thought as I put this amendment together is how do we find language that recognizes the most horrible of crimes that we have in society and how do we track the facts of the "Jessica's Law" case and create a crime, which I can't imagine wouldn't warrant a mandatory minimum sentence.

I understand as a criminal defense attorney that some of you actually worked for a while in a prosecutor's office and in the AGs Office when I was in law school. Mandatory minimum sentences do create a stress upon the system. I have concerns with some mandatory minimum sentences, but for sure Maine law is littered